

CODE OF ETHICS

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made free from undue influence and in the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals there is hereby established a Code of Ethics for all town officials and employees, whether elected, appointed or in the employ of the town or of any of its boards or agencies, whether paid or unpaid, full time or part time. The purpose of this code is to establish standards of conduct for all such officials and employees by setting forth those acts or actions that henceforth shall be deemed to be incompatible with the best interests of the Town of Plainville.

SECTION 1: PURPOSE.

1.1 No town official or employee shall secure or attempt to secure personal profit or gain by virtue of his public office or by virtue of confidential information of which he is aware by reason of his public office. No town official or employee shall aid, abet or encourage anyone in securing or attempting to secure personal profit or gain by virtue of confidential information of which he is aware by reason of his public office. No town official or employee shall disclose confidential information outside of the proper performance of his duties to anyone.

1.2 No town official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available by law or regulation to every other citizen.

1.3 No town official or employee shall request or permit the use of town-owned equipment, property or materials for personal convenience or profit except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of his official business.

1.4 Any town official or employee who makes decisions on behalf of the public shall disqualify himself from consideration of such matters in which he, his spouse, offspring, sibling, parent, members of his household, or employer, will gain financial advantage or suffer financial

detriment as a result of the decision reached. In any situation in which a decision on any question cannot be arrived at without the participation of a decision-maker who would otherwise be disqualified under this paragraph, such decision-maker may participate and act, but shall make his conflict of interest public.

1.5 No town official or employee shall engage in or accept private employment or render services for any private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties. Any official or employee who shall desire to accept private employment or render services to private interests may submit his prospective employment to his immediate superior, if an employee, or to the appointing body, if an official, for prior clearance of the prospective employment's compatibility with the public functions or duties of the official or employee.

1.6 No town official or employee shall accept any gift, favor or entertainment which comes to him by reason of his public office or employment, except for ceremonial, public or open functions.

SECTION 2. ESTABLISHMENT AND MEMBERSHIP.

2.1 The Town of Plainville hereby establishes a Municipal Ethics Commission (hereinafter the "Commission") consisting of five members. The members shall be appointed by the Town Council. Appointments to the Commission shall require at least six Town Council votes. However, should the Town Council fail to appoint members to the Commission by October 3, 2005, the first appointments will require only five votes. Thereafter, subsequent appointments to the Commission will require at least six votes of the Town Council. The members of the Commission shall serve a term of three years, except that, of the initially appointed members, two shall serve for one year, two shall serve for two years, and one shall serve for three years. No individual shall be appointed to more than nine consecutive years. No more than three shall be members of the same political party.

2.2 All members of the Commission shall be electors of the municipality. No member of the Commission shall:

- (1) Hold or campaign for any public office during his term;

- (2) hold office in any political party or political committee;
- (3) serve as a member of any other agency of the municipality;
- (4) be a public official or public employee of the municipality or an official or employee of a quasi-public agency of the municipality;
- (5) be a party to any contract to do business with the Town of Plainville; or
- (6) have held elected office for Town Council, Board of Education, Registrar of Voters, Judge of Probate, Board of Library Directors or Constable, in a three year period prior to appointment.

- 2.3 (1) Although any member or employee of a Commission shall have an unrestricted right to vote, make political contributions or attend fundraising or other political events, no member or employee shall publicly support any candidates for any municipal office subject to the Commission's jurisdiction, including, but not limited to, volunteering as a campaign worker, giving a speech at a political event or formally endorsing a candidate, posting a sign at his/her home or business.
- (2) No candidate for municipal office may disseminate information that indicates that a Commission member or employee supports the candidate's candidacy.

2.4 The members of a Commission shall elect a chairperson who shall preside at meetings of the Commission and a vice-chairperson to preside in the absence of the chairperson. Three members shall constitute a quorum. A majority vote of the Commission shall be required for action of the Commission. The chairperson or any three members may call a meeting of the Commission.

2.5 Any member of the Commission may be removed upon recommendation of the Town Manager and by vote of the Town Council, after a hearing, in the event that said member(s) is found to have violated the provisions of this Ordinance or the Code of Ethics.

2.6 The Commission shall:

- (a) compile and maintain a record of all reports, advisory opinions, statements and memoranda filed by and with the Commission to facilitate public access to such reports and statements;
- (b) issue advisory opinions with regard to the requirements of the Code of Ethics upon the request of any person bound by the Code;
- (c) participate in and coordinate ethics training for town officials and employees;

(d) distribute a copy of the Code of Ethics to each town official and employee; and
(e) report annually on or before February first to the legislative body of the municipality, summarizing the activities of the Commission. Advisory opinions rendered by the Commission, until amended or revoked, shall be binding on the Commission and shall be deemed to be final decisions of the Commission. 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.

2.7 The Commission may employ necessary staff or outside counsel within available appropriations from the Town Council.

SECTION 3. PROCEDURE.

3.1 The jurisdiction of the Commission's investigatory powers is limited to alleged violations of the Code of Ethics. Upon the complaint of any person on a form prescribed by the Commission, signed under penalty of false statement, or upon its own complaint, signed by at least four members of the Commission, the Commission shall investigate any alleged violation of the Code. If a complaint alleges criminal acts, as defined by State or Federal law, the Commission shall forward the complaint to the Town Manager and Police Chief, who shall have independent and exclusive jurisdiction over the matter until such time as the records of the investigation become public.

3.2 Not later than fifteen days after the receipt or issuance of such complaint, 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 whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant.

3.3 If the complaint has been filed by a member of the public, the Commission shall review the complaint to determine whether or not the allegations contained therein if substantiated constitute a violation of any provision of the Code of Ethics. If the Commission determines that the complaint does not allege sufficient acts to constitute a violation of the Code, the Commission shall dismiss the complaint and duly notify the complainant and respondent by registered or certified mail.

3.4 If the Commission determines that the complaint alleges sufficient acts to constitute a violation, then within thirty days after so determining, the Commission shall fix a date for the commencement of a hearing on the allegation(s) contained in the complaint. The hearing date regarding any complaint shall be not more than sixty days after the filing of the complaint.

3.5 In the conduct of its investigation of an alleged violation of the Code, the Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses and require the production for examination by the Commission of any records which the Commission deems relevant in any matter under investigation or in question.

3.6 The respondent shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses at any such hearing. Any hearing conducted by the Commission shall be governed by the Administrative Procedures Act as set forth in General Statute §4-166 et seq.

3.7 The Commission shall make no finding that there is a violation of any provision of the code except upon the concurring vote of at least four of its members.

3.8 No complaint may be made under the Code except within one year after the violation alleged in the complaint has been committed.

3.9 After receipt of information from an individual, the Commission shall not disclose the identity of such individual without the individual's consent unless disclosure is unavoidable.

3.10 Each complaint under this Act and the record of the Commission's investigation shall remain confidential, except upon the request of the respondent, unless and until the Commission determines that there is probable cause that a violation was committed. Probable cause means more than mere suspicion. There must be facts and circumstances of which the Commission possesses trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of Ethics has been or is being committed and that the respondent is the person who committed it. See, e.g. *State v. Glen*, 251 Conn. 356 (1999). No complainant, respondent, witness, designated party or Commission member or employee shall disclose to any

third party any information learned from an investigation of a complaint, including knowledge of the existence of a complaint.

3.11 The Commission shall inform the complainant and the respondent of its finding with regard to the complaint and provide them a summary of its reasons for making such a finding by registered or certified mail not later than fifteen business days after termination of the hearing. The Commission shall make public a finding of a violation not later than twenty business days after the termination of the hearing. Upon a finding of violation, the entire record of the investigation shall be disclosable. If the complaint is dismissed or there is a finding of no probable cause, the respondent shall be indemnified in accordance with General Statute §7-465a, including reimbursement of reasonable attorney's fees incurred as a result of the complaint.

3.12 Any respondent aggrieved by a decision of the Commission regarding a finding of a violation may, within thirty days, take an appeal to the superior court for the judicial district in which the municipality is located.

SECTION 4. VIOLATION.

4.1 Violation of any provision of the Code of Ethics shall constitute grounds for, and may be punished by:

- (a) public censure and reprimand;
- (b) in the case of an elected official, request of resignation by the Commission;
- (c) in the case of a public employee, recommendation of dismissal from employment or recommendation of suspension from employment for not more than thirty days without pay provided that the violation or record of cumulative violations constitute "just cause" in accordance with settled labor law, upon advice of counsel;
- (d) a civil penalty in accordance with the Municipal Powers Act; or
- (e) restitution of any pecuniary benefits received because of the violation committed.

4.2 The members of the Commission shall adhere to the following Code of Conduct under which the members shall:

- (a) observe high standards of conduct so that the integrity and independence of the Commission may be preserved;

- (b) respect and comply with the law and conduct themselves at all times in a manner which promotes a public confidence in the integrity and impartiality of the Commission;
- (c) be faithful to the law and maintain professional competence in the law;
- (d) be unswayed by partisan interests, public clamor or fear of criticism;
- (e) maintain order and decorum in proceedings of the Commission;
- (f) be patient, dignified and courteous to all persons who appear in Commission proceedings and with other persons with whom the members deal in their official capacity;
- (g) refrain from making any statement outside of a Commission proceeding, which would have a likelihood of prejudicing a Commission proceeding;
- (h) refrain from making any statement outside of a Commission proceeding that a reasonable person would expect to be disseminated by means of public communication if the member or employee should know that such statement would have a likelihood of materially prejudicing or embarrassing a complainant or a respondent;
- (i) preserve confidences of complainants and respondents;
- (j) exercise independent professional judgment on behalf of the Commission; and
- (k) represent the Commission competently.

SECTION 5. SEVERABILITY.

5.1 Should any section, sub-section or application of this ordinance be held to be invalid by any court, such judicial decision shall not render the remainder of this ordinance invalid.

Adopted by the Town Council July 10, 1967

Amended September 6, 2005

Reviewed and Reformatted April 1, 2013