

CITY OF CONCORD, N.H.
BOARD OF ETHICS RULES

Article I. Authority.

The Board of Ethics ("Board") is established in accordance with City Code of Ordinance 30-3-29.

Article II. Chairperson and Clerk.

A. Chairperson.

Following the adoption of the Board Rules, nomination of the Chairperson shall be made at the first meeting of the Board in each calendar year and the election shall immediately follow thereafter. The Board member receiving a majority of the votes shall become the Chairperson upon election.

The Chairperson shall call meetings of the Board in accordance with City Code of Ordinance 30-3-29 and through coordination with the Clerk.

B. Clerk.

The Clerk shall not be a member of the Board. The Clerk shall be the City Clerk or his or her designee. The Clerk shall keep Board minutes, notice meetings and provide correspondence to Board members.

Article III. Meetings.

A. Notice.

The Clerk shall post Notice of Meetings in accordance with RSA Chapter 91-A. Upon receipt of a complaint, the Clerk shall immediately provide Notice to the accused officer/elected official ("accused officer") identified in the complaint and offer said officer the opportunity to respond in writing to the complaint which shall be returned to the Clerk within 20 days of said Notice being issued and the Clerk shall direct any response to the Board.

B. Quorum.

Three members shall constitute a quorum. In the event that a quorum cannot be achieved relative to a complaint, the complaint shall be referred to the City Council for its review.

C. Order of Business.

The Chairperson shall determine the order of business to be addressed at Board Meetings.

D. Conduct of Meetings.

- (1) Meetings shall be conducted in accordance with RSA Chapter 91-A.
- (2) The Chairperson or his or her designee shall call the meeting to order.
- (3) The Clerk shall call the attendance roll.
- (4) The Clerk shall present records of prior meetings which require Board action.
- (5) The Chairperson or his or her designee shall apprise the Board of the agenda.
- (6) The Board shall review complaints and determine whether the complaints as submitted merit the scheduling of a public hearing.
 - (a) The Board may dismiss a complaint and not schedule a public hearing if:
 - (i) The Board determines that it does not have jurisdiction over the subject matter of the complaint;
 - (ii) The Board finds that the alleged violation, if true, would not constitute a violation of the City Code of Ordinance 1-6, Code of Ethics.
 - (iii) The complaint on its face is frivolous or otherwise lacks merit; or
 - (iv) The Board identifies other reasons to warrant dismissal.
 - (b) Any Board determination that a complaint does not merit scheduling of public hearing, shall be made by a unanimous vote of the members present at the meeting.
 - (c) In determining whether a complaint has merit to schedule a public hearing, the Board may request that the complainant, the accused officer or any other person testify or offer a response or communication regarding the complaint.

(d) If the Board determines that a complaint merits the scheduling of public hearing, the Board shall direct the Clerk to schedule a public hearing on the complaint.

(e) If the Board determines that the complaint does not merit scheduling of public hearing, the Board shall notify the City Council of its determination.

(7) If a public hearing is necessary, the Board shall hold the hearing in accordance with City Code of Ordinance 30-3-29 (a) (3) and as follows:

(a) Complainant may testify and offer witnesses regarding his or her complaint. The complainant may be represented by counsel.

(b) The Board may ask questions of the complainant or any of the complainant's witnesses.

(c) The accused officer or his or her counsel may ask questions of the complainant or any of the complainant's witnesses.

(d) The accused officer or his or her counsel may present his or her response to the complaint and offer witnesses on his or her behalf.

(e) The Board, the complainant, or the complainant's counsel may ask questions of the accused officer or any of the accused officer's witnesses.

(f) The Chairperson shall preserve order at meetings and may limit the testimony or questioning of any person appearing before the Board.

(g) Strict rules of evidence shall not apply. However, the Board shall have jurisdiction to hear objections to any evidence or testimony presented and to rule upon those objections. Evidence which is irrelevant or immaterial; unduly repetitious or cumulative shall be excluded.

(h) Witnesses testifying before the Board shall testify under oath or affirmation.

(8) Following public hearing, the Board shall deliberate, make findings of fact and recommend action to the City Council in accordance with City Code of Ordinance 30-3-29 (4). A finding of a violation of City Code of

Ordinance 1-6 Code of Ethics requires the affirmative vote of a majority of the quorum that there is clear and convincing evidence of a violation of the Code.

(9) Adjournment.