

TOWN OF EAST WINDSOR

The following ordinance was adopted at a Special Town Meeting duly warned and held on November 1, 2018.

EAST WINDSOR CODE OF ETHICS

The legislative body of the Town of East Windsor in accordance with the Connecticut General Statutes, as amended, hereby adopts the following Code of Ethics:

Ordinance 06-1 is repealed, and this Ordinance is substituted in lieu thereof.

SECTION 1 PURPOSE

The purpose of this Code is to guide Town officials, elected and appointed, and Town employees, by establishing standards of conduct for persons in the decision making process. This Code is intended to strengthen the tradition of good government in East Windsor by helping to ensure that government decisions and policies are made free from undue influence and within the proper channels of government, that public office not be used for unauthorized personal gain, that the public have confidence in the integrity of its government and that a simplified procedure to bring alleged infractions of this Code to an impartial committee for investigation and appropriate remedy, if required, without fear of reprisal, be available to the public.

This Code incorporates those sections of the Town Charter setting forth the ethical obligations of Town officials and Town employees. In the event that the provisions of the Town Charter and this Code are in conflict with one another the Town Charter shall supersede any conflicting provisions of this Code.

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 for services rendered, 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 the exercise of, the person's own judgment upon the propriety of the action being taken.

2.5 **CONFLICT OF INTEREST** shall mean a Town Official or Town employee's direct or indirect financial or personal interest relating to any Town contract, any Town transaction, or any decision by any Town board, commission or similar body of the Town that impairs or would tend to impair, or that would influence or tend to influence, the official or employee's independent judgment or action in the exercise of his

or her duties. A financial or personal interest for purposes of this Code includes the financial or personal interest of a Town official or Town employee's immediate family members.

SECTION 3 STANDARDS OF OFFICIAL CONDUCT

3.1 DISCLOSURE OF CONFLICTS OF INTEREST

If any Town official or employee anticipates that a conflict of interest as defined in Section 2.5 above, might exist, or could develop, from any action said individual may take in the exercise of his or her duties, or from any influence which might be derived from his or her position, said individual shall disqualify themselves.

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 this or her public duties. The term confidential information 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 \$50.00 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 a Town 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 or from any vendor or third party doing business with the Town.

3.7 INCOMPATIBLE EMPLOYMENT

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

SECTION 4 ETHICS COMMISSION

4.1 ESTABLISHMENT

An Ethics Commission as provided in the Town Charter shall consist of five members and two alternates, 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. No member shall be a Town employee. No member of said board shall hold or campaign for any public office.

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. Such rules and procedures shall be in conformity with confidentiality provisions set for in Connecticut General Statutes Section 1-82a, and as may be amended from time to time. Four (4) affirmative votes shall be required for the establishment of the Commission's rules and procedures and for the Commission's adoption of an official ethics opinion.

4.3 POWERS 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 the term is used in Connecticut General Statutes Section 1-210) 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 two (2) years prior to the date of such receipt. On its own initiative or upon receipt of a written complaint alleging, under oath or affirmation, violation of the provisions of this Code, 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 for adoption, rejection or reconsideration of the recommended action, not the violation, except with respect to individuals under the jurisdiction of the Board of Education, in which case the Memorandum of Decisions 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 may include, but shall not be limited to:

- (1) Public censure or reprimand;
- (2) Suspension for up to ninety (90) days or dismissal of a public employee;
- (3) \$100.00 civil penalty
- (4) Restitution of any pecuniary benefit received;
- (5) Referral to law enforcement; and/or
- (6) Removal or dismissal from an appointed position.

Upon request of any aggrieved party, the Board of Selectmen may delay the effect of any decision adopted by the Board for a period not to exceed more than seven days following the adoption of such decision.

4.4 PROCEDURES FOR FILING A COMPLAINT

(1) All complaints must be filed directly with the Ethics Commission, via the Town Clerk's office, hand delivered or mailed to the Town Hall, in a sealed envelope and in compliance with all the terms and conditions stated on the official complaint form. The Town Clerk's office shall immediately inform the Chairman of the Ethics Commission of the receipt of a complaint. All costs incurred by the Commission in connection with investigating and/or hearing a Complaint shall be borne by the Town of East Windsor.

(2) Complaint must be signed under penalty of false statement.

(3) The Complaint must be filed within two (2) years of the alleged violation.

(4) The respondent is to be notified as follows: The Commission shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against who such complaint is filed and shall provide notice of receipt of such complaint to the complainant.

(5) The Commission shall review the complaint and determine whether the allegations constitute a violation of the Ethics Code by taking action as follows:

A) If not, it shall dismiss the complaint and notify the complainant and respondent not later than three business days after such dismissal.

B) If so, it shall fix a date for a hearing that shall commence within 60 days of the filing of the complaint.

(6) No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the Ethics Commission.

(7) Legal representation at Hearings

A) All parties may be represented by legal counsel

B) All parties may cross-examine witnesses

(8) 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 with three (3) days via certified mail.

(9) Finding a violation

A) Finding made public within five (5) business days of the termination of hearing.

B) Entire record of the investigation becomes public

C) Provide parties with summary of its findings within three (3) business days of termination or hearing.

(10) Severability Clause

In the event any provision or part of this Code is found to be invalid or unenforceable by any court of competent jurisdiction, only that particular provision or part so found, and not the entire Code, will be inoperative.

SECTION 5 COPIES OF CODE OF ETHICS

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

Said ordinance shall become effective fifteen (15) days from publication thereof. (11/22/2018)

Ord. 18-05
Journal Inquirer
November 7, 2018

Attest: _____
Joanne M. Slater, CCTC
Town Clerk of East Windsor

East Windsor Code of Ethics Complaint Form

(Please print neatly)

Complainant Name: _____

Street Address: _____

Town, State, Zip: _____

Telephone Number: _____

Email Address: _____

I hereby certify, under penalty of False Statement, the following statement describing a possible violation of East Windsor's Code of Ethics, contains only factual information.

Signature: _____ Date: _____

Note:

This Complaint will not be considered without the name, address, and original signature of the complainant.

Complaint must be NOTARIZED.

Complaint must be hand-delivered or sent certified mail, to the Town Clerk's office in an envelope marked:

TOWN OF EAST WINDSOR – ETHICS COMMISSION

CONFIDENTIAL

DATE DELIVERED _____

.....
Name of the Accused: _____

(Only one accused per complaint form)

Title of Position with the Town: _____

Section of the Town Code allegedly violated: _____

Specifically describe how code was violated. Dates, times and location are helpful. Attach additional pages if necessary.
