

**Item #1**

**Resolved to adopt an ordinance entitled,**

**“TOWN OF EAST WINDSOR CODE OF ETHICS”**

**SECTION 1 PURPOSE**

The purpose of these standards is to guide Town officials, elected and appointed, and Town employees by establishing standards of conduct for persons in the decision making process. It is intended to strengthen the tradition of good government in East Windsor by helping to ensure that government decisions and policies be made free from undue influence and in the proper channels of government structure; that public office not be used for unauthorized personal gain; and that the public have confidence in the integrity of it's government.

**SECTION 2 DEFINITIONS**

In this Ordinance, the following terms are defined as follows:

- 2.1 Official shall mean all elected and appointed individuals in the executive or legislative branches of the Town, including the Board of Education to the extent that the provisions of this ordinance may lawfully apply to the school district, and members and alternates of all Town agencies..
- 2.2 Employee shall include all individuals who receive income, weekly or otherwise, from the Town, or who are responsible for taking or recommending official action of the Town of a non-ministerial nature.-
- 2.3 Agency shall mean all departments, boards, commissions, authorities, and committees, including advisory working groups, of the executive or legislative branches of the Town, including the Board of Education to the extent that the provisions of this ordinance may lawfully apply to the school district.
- 2.4 Ministerial action shall mean an action that a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to, or he exercise of, the person's own judgment upon the propriety of the action being taken.

**SECTION 3 STANDARDS OF OFFICIAL CONDUCT**

**3.1 Conflicts of Interest**

a. Any elected or appointed official or employee of the Town, or of a commission, department, or agency of the Town who knowingly has a conflict or potential conflict of interest between him or her and his or her position with and responsibilities to the Town, commission, department, or agency, (1) shall submit to the First Selectman in writing, a statement concerning the existence and the nature of such conflict, and (2) where the conflict or potential concerns a financial interest, the statement shall include a description of the financial interest that constitutes the conflict or potential conflict. Such official shall recuse themselves from the decision making process.

b. “Conflict of interest” shall mean an interest, direct or indirect, personal or financial, that is incompatible with the proper discharge of the official's or employee's responsibilities to the Town, commission, department or agency, or that would tend to impair his or her independent judgment or action in the performance of his or her official responsibilities.

### 3.2 Disclosure of Confidential Information

No official or employee shall disclose or use any confidential information obtained in an official capacity except in the discharge of his or her public duties. The term confidential shall not be used to restrict the release of any information that is properly available to the public.

### 3.3 Gifts and Favors

No official or employee or member of his or her immediate family shall solicit or accept any gift or favor in excess of \$100.00 \* in value in any calendar year, whether in the form of service, income, a loan, a gift or other thing of value, a promise, or in any other form from any person or entity who to his or her knowledge is interested directly or indirectly in any manner whatsoever with respect to personal or business dealings with the Town.

### 3.4 Use of Town Assets

No official or employee shall use or permit the use of Town funds, services, property and equipment, owned or leased vehicles, or materials for personal convenience or profit, except when such services are available to the public generally or are provided in conformance with established Town policies.

### 3.5 Representation of Private Interests

No official or employee shall appear on behalf of private interests before any agency of the Town, nor shall he or she represent any private interest in any action or proceeding against the Town in any litigation or other proceeding when such appearance or representation would be in conflict with or would impair his or her independence of judgment and action in the performance of his or her official duties as such official or employee.

### 3.6 Use of Influence

No official or employee shall solicit any business, gift or favor directly or indirectly, from another official or employee over whom he or she has any tenure, compensation, duties, or from any vendor or third party doing business with the Town.

### 3.7 Incompatible Employment

No official or employee shall engage in any employment or services which will impair his or her independence or judgment as to official duties or require or induce disclosure of confidential information gained in Town service.

### 3.8 Fair and Foul Treatment

No official or employee shall grant or withhold any consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

\* 2004 Change by Board of Ethics - State and Municipal Ethics Code

## **SECTION 4 ETHICS COMMISSION**

### **4.1 Establishment**

An Ethics Commission as provided in the Town Charter, shall consist of five members who shall be electors of the Town, no more than the bare majority of whom shall be of the same political party Each member shall serve for a four (4) year term following the initial term established by the Board of Selectmen on January 24,1991. No official or employee of the Town shall be eligible to serve on the Commission. Vacancies shall be filled according to the Town Charter.

### **4.2 Organization and Procedures**

The Ethics Commission shall elect from amongst its members a Chairman and a Secretary, and shall establish its own rules and procedures, which shall be made public. The need to maintain confidentiality shall be considered pursuant to State 1-82a when establishing the rules and procedures, and official opinions of the Commission shall require a minimum of four (4) affirmative votes for adoption.

### **4.3 Power and Duties**

- (A) Advisory Opinions. Upon written request or on its own initiative, the Commission may render advisory opinions with respect to the requirements of this Code of Ethics. Any request or opinion, the disclosure of which invades the personal privacy of any individual (as that term is used in the Connecticut General Statutes Section 1-19 shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Commission may make available to the public such advisory opinions as do not invade an individual's privacy, and may take other appropriate steps in an effort to increase public awareness of this Code of Ethics.
- (B) Complaints. The Commission shall establish a procedure by which the public may initiate complaints alleging violations of this Code, provided however, that no such complaint shall be received for a violation alleged to have occurred more than five (5) years prior to the date of such receipt. On its own initiative or upon receipt of a written complaint alleging, under oath or affirmation, a violation of these standards of official conduct, the Commission shall determine by a minimum of four (4) affirmative votes whether or not sufficient cause exists to warrant an inquiry. Unless the Commission makes such a finding, a complaint alleging a violation shall be dismissed and kept confidential, except upon receipt of a request to the contrary by the respondent.
- (C) Hearing procedure. Following its inquiry, in the event that the Commission, by a minimum of four (4) affirmative votes, determines that probable cause exists to believe that a violation of this Code has occurred, it shall conduct a public hearing thereon, which hearing shall be held no later than sixty (60) days thereafter. The Commission shall give public notice of the date fixed for said hearing at least fourteen (14) days prior thereto. The Commission shall have the power to administer oaths and compel the attendance of witnesses by subpoena. All parties shall be entitled to counsel, to present evidence, and to examine and cross-examine witnesses. The public hearings of the Commission shall be recorded at public expense.

(D) Decision by Commission. The Commission shall, within thirty (30) days after conclusion of the public hearing, file a memorandum of decision. If the Commission determines by the minimum of four (4) affirmative votes that the respondent has in fact violated a provision of this Code, its Memorandum shall include a recommendation for appropriate action, taking into account the respondent's intent and willfulness in respect to said violation. Said Memorandum shall be presented to the Board of Selectmen, except with respect to individuals under the jurisdiction of the Board of Education, in which case the Memorandum of Decision shall be filed with the Board of Education with simultaneous copy to the Board of Selectmen. No such recommendation shall limit the authority of the Board of Selectmen under the Charter of the Town of East Windsor.

(E) Penalties for Violation. The penalties for violation of this Code shall include:

- (1) Public censure or reprimand;
- (2) Suspension for up to ninety (90) days or dismissal of a public employee;
- (3) \$1,000.00 civil penalty; and/or
- (4) Restitution of any pecuniary benefit received.

#### 4.4 Procedures for Filing a Complaint

- (1) All complaints must be filed directly with the Ethics Commission, hand delivered or mailed to the Town Hall.
- (2) Complaint must be signed under penalty of false statement
- (3) The complaint must be filed within five (5) years of the alleged violation.
- (4) The respondent is to be notified via certified mail within ten (10) business days of the Commission's receipt of the complaint.
- (5) The Commission shall review the complaint and determine whether the allegations constitute a violation of the ethics code, taking action as follows:
  - A) If not, it shall dismiss the complaint and notify the parties
  - B) If so – it shall fix a date for a hearing that shall commence within 60 days of the filing of the complaint.
- (6) Legal representation at Hearings
  - A) All parties may be represented by legal counsel
  - B) All parties may cross-examine witnesses
- (7) Confidentiality
  - A) Complaint is confidential unless the respondent requests otherwise
  - B) Commission can conduct a preliminary investigation and no information may be publicized by anyone involved
  - C) A determination of no violation shall be kept confidential except upon the request of the respondent
  - D) Notification of termination of the investigation or hearing shall be sent to the parties within 3 business days via certified mail
- (8) Finding a violation
  - A) Finding made public within 5 business days of the termination or hearing
  - B) Entire record of the investigation becomes public
  - C) Provide parties with summary of its findings within 3 business days of termination or hearing
  - D) Respondent may appeal the decision to the superior court within 30 days
- (9) Penalties for Violation
  - A) Public censure or reprimand
  - B) Suspension up to 90 days or dismissal of public employee
  - C) \$1,000.00 civil penalty
  - D) Restitution of any pecuniary benefits received

## **SECTION 5 COPIES OF CODE OF ETHICS**

A copy of the Ethics Code shall be given to all public officials and public employees and a signed receipt should be obtained therefore and maintained by the Town Clerk.

Said ordinance shall become effective fifteen (15) days from publication thereof.

I move the foregoing resolution be adopted.