

# **TOWN OF HUDSON, NEW HAMPSHIRE**

## **Bylaws of the Code of Ethics Committee**

### **Article 1. Authority**

The Hudson Code of Ethics Committee adopts the following Bylaws in accordance with RSA § 31:39-a and the Code of the Town of Hudson, Chapter 53, Code of Ethics. In the event of a discrepancy between these Bylaws and the Code of Ethics, the Code of Ethics shall be deemed controlling.

### **Article 2. Purpose**

The purpose of these Bylaws is to provide for an orderly procedure by which the Committee intends to conduct its affairs, including consideration and investigation of Petitions submitted to the Committee.

### **Article 3. Definitions**

“Code” means the Code of Ethics, Code of the Town of Hudson, Chapter 53.

“Committee” means the Hudson Code of Ethics Committee.

“Petition” means a petition submitted to the Committee which requests an inquiry or ruling on any matter within the jurisdiction of the Committee, which may or may not constitute a violation of the Code.

“Petitioner” means the person who submits a Petition.

“Respondent” means a person who is alleged in a Complaint to have violated the Code.

### **Article 4. Officers; Appointment and Duties**

The Officers of the Committee shall consist of the Chair, Vice-Chair, and Secretary. Officers shall be elected by the Committee annually for a term of one (1) year. Individual members of the Committee may be elected and hold subsequent and/or consecutive terms of the same office.

The Chair shall develop the agenda for meetings, preside over all meetings and hearings, and shall be the designated signatory of the Committee.

The Vice-Chair shall act in the absence of the Chair, and in the absence of the Chair, shall have the same duties and authority as the Chair.

The Secretary shall be responsible for maintaining the record of proceedings before the Committee, who may also assume such other duties as may be delegated by the Committee or Chair.

## **Article 5. Meetings**

The Committee shall meet at least once annually for purposes of election of Officers, and the discussion of any other business which may properly come before the Committee.

The Chair shall schedule any other meetings or public hearings as may be necessary to conduct the affairs of the Committee, including matters relative to the receipt, investigation, and consideration of any Petition.

The procedures of the Committee shall as be set forth in these Bylaws, as determined by the Chair, or by majority vote of the Committee. The Committee shall not be bound by strict rules of parliamentary procedure, such as Robert's Rules of Order.

A quorum of the Committee shall be necessary to convene a meeting and shall be competent to act in all cases. A quorum shall consist of three (3) of the legally elected members of the Committee.

Unless otherwise required by law, all matters before the Committee shall be decided by a majority vote of the members present at any meeting, whether appearing in person, telephonically, or via other means of electronic communication.

The order of business for regular meetings will typically be as follows:

- a. Call to Order by the Chair;
- b. Attendance by the Secretary;
- c. Review of minutes from previous meeting(s);
- d. Unfinished business (continued or deferred from previous meeting(s));
- e. New business;
- f. Communications and other matters of interest to the Committee; and
- g. Adjournment

The Committee reserves the right to change the order of business at its discretion, for its own convenience, or to accommodate those in attendance.

## **Article 6. Procedure on Petitions**

Any Petition received by the Town Clerk and forwarded to the Chair will be scheduled for preliminary review and acceptance by the Committee within thirty (30) days after receipt. A copy of the Petition shall be forwarded to the Respondent. The copy to the Respondent shall be accompanied by a short cover letter which provides information about the Committee's procedures, the form of which is attached hereto as Exhibit A. A carbon copy of the letter shall be sent to the Petitioner.

Preliminary review by the Committee shall consist of a determination that the Petition is complete, that the matters set forth therein are within the jurisdiction of the Committee, and whether the Petition contains sufficient information to warrant investigation. Upon preliminary review, the Committee may dismiss the Petition as incomplete, for lack of jurisdiction, or

insufficient information, or accept the Petition for review and appropriate investigation. Any dismissal based on incompleteness or inadequate information will ordinarily be without prejudice to the Petitioner's ability to file a new Petition.

Upon acceptance, the Committee shall determine what actions should be taken by the Committee to investigate the Petition. Typically, the Committee will schedule a meeting to interview the Petitioner, the Respondent, and any other persons as the Committee may deem appropriate. Any such meeting may be held in conjunction with or as part of any public hearing. The Committee may, as authorized by Code § 53-2.1, require the production of evidence and may require any member of Town government to appear before the Committee. Notice shall be provided to any Respondent as required by Code § 53-6 (I), who may request a public hearing. At any such public hearing, the Respondent may be represented by legal counsel, and may call witnesses on his or her own behalf.

The Committee shall make written findings and recommendations regarding any matter submitted by Petition within thirty (30) days after acceptance; provided that, the Committee may vote to extend this time period up to a maximum of ninety (90) days. The Committee's findings and recommendations shall be forwarded to the Selectmen, the Petitioner, and the Respondent.

In the event that a Petition is withdrawn, at the request of the Respondent or on its own motion, the Committee may nonetheless complete its investigation and make findings and recommendations to the Selectmen.

#### **Article 7. Certain Petitions Prohibited**

The Committee recognizes the potential for the wrongful use of the Petition process by persons with disputes or complaints with members of Town Government or other boards or committees of the Town. The Committee will not allow Petitions which are personally or politically motivated, or filed for any improper purpose, and do not involve matters within the jurisdiction of the Committee.

#### **Article 8. Waiver**

The Committee may, on a case-by-case basis, waive any provision of these Bylaws by a majority vote, where in the opinion of the Committee the strict application of the Bylaws is impractical, unworkable, or unnecessarily burdensome.

#### **Article 9. Amendments**

These Bylaws may be amended by a majority vote of the members of the Committee present at any regular meeting of the Committee, provided that, the proposed amendments shall be provided to all members of the Committee at least one (1) week prior to the meeting at which the proposed amendments are to be discussed or voted upon.

## EXHIBIT A – LETTER TO RESPONDENT UPON RECEIPT OF PETITION

[insert date]

[insert mailing address]

Dear [insert name of Respondent]:

Please be advised that a Petition has been filed against you with the Hudson Code of Ethics Committee. A copy of the Petition is enclosed for your review.

You may wish to review the Hudson Code of Ethics and the Bylaws of the Code of Ethics Committee, which can be found at <https://www.hudsonnh.gov/bc-ce>.

The Petition will be scheduled for preliminary review and acceptance by the Committee, typically within thirty (30) days. Preliminary review by the Committee shall consist of a determination that the Petition is complete, that the matters set forth therein are within the jurisdiction of the Committee, and whether the Petition contains sufficient information to warrant investigation. The Committee does not accept public input or comment during preliminary review and acceptance.

In the event that the Committee accepts the Petition, the Committee shall determine what actions should be taken to investigate the Petition. The Committee may schedule a meeting to interview the Petitioner, the Respondent, and any other persons as the Committee may deem appropriate. Any such meeting may be held in conjunction with or as part of any public hearing. The Committee may, as authorized by Ethics Code § 53-2.1, require the production of evidence and may require any member of Town government to appear before the Committee. Notice shall be provided to you as required by Ethics Code § 53-6 (I), and you may request a public hearing. At any such public hearing, you may be represented by legal counsel, and you may call witnesses on your own behalf.

Sincerely,

Code of Ethics Committee

By: [insert name, title]

CC: [insert name of Petitioner]