



# **TOWN OF MIDDLEBURY**

## *ETHICS COMMISSION*

### **Rules and Regulations** **Governing the Ethics Commission**

The Ethics Commission of the Town of Middlebury has established the following rules, by which it shall function:

- A. Vacancies shall be filled in accordance with the Town Charter.
- B. The Ethics Commission shall elect a Chairperson and a Vice Chairperson.
- C. Three members shall constitute a quorum and a majority vote of the quorum shall be required for action of the Commission, with the following exception: any meeting whose purpose is to review and evaluate or make a determination regarding probable cause shall be by a majority vote of three (3) members of the entire Commission. The determination of a violation of the Code of Ethics shall be by a super majority vote of four (4) members of the entire Commission.
- D. The Commission will meet according to the published schedule, but at least quarterly. The Commission will review the Code of Ethics for revisions and amendments annually. The Commission shall keep Minutes of its meetings.
- E. Any amendments to the Code of Ethics will be made upon the recommendation of the Ethics Commission, adopted by the Board of Selectmen and in accordance with the Town Charter.
- F. The Commission will establish regulations and procedures for the initiation and handling of complaints.
- G. Pursuant to a written request, the Commission will issue an Advisory Opinion as to whether or not an individual or individuals, who are subject to the Code, is/are or may be in violation of the Code. Elected officials, appointed officials, employees, persons serving the Town, persons doing business with the Town, and residents of the Town may submit such requests.
- H. The Commission may obtain independent counsel as deemed necessary, in accordance with Chapter IV, section 602-M of the Town Charter. The independent counsel shall not have a vote in any decision of the Commission.

No Ethics Commission member shall:

- 1. Hold or campaign for any Town or State public office, paid or unpaid during a term;

2. Be an elected official or employee, with the exception of a person who serves wholly as an Ad-Hoc committee member;
3. Be a principal party under any contract doing business with the Town;
4. Receive any compensation for serving on the Commission, either directly or indirectly;
5. Have been an elected official, appointed official or employee of the Town for a period of two (2) years prior to his/her appointment to the Ethics Commission;
6. Have been found in violation of any state, municipal or professional code of ethics within the past seven (7) years.
7. Participate in any Ethics Commission Probable Cause Review, evaluation or hearing, including the decision and voting process, that involves an immediate family member or the supervisor/employer of that family member.
8. Serve on the Ethics Commission for more than one (1) consecutive five (5) year term. Reappointment to the Ethics Commission must be in accordance with Chapter 5, section 506-O of the Town Charter, with the exception of the charter members of the Ethics Commission, for the purpose of allowing them to serve one (1) complete five (5) year term.

Procedure for receiving Complaints:

Complaints alleging a violation (s) of the Town's Code of Ethics shall be submitted in writing, in the following fashion:

1. All complaints must be submitted using the Ethics Complaint Forms. These can be obtained from the Town Clerk's Office.
2. All Ethics Complaint Forms must be signed, under penalty of false statement, before a Notary Public. If a person makes a false statement in a complaint, said complaint shall be subject to penalties under the provisions of CGS§53a-157.
3. Ethics Complaint Forms may be submitted to the Commission by being mailed or hand-delivered in a sealed envelope, marked "Confidential" to the following address:

Middlebury Town Hall  
Town Clerk's Office  
1212 Whittemore Road  
Middlebury, CT 06762  
Attn: Ethics Commission

4. The Commission may also initiate any such written complaint on its own part, after an evaluation of possible violations of the Code.
5. Upon receipt of a sealed envelope, the Town Clerk's office shall notify the Chairperson of the Commission, via phone or other methods in order to ensure notification and forward the sealed envelope to the Ethics Commission Chairperson or his/her designee.
6. All filed complaints must specify the alleged act(s) of violation, identify the section of the Code of Ethics allegedly violated, the dates or approximate dates of such alleged acts, and set forth a summary of the evidence upon which the complainant will rely to support the allegations in the complaint. In the summary of evidence, the Complainant must summarize the nature and content of expected testimony but need not identify any witnesses other than him/herself who may testify.
7. Not later than ten (10) business days after the receipt of such complaint by the Town Clerk, the Commission shall provide notice of such receipt by certified mail, to the Complainant and to the Respondent.
8. The Commission will begin its evaluation of any complaint(s) alleging a violation of the Code at its next regularly scheduled meeting or special meeting, as necessary.