

CITY OF CONCORD

In the year of our Lord two thousand and twenty-five

AN ORDINANCE amending the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 30, Administrative Code

The City of Concord ordains as follows:

SECTION I: Amend the Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Article 30-3, Boards and Commissions, by amending Section 30-3-29, Board of Ethics, as follows:

30-3-29– Board of Ethics.

There is hereby created and established a Board of Ethics. The Board shall consist of five (5) persons; three (3) appointed by the Mayor and two (2) appointed by the City Manager, all of whom shall be subject to approval by the City Council. ***In addition, the Mayor and City Manager shall each appoint one (1) alternate, for a total of two (2) alternates, who shall be subject to approval by the City Council. Whenever a regular member is absent, the chairperson shall designate an alternate, if one is available, to act in the absent member's place.*** Members shall not be officers or elected officials of the City of Concord. The City Solicitor, or the Solicitor's designee, shall act as legal counsel ~~[and a nonvoting ex-officio member]~~. Effective April 12, 2021, all current appointed members on the Board of Ethics shall be vacated, and on or after that date, new members shall be appointed in accordance with the appointment procedure set forth above and in accordance with the following terms: one member shall be appointed to serve one year, two (2) members for two (2) years; and two (2) members for three (3) years; thereafter all regular appointments shall be for three (3) years. All members shall serve without compensation.

The members of the Board shall elect a chairperson. They shall adopt such rules, subject to the approval of the City Council, for the conduct of their business as they see fit and they shall have the power to draw upon the various City departments for reports and information and stenographic and clerical help. They shall have all subpoena powers as may be available to them under State law.

- (a) Complaints, Hearings, and Determinations. Any individual having information that an officer or elected official as defined within the definitions is engaged in improper activities or has a conflict of interest may present his or her complaint to the City Clerk.

- (1) The complaint shall be in writing, sworn to before a justice of the peace or notary public, specific and to the point. Complaints submitted to the City Clerk shall be forwarded by the Clerk to the Board.
- (2) The Board shall review the complaint and determine if it merits the scheduling of a hearing. The Board shall have forty-five (45) days to determine whether a hearing should be scheduled once the matter is referred to them. Should the Board decide a hearing is warranted, one shall be held in a timely manner.
- (3) Hearings shall be conducted in accordance with RSA 91:A. The accused party shall be entitled to be represented by counsel at his or her own expense, to examine the party making the complaint, to summon witnesses, and to present evidence on his or her behalf. The Board shall make findings of fact and make recommendations for Council action.
- (4) The statements of the findings of the Board and its recommendation for Council action shall be issued within thirty (30) days of the conclusion of the hearing. The Board's recommendation to the City Council may include, but is not limited to, the following:
 - a. Vote for ***no finding of a violation*** [~~innocence of any wrongdoing~~].
 - b. Vote to place the matter on file with or without a finding.
 - c. Letter of reprimand.
 - d. Vote to publicly censure the offending member.
 - e. Vote for suspension for a definite period.
 - f. Vote for removal.
 - g. Accept someone's resignation.

SECTION II: This ordinance shall take effect on adoption.

Explanation: Matter added to the current ordinance appears in ***bold italics***.

Matter removed from the current ordinance appears in [brackets and ~~struck through~~].