

THE ETHICS COMMITTEE BY-LAWS

PREAMBLE

It is the policy of the Town of Merrimack to uphold, promote and demand the highest standards of ethics and conduct from all of its employees and officials, whether elected, appointed or hired. The Board of Selectmen, all Town employees and all members of Town boards, commissions, and committees shall maintain the highest standards of personal integrity, truthfulness, honesty and fairness in discharging their public duties, and never abuse their positions or powers for improper or personal gain.

The By-Laws of the Merrimack Ethics Committee (hereinafter "the Committee") are adopted under the authority of the Town of Merrimack, and specifically under Warrant Article 19 adopted by the April 8, 2003 Annual Town Meeting.

I. MEMBERSHIP, DUTIES AND TERMS OF OFFICE

- A. Election of Members:** The Ethics Committee shall consist of five (5) residents of the Town of Merrimack, elected by the voters of the Town of Merrimack. At the first election (2004), two members will be elected for one-year terms, two members shall be elected for two-year terms, and one member will be elected for a three year-term. At future elections, as terms expire, all members of the committee shall be elected for three-year terms. (NOTE: The initial membership of this Committee was appointed by a committee composed of the Town Moderator, the Chairman of the Board of Selectmen, and the Town Manager.)
- B. Vacancies:** Should a vacancy in the committee arise, the remaining members of the Ethics Committee shall appoint a town citizen to serve out the remainder of the term. Any tie shall be resolved by the vote of the Town Moderator. The Committee shall post a notice for the open position, interview candidates, and then select the candidate.
- C. Duties:** Committee members shall familiarize themselves with the By-Laws and Merrimack's Code of Ethics, and be fair and impartial in investigating all written complaints. Members of the Committee shall sign any written decisions of the Committee.
- D. Clerk:** The Clerk shall be supplied by the Town Hall to maintain a record of all meetings, votes, motions, and decisions of the Committee; and shall also perform other such duties as the Committee may direct.

II. OFFICERS AND THEIR DUTIES

- A. Chair:** A Chair shall be elected annually, after the annual Town Meeting, by a majority vote of the Committee. Said Chair shall serve for a period of one (1) year and shall be eligible for re-election as Chair. The Chair shall preside over all meetings, hearings and non-public sessions, establish agenda items, appoint such committees as directed by the Committee, request support from the Town, and shall perform other such duties as the Committee may direct.
- B. Vice Chair:** A Vice-Chair shall be elected in the same manner and for the same period as the Chair. Said Vice-Chair shall be eligible for re-election as Vice-Chair. The Vice-Chair shall have the same powers as the Chair during the absence of the Chair, and shall swear-in those who plan to give testimony before the Committee.
- C. Vacancies:** In the event that any of the above-named officers for any reason are not able to continue in their capacity as an officer of the Committee the remaining committee members shall select a current Committee Member to serve until the next annual election.

III. MEETINGS

- A. Regular Meetings:** A regular meeting of the Committee shall be held at a date and time indicated in the notice of public hearing published and posted by the Committee pursuant to RSA 91-A:2. All regular meetings shall be open to the public. The following general rules of procedure shall govern the conduct of such meetings.
1. Quorum Required: A majority of the membership of the Committee shall constitute the quorum necessary to transact business at any meeting of the Committee.
 2. Records Required: Minutes of the events of the meeting shall be taken and shall include the names of members in attendance, persons appearing before the Committee, a brief description of the topics discussed, and a record of any actions taken. Such minutes shall be available for public inspection within 144 hours of the meeting. Minutes of Nonpublic Sessions shall conform to the requirements of RSA 91-A:3.
 3. Order of Business: The general order of business shall be determined by the Chair.
 4. Voting: A motion, duly seconded shall be passed by a majority of members present, once a quorum has been established, voting in the affirmative.
 5. Record of Decision: The Committee shall issue a final written decision that either approves or disapproves a complaint.
 6. Nonpublic Sessions: Nonpublic Sessions shall be called in conformity with the requirements of RSA 91-A:3.

- B. Educational Meetings:** Each newly elected or appointed official, board member or employee, shall receive a copy of the Code of Ethics of the Town of Merrimack, and acknowledge in writing that they have received a copy of this code.

The Ethics Committee shall hold a meeting each spring for newly elected or appointed officials and board members so they may familiarize themselves with the provisions of this code.

It shall be the responsibility of the supervisor of any new employee to ensure that the new employee familiarizes themselves with the provisions of this code.

- C. Inquiries:** The Ethics Committee will provide a forum/meeting during which officials, board members, employees and residents of the Town of Merrimack may obtain advice and counsel from the Committee regarding ethical issues that may arise from time to time.

Upon request of a Town Official, Board Member, Resident or Employee, the Ethics Committee may issue a written advisory opinion in response to such an inquiry

IV. COMPLAINTS AND FORMS

- A. Forms:** The Town Clerk's Office shall keep an adequate supply of Complaint Forms for dissemination to any person who might request these Complaint Forms, as well as, the forms being available on the Town's web site. Any citizen of the Town of Merrimack can submit a Complaint Form.

All completed and signed Complaint Forms may be mailed or otherwise delivered to the Town Clerk's Office. The Town Clerk will then notify the Ethics Committee Members that a Complaint Form has been received.

- B. Complaints:** A meeting will be scheduled within 2 weeks of receipt of a written complaint by the Ethics Committee to determine how to proceed with the complaint. If the Committee deems it necessary to go forward with an investigation, please see detailed Complaint Procedures attached hereto as Addendum A.

V. AMENDMENTS

- A. Amendments:** These by-laws may be amended by a majority vote of the entire voting membership of the Committee upon notice published in the agenda of any regular or special meeting, and posted within the community.

VI. FILING WITH TOWN CLERK

- A. **Filing:** These by-laws and any amendments thereto shall be placed on file with the Town Clerk for public inspection.

- C. **Accepting Minutes:** These by-laws, and any subsequent amendments, shall become effective immediately upon passage by the Committee as recorded in the minutes of the meeting at which such action occurs.