



TOWN OF SOUTHBURY

ETHICS COMMISSION
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Advisory Opinion Case No. 20-001a

Ed Davis, who is Chairman of the South Britain Historic District Commission, has asked the Ethics Commission for an advisory opinion concerning the wisdom of the having the Secretary of the South Britain Historic District Commission, currently Ms. Jessica Townsend, also take on the role of Town Zoning Enforcement Officer, which is a paid position in town government.

We reviewed this request and did not find any section of the Code of Ethics that would prohibit an individual from holding these two positions simultaneously. We suspect that there might be individual instances in the future when she might have to recuse herself from certain discussions or actions of the Historic Commission if a conflict arises on a particular topic, but we suspect that this would not occur frequently and only on a case-by-case basis.

While we do not see a conflict from an ethics perspective we urge the members of the South Britain Historic District Commission to review their own bylaws, ordinances, and rules to make sure that there is nothing else prohibiting Ms. Townsend from holding both positions.

By
The Ethics Commission for the Town of Southbury

Joseph R. Ruggiero

Joseph R. Ruggiero Chairperson

8/1/2020

Date

South Britain Historical Commission rules:

SECTION II ORGANIZATION OF THE COMMISSION

A. Ordinance

1. Commission

An historic commission is hereby established which shall consist of five (5) regular members, and three (3) alternate members, who shall be electors and none of whom shall hold a salaried public municipal office with the Town of Southbury. All appointments of members and alternate members shall be made by the Board of Selectmen for a term of five (5) years, except that an appointment to fill an unexpired term shall be made for the duration of the unexpired term.

At all times, at least two (2) regular members and one (1) alternate member of the commission shall be residents within the historic district established by this ordinance, if at the time appointments are made such residents have represented to the Board of Selectmen willingness to serve and qualification for appointment. Otherwise, the commission may consist of residents of the town who are not residents of said historic district.

Within thirty (30) days after the adoption of this ordinance, the original commission members shall be appointed by the Board of Selectmen in the following manner:

- One (1) member and one (1) alternate for a term to expire 1/15/93
- One (1) member and one (1) alternate for a term to expire 1/15/94
- One (1) member and one (1) alternate for a term to expire 1/15/95
- One (1) member for a term to expire January 15, 1996
- One (1) member for a term to expire January 15, 1997.

All subsequent terms shall be for five (5) years.

Any member or alternate may be appointed for another term or terms. Vacancies shall be filled for the unexpired term. All members shall serve without compensation.

Within thirty (30) days after the appointment of

five (5) members and three (3) alternates, the commission shall elect a chairman, vice chairman, and secretary from within its membership. Alternate members may serve as officers, but may only vote in the elections of officers if seated in place of a regular member by the rotation selection process. Officers shall be elected annually.

If a regular member is absent or has a conflict of interest, the chairman shall designate an alternate to so act, choosing an alternate in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

2. Powers and Duties

The commission shall have such powers and shall perform such functions described in Chapter 97a, sections 7-147a et seq.

Within six (6) months after the first meeting of the commission, the members shall adopt rules of procedure not inconsistent with the provisions of Part 1 of Chapter 97a of the CGS. Within twelve (12) months after the first meeting of the commission, the members may adopt regulations. Said regulations shall not be inconsistent with the provisions of Chapter 97a, and may provide guidance to property owners in preparing an application for a certificate of appropriateness required in accordance with the provisions of sections 7-147d inclusive, of the CGS.

Said regulations shall be adopted, amended or repealed by a majority vote of the commission members only after at least one public hearing has been conducted to receive comments from the residents and property owners of the district. The hearing shall be conducted five to ten days after being legally noticed in a newspaper having a circulation within the said district.

The commission shall keep a permanent record of its resolutions, transactions and determinations, and the vote of each member participating therein.

The historic district commission may accept grants

and gifts, employ clerical and technical assistance or consultants and incur other expenses appropriate to the carrying on of its work, subject to appropriation by the municipality or receipt of such grants or gifts and may expend the same for such purposes.

3. Implementation

This ordinance shall become effective February 20, 1992, and may be amended by the Board of Selectmen in accordance with the provisions of section 7-147c(c), and the town charter.

B. Officers and Duties

1. Chairman

- a. The Chairman shall prepare the agenda, and preside at all meetings and hearings of the Commission;
- b. If a regular member is absent, or has a conflict of interest, the chairman shall designate an alternate to so act, choosing an alternate in the rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting;
- c. Shall appoint committees;
- d. Shall appoint a Secretary in the absence of the elected Secretary;
- e. Shall file with the Connecticut Historical Commission and the Town Clerk of Southbury any publication of the Historic District Commission, the roster of the Commission's membership, and at least once every year a brief summary of the Commission's actions during that year, including a statement of the number and nature of Certificates of Appropriateness issued, and changes in the membership of the Commission, and any other information deemed appropriate by the Commission; and
- f. Shall be an ex officio member of all committees.

2. Vice Chairman

- a. The Vice Chairman shall act for the Chairman in the Chairman's absence and shall have the authority to perform duties prescribed for that office; and
- b. Shall maintain a monthly record of the Commission's expenditures on a fiscal year basis.

3. Secretary

- a. The Secretary shall keep the minutes, permanent record of its resolutions and the vote of each member participating and records of the Commission; and shall file minutes in the office of the Town Clerk in accordance with FOI requirements CGS 1-21;
- b. Shall provide written notice and agenda of all regularly scheduled meetings to all Commission members; a minimum of 5 days in advance and shall provide notice of special or emergency meetings in accordance with CGS 1-12;
- c. Shall arrange proper and legal advertisements of Public Hearings;
- d. Shall attend to the correspondence of the Commission; and
- e. Shall perform other duties as are normally carried out by a Secretary.

4. Alternates

- a. Alternates to the regular Commissioners shall be appointed on a rotating basis as possible so that they shall act as nearly an equal number of times as possible. When any alternate is not available in accordance with the rotation schedule, such fact shall be recorded in the minutes of the meeting;
- b. Alternate members shall, when seated, have powers and duties of a member of the Commission;
- c. Alternates may serve on any committees.