

ORDINANCE #75
CODE OF ETHICS

§ 6.1 Purpose.

High ethical standards among public employees and public officials are essential for the proper conduct of democratic government so that citizens will have confidence that action by such employees, officials and consultants is always intended to be in the public interest and not for illicit personal gain. This code of ethics sets such standards and provides guidance to Town employees and officials with respect to ethical matters.

§ 6.2 Definitions.

As used in this Chapter, the following terms shall have the meanings hereinafter indicated:

- (A) "Business" means any entity through which business for profit or not-for-profit is conducted, including a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization or self-employed individual.
- (B) "Business with which he or she is associated" means a business of which a public official or public employee or a member of his or her immediate family is a director, officer, owner, employee, compensated agent or holder of stock which constitutes five per cent (5%) or more of the total outstanding stock of any class.
- (C) "Confidential information" means information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such nature that it is not, at the time of transmission, a matter of public record or public knowledge.
- (D) "Conflict of interest" means a condition wherein a public official or public employee or a member of her/his immediate family has a financial or personal interest that conflicts with the proper discharge of the public official's or public employee's official duties or employment in the public interest or is contrary to this Code.
- (E) "Financial interest" means any interest with a monetary value of five hundred dollars (\$500) or more or which generates a financial gain or loss of one hundred dollars (\$100) or more in a calendar year.
- (F) "Gift" means anything of value, including entertainment, food, beverage, travel and lodging given or paid to a public official or public employee to the extent that consideration of equal or greater value is not received. A gift does not include:
 - (1) A political contribution otherwise reported as required by law or a donation or payment as described in subdivision (9) or (11) of subsection (b) of section 9-333b of the Connecticut General Statutes;
 - (2) Services provided by persons volunteering their time for a political campaign;

- (3) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;
 - (4) A gift received from (i) an individual's spouse, fiancé or fiancée, (ii) the parent, brother or sister of such spouse or such individual, or (iii) the child of such individual or the spouse of such child;
 - (5) Goods or services which are provided to the Town and facilitate governmental action or functions;
 - (6) A certificate, plaque or other ceremonial award costing less than one hundred dollars (\$100);
 - (7) A rebate or discount on the price of anything of value given in the ordinary course of business without regard to the recipient's status;
 - (8) Printed or recorded informational material germane to governmental action or functions;
 - (9) Items of nominal value, not to exceed twenty dollars (\$20), containing or displaying promotional material;
 - (10) An honorary degree bestowed upon a public official or public employee by a public or private university or college;
 - (11) A meal provided at an event or the registration or entrance fee to attend such an event, in which the public employee or public official participates in said person's official capacity;
 - (12) A meal provided in the home by an individual who resides in Tolland; or
 - (13) Gifts in-kind of nominal value not to exceed twenty-five dollars (\$25.00) tendered on gift-giving occasions generally recognized by the public including Christmas, Hanukkah, birthdays, the birth or adoption of a child, weddings, confirmations or bar or bat mitzvahs, provided the total value of such gifts in any calendar year do not exceed fifty dollars (\$50.00).
- (G) "Immediate family" means any spouse, child or dependent relative who resides in the individual's household.
 - (H) "Individual" means a natural person.
 - (I) "Large Contractor" means an entity that has a contract with a municipality valued at \$500,000.00 or more.
 - (J) "Official responsibility" means the direct administrative or operating authority, whether intermediate or final and whether exercisable personally or through subordinates, to approve, disapprove or otherwise direct government action.

- (K) "Paid consultant" means a person, firm or corporation hired by the Town of Tolland to provide services to the Town for a fee.
- (L) "Person" means an individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.
- (M) "Personal interest" means an interest in any action taken by the Town of Tolland in which an individual will derive a non-financial benefit or detriment but which will result in the expenditure of Town funds.
- (N) "Town Asset" means Town owned vehicles, equipment, facilities, materials or other Town property.
- (O) "Town employee" means a person, other than an elected or appointed official, employed, whether full or part time, by the Town.
- (P) "Town official" means an elected or appointed official, whether paid or unpaid or full- or part-time, of the Town.
- (Q) "Town" means the Town of Tolland and/or the Tolland Board of Education.

§ 6.3 Recusal.

A Town employee or Town official shall refrain from voting upon or otherwise participating in any matter on behalf of the Town if the employee or official, a business with which he or she is associated, or a member of his or her immediate family, has a financial or personal interest in the matter, including, but not limited to, the sale of real estate, material, supplies or services to the Town or by the Town. Notwithstanding the foregoing prohibition, a Town employee or Town official may vote or otherwise participate in a matter that involves a determination of general policy if the employee's or official's interest in the matter is *de minimus* in nature or shared with a substantial segment of the population of the Town, such as paying taxes, assessments or charges for service to the Town.

In addition to other restrictions of this chapter, a Town employee who serves on any governmental body of the Town shall not vote or participate on any matter involving, for the department or program employing such public employee, (1) collective bargaining, (2) compensation or benefits, (3) personnel policies and procedures, (4) the budget, other appropriation or capital funding, or (5) employment, compensation, benefits or performance of personnel.

§ 6.4 Representation of private interests.

- (A) Except for a Town official who receives no compensation for service to the Town other than per diem payments and reimbursement of expenses, no Town employee or Town official shall appear on behalf of private interests before any board, agency or committee of the Town.
- (B) Except for a Town official who receives no compensation for service to the Town other than per diem payments and reimbursement of expenses, no Town employee or Town

official shall voluntarily or for compensation represent private interests against the interest of the Town in any litigation to which the Town is a party.

- (C) No former Town employee or Town official shall appear for compensation before any Town board or agency in which the employee was formerly employed or the official was formerly a member at any time within a period of one (1) year after termination of the employee's or official's service with the Town.
- (D) No former Town employee or former Town official shall represent anyone other than the Town concerning any particular matter in which the employee or official participated personally and substantially while in Town service.
- (E) Nothing in this section shall prohibit or restrict a present or former Town employee or present or former Town official from appearing before any board or commission of the municipality or district on the employee's or official's own behalf, or from being a party in any action, proceeding or litigation brought by or against the Town employee or Town official to which the Town is a party.

§ 6.5 Standards of official conduct.

- (A) No person, business or paid consultant shall offer or give to a Town official or Town employee or a member of his or her family and no Town official or Town employee shall solicit any gift in the performance of his or her official duties.
- (B) No Town official or Town employee shall accept any benefit or income in addition to that received in his or her official capacity for having exercised his or her official powers or performed his or her official duties.
- (C) No Town official or Town employee shall use or disclose information, not available to the general public and gained in the course of, or by reason of, his or her official position or activities to further any person's financial interest.
- (D) Any Town official or Town employee who has, or whose family has, a financial interest, distinct from that of the general public, in any decision of any Town agency shall disqualify himself or herself from participating in that decision.
- (E) No Town official or Town employee shall have or acquire any financial interest or beneficial interest, direct or indirect, in any business that is incompatible with the proper discharge of his or her official duties or that may tend to impair his or her independence or judgment in the performance of his or her official duties.
- (F) No Town official or Town employee shall misuse or misappropriate any Town fund or Town asset.
- (G) No Town employee, Town official or a business with which he or she is associated, or a member of his or her immediate family shall enter into a contract for goods and services, valued at one thousand dollars (\$1,000) or more, with the Town unless the contract is awarded through an open bidding process in which the employee or official has had no official responsibility.

- (H) No Town employee or Town official shall use Town-owned vehicles, equipment, facilities, materials or other property for personal convenience or profit, except when such are available to the public generally, are provided as municipal policy as approved by the Town Council or pursuant to the Town's contractual obligations for the use of such Town employee or Town official in which case the Town employee or Town official may use such vehicle, equipment, facilities, materials or other property.

§ 6.6 Political activity.

No Town employee, Town official or candidate for elected Town office shall engage in political activity while on Town duty or within any period of time during which such person is normally expected to perform services for which such person receives compensation from the Town, or utilize Town funds, supplies, vehicles or facilities for the purpose of any such political activity, unless such activity is specifically authorized by: (1) the Connecticut General Statutes or the Tolland Town Charter; or, (2) an officially adopted policy of the Town Council or the Board of Education.

§ 6.7 Persons subject to disclosure of financial interest.

The following persons must file with the Town Clerk under oath a financial disclosure statement on a form approved by the Town Council:

- (A) Each incumbent for:
- (1) Town Council
 - (2) Board of Education
 - (3) Planning & Zoning Commission
 - (4) Zoning Board of Appeals

For incumbents, such disclosure statement shall be filed on or before January 1st of each year of service. Incumbents who are appointed to fill unexpired terms shall file disclosure statements within thirty (30) days of appointment.

- (B) The following appointed officials:

- (1) Town Manager
- (2) Superintendent of Schools

Any such appointed official shall file such disclosure within sixty (60) days of his/her appointment and annually thereafter prior to January 1st of each year. The Tolland Town Clerk shall monitor such filings and shall report to the Town Manager if any required disclosure is not filed in timely fashion.

§ 6.8 Information required for disclosure of financial interest.

A financial disclosure statement as required herein shall disclose the following information about the filer that is current at the time of filing and for the year previous to the filing:

- (A) Each economic interest in any real property (other than primary residence), including leasehold interests, if the property is located in the Town of Tolland as well as a business located in Tolland in which there is at least 5% ownership interest and specifying:
 - (1) the nature of the property and its location by street address or legal description;
 - (2) the nature and extent of the interest held and any applicable conditions and encumbrances;
- (B) Each economic interest in which there is at least a 5% ownership interest that sold or supplied the Town with goods or services valued in excess of \$5,000 per year.

§ 6.9 Administration and enforcement: ethics commission.

Pursuant to § 7-148h of the Connecticut General Statutes, there shall be an Ethics Commission for the Town of Tolland which shall investigate allegations of conduct proscribed by this Chapter, corrupting influence or illegal activities levied against any official or employee of the Town and shall have the power to do so afforded by said statute. The Ethics Commission shall consist of three (3) members who shall be electors of the Town but no two of whom shall be members of the same political party. They shall be appointed by the Town Council based on their reputation for fairness, gravity, discretion and ability to understand the sensitive and sometimes complex nature of ethical issues. The term of the members first appointed shall end on December 31, 2008; thereafter, members shall be appointed for terms of three (3) years.

If the Ethics Commission makes a finding of unethical conduct by:

- (A) A person holding a position appointed by the Town Manager, it shall make a public report thereon to the Town Manager.
- (B) A person holding a position appointed by the Superintendent of Schools, it shall make a public report to the Superintendent of Schools.
- (C) A person holding a position appointed by the Town Council, it shall make a public report thereon to the Town Council.
- (D) A person holding a position appointed by the Board of Education, it shall make a public report thereon to Board of Education.
- (E) An elected official, it shall make a public report thereon to the Town Council or the Board of Education, as the case may be.
- (F) A paid consultant or a business performing work for the Town, said commission shall have authority to disbar such paid consultant or contractor from doing business with the Town for a period of up to ten (10) years.

Nothing in the foregoing shall be construed to deter prosecution and/or recovery of damages and costs under the laws of the State of Connecticut.

Any person found responsible for an ethical violation shall have the right to an appeal as outlined in Connecticut General Statutes.

§ 6.10 Subpoena powers: Appointment of Special Counsel.

The Ethics Commission may appoint Special Counsel who shall not be the Town Attorney to investigate complaints made to the Commission, administer an oath, apply to the appropriate authority to secure subpoenas on behalf of the Commission, determine if probable cause exists and to make recommendations to the Commission based upon the investigation.

§ 6.11 Whistleblower protection.

Any person having knowledge of certain activities related to or occurring in a department or agency of a municipality, or in any large municipal contract, may transmit such information to the Office of the Attorney General (OAG), which may investigate it. All Town employees, officials, and paid consultants shall not retaliate against any such person for reporting activities to the OAG. The OAG may also investigate any report of retaliation by a municipal or municipal contract officer or employee against an employee who has disclosed information to the OAG.

§ 6.12 Powers created in Addition to Other Powers.

The powers created herein shall be in addition to, and not in place of, any other Town policy or ordinance previously or subsequently enacted.

Approved by the Tolland Town Council on November 10, 2009.