

An Ordinance Establishing the Town of Durham Ethics Commission

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

Approved at Special Town Meeting, February 19, 2008

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 the affirmative vote of all members of the Board of Selectmen. No more than two members shall be from any one party. Three alternate members shall also be appointed by such affirmative vote, not more than one from 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, one alternate for two years, and one alternate for one year.

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 vacant regular position and 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.