

## Chapter A501

### RULES AND REGULATIONS OF THE BOARD OF ETHICS

**[HISTORY: Adopted by the Board of Ethics of the Town of Redding 2-25-1974. Amendments noted where applicable]**

#### GENERAL REFERENCES

Code of Ethics — See Ch. 35.

#### **§ A501-1. Officers.**

- A. The officers of the Board shall be a Chair, a Vice Chair and a Secretary.
- B. The Chair shall preside at meetings and public hearings. The Vice Chair shall perform the duties of the Chair in the event of the Chair's absence, death, resignation or inability for any other reason to act.
- C. The Secretary shall take minutes of all meetings and issue all notices required.
- D. The members of the Board shall elect officers annually at a meeting of the Board that shall be held in the last calendar quarter of each year.

#### **§ A501-2. Meetings.**

- A. The Board shall meet monthly if it has business to transact and at such other times as the Chair shall deem necessary.
- B. The Board may adjourn any meeting, as it deems appropriate, for the purpose of seeking advice or a determination from Counsel to the Town.

#### **§ A501-3. Quorums.** [Amended 4-16-1990]

The continued presence of three members shall be required to conduct the Board's internal administration affairs. The continued presence of four members shall be required to consider, hear and act upon any phase of any complaint, inquiry, or request for an advisory opinion concerning the application of the Code of Ethics to any particular case.

#### **§ A501-4. Open meetings; request for closure.**

- A. Meetings concerning operating procedures or administrative affairs shall be open to the general public.
- B. A meeting or portion of a meeting, or any continuation of such meeting, involving complaints, inquiries or advisory opinions shall be open to the public unless a closed meeting is permitted by law, a person having an interest in the proceeding makes a written request for such closure, and the Board grants such request. The

request shall be delivered to the Chair or, in his or her absence, the Secretary and to each person involved not later than the third business day before such meeting. The request shall set forth the legal basis on which the person making such request relies. [Amended 4-16-1990; 9-5-2001]

**§ A501-5. Case procedure.** [Amended 6-13-1988; 4-16-1990]

- A. No complaint shall be accepted by the Board unless it is written, dated, and signed by the complainant. The complaint shall contain a simple statement of the pertinent facts and identify the complainant and all parties involved and it shall specify by section and paragraph each provision of the Code of Ethics to which such facts pertain. The Board may, in its discretion, but shall not be required to, consider provisions of the Code of Ethics other than those as specified. It may reject or dismiss a complaint entirely or in part solely on the ground that there is no basis for finding a violation of a paragraph so specified. The provisions of this subsection shall also apply to any request for an advisory opinion. [Amended 9-5-2001; 9-17-2001]
- B. The complainant or requesting party will supply seven copies of the complaint or request for an advisory opinion for transmission to all of the Board members and the Secretary. All written submissions to the Board, in any of its proceedings in support or defense of a complaint, including without limitation briefs, exhibits, and transcripts from the proceedings or meetings of Town boards, committees or commissions, will be in sets of seven unless the Board Chair agrees otherwise. Written submissions should be presented in a timely manner to either the Chair or the Secretary for distribution to the other Board members. The pertinent passages from the transcript of other proceedings or meetings which the Board is being asked to review should be highlighted. [Amended 12-1-1993]
- C. Such complaint or request for an advisory opinion may be sent to any member of the Board, who shall notify the Chair and Secretary thereof within two business days of the receipt of the same. Within two business days thereafter, the Chair or, in his or her absence, the Secretary shall give notice of the same by sending a copy of the complaint by first-class mail to all affected parties and all Board members.
- D. Each request for Board action shall be assigned a file number and be identified by the same. A cover sheet shall record the official date of receipt, dates of all required notices, meetings and public hearing on the same and action taken.
- E. No complaint or request for advisory opinion shall be considered officially received until acknowledged at the next Board meeting but not later than 35 days after being first received as described in Subsection B above.
- F. Upon official receipt of a complaint or request for advisory opinion, the Board shall make such inquiry of the pertinent facts stated in the complaint as may be necessary to ascertain their truth and accuracy and complete the same by the next monthly meeting or within 35 days.
- G. Upon completion of the inquiry the Board shall decide:

- (1) To refuse to consider the matter for lack of jurisdiction;
- (2) To dismiss; or
- (3) To hold an open meeting with the affected parties unless a closed meeting is permitted by law and has been so ordered by the Board pursuant to § A501-4B.
  - (a) The Secretary shall send a notice to the affected parties of the meeting by prepaid first-class certified mail 18 days prior to the date of the meeting advising them of the informal meeting date, time, place and subject of the meeting. The notice to the person whose conduct is being called into question shall include a simple statement of the allegations being made and by whom.
  - (b) After the meeting the Board shall decide:
    - [1] To dismiss;
    - [2] To issue an advisory opinion; or
    - [3] To hold a full hearing. If a full hearing is to be held the Board shall determine whether it shall be a closed or public hearing. The hearing may be closed if permitted by law and if so requested by the person whose conduct is called into question. In deciding upon an open hearing the Board shall consider the effects a public hearing could have upon the reputations of all the affected parties and the benefits and detriments of such a public hearing to the public good. [Amended 9-5-2001]

H. The Board action as noted on the cover sheet shall be one of the following:

- (1) Refused to consider the complaint or request for advisory opinion for lack of jurisdiction;
- (2) Dismissed the complaint;
- (3) Upheld the complaint in whole or in part; or
- (4) Issued an advisory opinion.

**§ A501-6. Notices.**

- A. Eighteen days prior to the date of a closed or public hearing (excluding the day of the hearing) the Secretary shall send by prepaid, first-class certified mail to the person whose conduct is called into question a notice of the date, place and time of the closed or public hearing, along with a copy of the complainant's statement and a copy of the Board's statement of the subject of the meeting specifically referring to that portion or portions of the Code of Ethics which are alleged to be violated. The notice shall state that counsel may represent the person.
- B. The Secretary shall publish a simple legal notice in a newspaper, having general

circulation within the Town, of the time, date and place of any public hearing. The notice shall be published not less than 10 days prior to the hearing (excluding the day of the hearing). A notice of the decision concerning any public hearing shall likewise be published within 10 days after the decision has been rendered by the Board.

**§ A501-7. Decisions.**

- A. The Board shall make a decision on each case in writing, which statement shall give the facts and the reasons for the decision. After a final closed meeting or a full hearing (closed or public), a decision shall be rendered within 35 days thereof and a copy of the same shall be forwarded by prepaid, first-class certified mail to the complainant and to the subject of the complaint or to the person requesting an advisory opinion.
- B. The Board shall file a copy of the decision with the Board of Selectmen in the manner provided by § 35-7D of the Code of Ethics.

**§ A501-8. Confidentiality.**

- A. While the general public's trust in Town officials, employees and those paid to provide services is essential to good government, equally important is the protection of the good reputation of those persons. To avoid harassment and public defense to baseless charges and to provide a means of correcting errors of judgment without damage to such persons or to good Town government, the principle of confidentiality shall pervade the Board's work to the extent permitted by law.
- B. The interests of justice and fairness shall prevail in all the Board's actions. Therefore, except for public hearings or when disclosure is requested by the person whose conduct is the subject of a decision or advisory opinion, names of Town officials and those paid to provide services shall remain nonpublic information unless overwhelming interest of the public good and justice require publication.

**§ A501-9. Amendments.**

Amendments may be made in accordance with § 35-7B of the Code of Ethics.