

# **Town of Clinton**

## **Code of Ethics**

### Section I-Declaration of Policy and Purpose

Public office is a public trust. The trust of the public is essential for government to function effectively. In recognition of these principles, herewith is established a Code of Ethics for all Town officials, officers and employees. The purpose of this code is to establish suitable ethical standards for all such officials, officers and employees by prohibiting acts not in the best interests of the Town of Clinton.

### Section II-Applicability

- A. This Code shall apply to all Town officials, officers and employees, Board of Education and its employees, whether elected and/or appointed, paid or unpaid. "Town Official, Officer or Employee" means an individual whether elected or appointed, whether paid or unpaid, full or part time including members of the Board of Education, its employees and members of boards, commissions and committees in the service of the Town of Clinton.
- B. All of the above shall be referred to hereinafter as "persons governed by this Code."
- C. This Ordinance shall not be applicable if it conflicts in whole or in part with any labor agreement, employment contract or state statute.
- D. The Board of Selectmen shall cause a copy of the ethics ordinance to be distributed to every official and employee with 60 days after enactment of the ordinance. Each employee and office shall be furnished a copy before entering the duties of office or employment and sign a statement that he or she has received a copy of the ordinance

### Section III-Definitions of the Code of Ethics

- A. "Business" means any entity through which activity for profit or not for profit is conducted including, but not limited to a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.
- B. "Complainant" means any person who signed a complaint under penalties of false statement as defined in Connecticut General Statutes 53A-156 alleging a violation of this Code.
- C. "Confidential Information" means information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held, that is not, at the time of transmission, a matter of public record.
- D. "Confidential Investigation" means the examination, prior to the finding of probable cause, of both written and oral evidence, that is not to be disclosed to any third party by

anyone connected with the investigation, except upon the written request of the respondent.

- E. "Financial Interest" means a monetary or pecuniary benefit received by a town official/employee as a result of a contract, transaction, zoning decision or other matter which is, or may be, the subject of an official act or action by or with the Town of Clinton. Exceptions being for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all persons and/or property similarly situated.
- F. "Gift" means anything of economic value including services in excess of \$100.00 in a calendar year. A gift does not include:
1. A political contribution, reported as required by law or a donation or payment as described in subdivision (9) or (11) of subsection (b) of CGS 9-333b.
  2. A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business.
  3. A gift received from a member of a person's immediate family or fiancée.
  4. Goods or services which are provided to the municipality and facilitate government actions or functions.
  5. A certificate, plaque or other ceremonial award.
  6. A rebate or discount on the price of anything of value made in the ordinary course of business, without regard to that person's status.
  7. Printed or recorded information germane to government action or functions.
  8. An honorary degree bestowed upon a public official or public employee by a public or private university.
  9. A meal provided at an event or business meeting and/or the registration or entrance fee to attend such an event, in which the public official or public employee participates in his official capacity.
  10. A meal provided in the home by a Clinton resident.
  11. Gift giving occasions recognized by the public, including religious holidays or religious events, birthdays, the birth or adoption of a child, weddings, provided the total value of such gifts for each event shall not exceed \$100.00.
- G. "Immediate family" means spouse, child, parent, grandchild, brother, sister, grandparent,

daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law or partner in a civil union.

- H. "On The Record" means in writing, signed and dated or a directive to the secretary taking the minutes of a meeting to note in the minutes of the meeting a special disclosure or statement.
- I. "Personal Beneficial Interest" means any interest, other than financial or pecuniary, which would affect the action of the official or employee, except if that interest is based solely on the responsibility of his/her town office or employment. Membership in or affiliation with a social, fraternal, charitable, service, educational, religious, governmental or similar non-profit organization is not deemed to automatically create a presumption of personal interest unless the official employee is also an employee of the organization.
- J. "Probable Cause" is defined by determining whether the facts would warrant a reasonable person to believe that a town official, officer or employee violated this Code; the belief should be more than a mere suspicion, but less than proof beyond a reasonable doubt.
- K. "Respondent" means any person accused of violating this Code.

#### Section IV-Conflict of Interest

- A. Persons governed by this Code shall not engage in or participate in any business or transaction, nor have ~~an~~ *financial or pecuniary* interest, direct or indirect, which is incompatible with the proper discharge of that person or persons' official duties in the public interest, or would tend to impair that person or persons' independent judgment or action in the performance of that person or persons' official duties.
- B. Persons governed by this Code shall not be financially interested or have any personal beneficial interest, financial or pecuniary, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the board, agency or commission of which that person or persons is or are a member, or of which that person or persons is or are an employee(s).
- C. A Town official, officer or employee shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if he/she, or a member of his/her immediate family, has a financial or personal pecuniary interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to the municipality.
- D. Persons governed by this Code shall not accept or receive any money, rebate or gifts, or any promise, obligation, or contract for future reward or compensation directly or indirectly, from any person or business to which any contract or purchase order may be awarded by the Town of Clinton or any of its boards, agencies or commissions.

- E. Persons governed by this Code who have a financial or personal or pecuniary interest in any transactions or contract with the Town, including but not limited to the sale of real estate, materials, supplies or services to the Town, on which that person or persons may be called upon to act in that persons official capacity shall not vote or otherwise participate in the transaction on behalf of the Town. That person (or persons) shall declare on the record that person (or persons) has or have a conflict of interest.
- F. Persons governed by this Code shall not request or permit the use of Town owned vehicles, equipment, facilities, materials, or property for personal convenience or profit, except when such are available to the public generally, or provided a municipal policy for the use of such town official/employee in the interest of the Town.

#### Section V-Former Public Officials/Employees

- A. No former town official or employee shall represent private interests in dealings with the board or agency with which they were associated for a period of one (1) year after termination of service with the town.
- B. No former town official or employee shall disclose or use confidential information acquired in the course of and by reason of his official duties for financial gain for himself or others.
- C. No former town official or employee who participated substantially in the negotiation or award of a town contract obligating the town to pay an amount of \$25,000 or more or who supervised the negotiation or award of such a contract shall accept employment with a party to the contract other than the town for a period of one (1) year after such contract is signed.

#### Section VI- Board of Ethics. Members; Appointment; Qualifications; Compensation

- A. There shall be a Board of Ethics consisting of five regular members. The members shall be appointed by the Board of Selectmen to serve five year terms in accordance with Section 2-3 and 7-8 of the Town of Clinton Charter. The terms are to be staggered and no member shall serve more than two (2) consecutive terms. Any member having served two (2) consecutive terms shall be ineligible for reappointment to the Board for a period of two (2) years.
- B. All members shall be electors of the municipality. No member shall (1) hold or campaign for any public office; (2) be a member of a political town committee or (3) serve as a member of any other municipal agency, Commission or Board or a member of a political town committee. A person will not be disqualified from serving on the Board if he/she has a member of his/her immediate family employed by the Town or the Clinton Board of Education.

- C. The Board shall elect a chairperson who shall preside at meetings of the Board, a vice-chairperson to preside in the absence of the chairperson and a secretary. The Board will meet on a quarterly basis. Three members shall constitute a quorum. A majority vote of the Board shall be required for action of the Board except as otherwise specifically provided for herein. Members will serve without compensation except for authorized expenses in conjunction with their duties.

## Section VII - General Procedures, Complaints, Time Limits, Investigation; Notice; Hearings

### A. General

1. The discussions of the Board held in executive session are confidential. All other minutes of the Board are public information and will be made available to the public through the Town Clerk's office.
2. The Board will use the Town Attorney and clerical staff will be provided.

### B. Complaints.

1. The Board of Ethics shall receive complaints of any alleged violation of the Code of Ethics.
2. The Board shall have the power and duty to investigate and hear complaints concerning allegations of violations of this Code.
3. Complaints of violation of the Code of Ethics relate to unethical behavior concerning any official, officer, or employee of the Town of Clinton.
4. The complaint may be made by any person in writing and signed under penalty of false statement.
5. Included in this complaint shall be the name of the person accused (respondent), and also specific acts alleged to constitute the violation of Section IV of this code, and when they occurred. It shall also state whether or not these allegations have been presented to other administrative or judicial authorities.
6. All information supplied to or received from the Board during evaluation or investigation shall remain confidential, as specified by provisions of the Connecticut General Statutes, section 1-82a, in relation to operations of a Board of Ethics, unless the Board makes a finding of probable cause for a hearing, or unless the respondent requests in writing that the entire record and any hearings be open to the public.

C. Evaluation and acknowledgment.

1. Upon receipt of the complaint, the Board will send it to Town Counsel to determine whether the complaint is complete and in proper form. Town Counsel shall have fifteen (15) calendar days to determine if the complaint is in proper form. If the complaint is not in proper form or if the Board determines that the allegations, even if true, would not constitute a violation of this Code then the Board shall duly notify the complainant of this and the reasons therefore by registered or certified mail. Allegations applicable to other administrative or judicial authority will be referred to the proper authority.
2. If the Board determines that the complaint is in proper form and the allegations if true would constitute a violation of this Code, then the Board shall, not later than five business days after said determination, provide a copy of the complaint by registered or certified mail to all respondents against whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant. The respondent(s) shall have ten business days from receipt to submit any response to the Board.
3. Confidential Investigation
  - a. The Board shall make or cause an investigation to be made sufficient to decide whether there is probable cause to believe a violation of this Code has occurred. The investigation shall be conducted within sixty calendar days of receipt of complaint.
  - b. In the conduct of its investigation, the Board shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and to require the production for examination by the Board of any books and papers as permitted by law which are relevant in any manner under investigation or in question.
  - c. During the investigation, the respondent(s) shall have the right to appear and be heard and offer any information which may tend to clear the respondent of probable cause to believe that the respondent has violated any provision of the Code of Ethics.
  - d. This investigation shall be confidential pursuant to Connecticut General Statutes, Section 1-82a.

D. No Probable Cause

If the Board finds no probable cause it shall within five business days advise the complainant and the respondent of its finding and a summary of the reasons. The complaint and the record of investigation shall remain confidential.

E. Probable Cause

1. If the Board finds probable cause by the concurring vote of four out of five voting members, it shall, within three business days after the termination of its investigation and its decision, advise the complainant and the respondent of its findings and a summary of the reasons therefore.
2. If there is found such probable cause, the Board shall make public its finding within five business days after the termination of its investigation and decision thereon and the entire record of the investigation shall become public.
3. The Board may grant a postponement of the release of said record for a period not to exceed fourteen days to allow for negotiations for the resolution of the matter by stipulation, agreed settlement, or consent order and/or as provided for in Section 4-177 of the Connecticut General Statutes as referenced in Section 1-82a(e).
4. It shall also, unless resolved as stated above, set a date for a hearing on a complaint. It shall give notice of that date to the complainant and respondent. Such date shall be not less than fifteen (15) calendar days following notice, nor more than thirty (30) calendar days after the finding of probable cause.

F. Hearings

1. All hearings shall be opened to the public and recorded.
2. Hearings shall not be subject to rules of court, except the rights (i) of an accused to confront and cross-examine his/her accuser, (ii) of every witness or party to be represented by an attorney at law of his/her choice, and (iii) of every witness to decline to answer questions in accordance with the Fifth Amendment to the Constitution of the United States.
3. In all other respects hearings shall be conducted by the Board, with the advice and assistance of the Town Attorney acting through its Chairperson, in order to facilitate the prompt and fair disposition of the proceedings.
4. While conducting a hearing of an alleged violation of this Code, the Board shall have the authority to administer oaths, examine witnesses, and receive oral and documentary evidence. The Board shall have the authority to issue subpoenas or subpoenas duces tecum (in order to produce documentary evidence) enforceable upon application to the Superior Court for the State of Connecticut, to compel attendance of persons at hearings and the production of books, documents, records and papers, pursuant to Sections 7-148(c)(10)(B) of the Connecticut General Statutes, subject to the inherent power of the Board to decline or limit such request where it is merely duplicative or is unnecessarily burdensome or

harassing and not likely to lead to evidence which will aid the Board in its determination.

G. Finding/Sanctions

1. No finding of violation of this Code shall be made except upon concurring vote of four out of five members of the Board.
2. The Chairperson shall render the finding of the Board within fifteen calendar days after conclusion of the hearing. A copy of the finding shall be sent to the complainant, respondent, and the Town of Clinton.
3. Upon finding of a violation of any provision of the Code, the Board will refer the matter to the appropriate appointing or supervisory authority.
4. The authority affected will report within thirty calendar days of the receipt of the Board of Ethics ruling to the Board the action taken, if any. Persons subject to this code found not to be in violation of this code will be reimbursed by the Town for their reasonable legal fees, except no legal fees shall be paid for any services rendered before a finding of probable cause.

H. Advisory Opinions

1. Any public official, prospective public official or employee may request the Board of Ethics to issue an advisory ethics opinion regarding the propriety of a matter or matters which the person is or may become a party. Any request for an advisory opinion shall be in writing by the person making the request. The commission may make public all or any part of such opinion as it deems desirable and in the public trust.
2. Advisory opinions rendered by the Board shall be deemed to be final decisions. Any advisory opinion concerning the person who requested the opinion and who acted in reliance thereon, in good faith, shall be an absolute defense in any matter brought under the provisions of this code.

Section VIII -Appeals

Any person aggrieved by any final decision of the Board may appeal such decision within thirty (30) days of the official posting in accordance with the provisions of Section 4-175 or Section 4-183 of the Connecticut General Statutes. If successful, any and all reasonable legal fees will be paid by the Town of Clinton.



#### Section IX-Validity

If any part of this Code is determined to be invalid, such determination shall not affect the validity of any other part and the remainder shall remain in full force and effect. All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed.

#### Section X-Date of Effect.

This Code shall take effect 30 days after its publication in a local newspaper following its enactment by the Board of Selectmen.