

Durham Ethics Committee Meeting Minutes, September 24, 2007

Present: Robert Horn, Bob Fulton, Pat Kupcho, Kathleen McTigue, David Montgomery
Absent: Lisa Stafford Matthew Reed

I. Minutes from the Committee's last meeting of September 6th were accepted unanimously.

II. Consideration of draft ordinance to create an Ethics Commission

A. Bob Fulton circulated the completed draft ordinance to Committee members last week, as well as to Town Counsel Chuck Andres. He reported that Mr. Andres, after reviewing the draft, contacted him by both phone and e-mail to say that he saw no legal problems with the draft ordinance.

B. Based on Mr. Andres' original draft, Bob Fulton pointed out that our draft required a title. Robert Horn moved that the title be "An Ordinance Establishing the Town of Durham Ethics Commission." *Moved by Robert Horn, seconded by David Montgomery, passed unanimously.* **Motion passed.**

C. It was proposed that the language of the draft document under section A. General Charge, #5, be struck and replaced with the following language:

A. General Charge, 5.) The Town Clerk shall distribute copies of a current Code of Ethics to all public officials, employees and members of boards, commissions and committees of the Town of Durham. In addition, the Town Clerk shall make a current copy of the Code of Ethics available to contractors, subcontractors, consultants to the Town of Durham, residents of the Town of Durham and to any other interested party.

The Commission may, from time to time, make available additional information that will assist affected parties in the ethical execution of their responsibilities and duties to the Town of Durham. Such information will be available at the Durham Town Hall to all affected parties and the general public. *Moved by Kathleen McTigue, seconded by Pat Kupcho, passed unanimously.* **Motion passed.**

D. The draft of the Ordinance Establishing the Town of Durham Ethics Commission, as amended above under item (C), was approved (final copy attached). *Moved by Robert Horn, seconded by Pat Kupcho, approved unanimously.* **Motion passed.**

E. Since the work of this Ethics Committee has been concluded, Chairman Bob Fulton has been asked to send the Ethics Ordinance on to the Board of Selectmen upon approval of these minutes. *Moved by Robert Horn, seconded by Dave Montgomery, passed unanimously.* **Motion passed.**

An Ordinance Establishing the Town of Durham Ethics Commission

Approved by the Durham Ethics Committee, September 24, 2007

Pursuant to Section 6.21 of the Charter of the Town of Durham (as revised 11-8-06), an Ethics Commission is hereby established.

A. General Charge

1. The Commission shall propose standards of ethical conduct (Code of Ethics) for public officials, employees, contractors, subcontractors, consultants and members of boards, committees and commissions in the performance of their duties. Said Code of Ethics shall be transmitted to the Board of Selectmen for adoption as an ordinance in accordance with Section 4.5 of the Charter.
2. The Commission shall establish rules of procedure for receiving and hearing complaints of violations of the Code of Ethics, the resolution thereof and reporting of its findings and recommendations as hereinafter set forth. In accordance with Conn. Gen. Stat. § 7-148h, the provisions of § 1-82a(a) through (e) of the Connecticut General Statutes (regarding confidentiality of complaints and investigations) shall apply to allegations of unethical conduct, investigations into such allegations of unethical conduct, and to findings of probable cause or no probable cause made by the Commission as a result of such investigations. The Commission may issue subpoenas or subpoenas duces tecum, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books documents, records and papers.
3. The Commission shall render advisory opinions under its rules of procedure. In addition, the Commission may make recommendations for amendments to this ethics commission ordinance and for rules and regulations for adoption by town agencies.
4. Allegations of criminal misconduct or violations of the state penal code shall be referred to the appropriate law enforcement authorities or state attorney's office upon receipt by the Commission.
5. The Town Clerk shall distribute copies of a current Code of Ethics to all public officials, employees and members of boards, commissions and committees of the Town of Durham. In addition, the Town Clerk shall make a current copy of the Code of Ethics available to contractors, subcontractors, consultants to the Town of Durham, residents of the Town of Durham and to any other interested party. The Commission may, from time to time, make available additional information that will assist affected parties in the ethical execution of their responsibilities and duties

to the Town of Durham. Such information will be available at the Durham Town Hall to all affected parties and the general public.

B. Administrative Provisions

1. Composition and Appointment: The Ethics Commission shall be composed of five regular members, electors of the town, who are known for their personal integrity. The Commission members shall be appointed by unanimous vote of the Board of Selectmen. No more than two members shall be from any one party. Two alternate members shall also be appointed unanimously, and may not be members of the same party.

2. Exclusions: No member of the Commission may be a current elected official, town employee, current contractor, subcontractor or consultant with the town. No Commission member shall be a current member of any party's Town Committee.

3. Term Limits: Members shall serve for three years and shall be eligible for no more than two consecutive terms. To establish rotation, initial appointments shall be: two members for three years, two members for two years and one member for one year. Initial appointments for the alternates shall be one alternate for three years and one alternate for two years.

4. Filling Vacancies: Any vacancy which occurs among the regular Commission members shall be filled by one of the alternate members, who shall be appointed by the Board of Selectmen within sixty days and will serve until the end of the regular member's term. The Board of Selectmen shall fill the newly vacant alternate position within sixty days, under the provisions of **B1**.

5. Compensation: Members of the Commission shall serve without compensation for their services.

6. Access To Independent Counsel: The Commission shall have access to legal counsel independent of Town Counsel in those circumstances where, in its sole discretion, it deems such independent counsel necessary and appropriate.

7. Reporting and Disposition: Except as required by law to preserve rights of confidentiality, the Commission shall report to the Board of Selectmen its findings as to whether or not a violation of the Code of Ethics has occurred, together with recommendations as to the disposition to be made. The Board of Selectmen shall thereupon take such action as it may deem appropriate. In addition, the Commission may make public its findings with such deletions as may be necessary in its discretion and as required by law.

8. Public Record: Except as required by law to preserve rights of confidentiality, all opinions, findings and recommendations of the Commission, which are matters of public record, shall be kept on file in the office of the Town Clerk.

9. Conflict With Statutory Provisions: Should any provision of this Ordinance or the Code of Ethics conflict with any provision of the Connecticut General Statutes, the provisions of the latter shall prevail.