

## **ARTICLE IV. - CODE OF ETHICS**

### **Sec. 2-251. - Established.**

In order to build public confidence in the honesty of its government, which is necessary for the proper functioning of a democratic government, there is hereby established in the town a code of ethics (hereinafter referred to as "this code") setting forth minimum standards of conduct for all officials and employees of the town.

*(Ord. of 11-19-90(3), § 1)*

### **Sec. 2-252. - Construction; applicability.**

(a) This code has been written in the simplest language possible. In any construction of this Code by an investigating committee, the board of selectmen or a court of law, the broadest possible application of the terms herein should be applied.

(b) This code shall apply to all elected and appointed officials of the town including, but not limited to, members of boards and commissions (hereinafter referred to as "officials") and all people receiving payment from the town for their personal services (hereinafter referred to as "employees").

*(Ord. of 11-19-90(3), §§ 2, 3)*

### **Sec. 2-253. - Obedience to code.**

It is the responsibility of the individual official or employee to obey this code. It is also the responsibility of all town officials and employees to encourage obedience to this Code.

*(Ord. of 11-19-90(3), § 4)*

### **Sec. 2-254. - Attendance of volunteer board, etc., members at meetings.**

People who volunteer as members or alternate members of town boards or commissions are expected to spend the necessary time and effort on these boards and commissions. Failure to attend more than one-fourth ( $\frac{1}{4}$ ) of the scheduled meetings, regular or special, in a calendar year, of the board or commission on which he serves shall be on the face evidence of a violation of this section. Unless he can show good reason for missing meetings to the investigating committee, a member or alternate member of a board or commission will be found to have broken this Code.

*(Ord. of 11-19-90(3), § 5)*

### **Sec. 2-255. - Equal treatment of persons.**

Unless there is a law which says differently (for example, handicapped access laws), no official or employee shall treat any person differently from any other person. For example, no official or employee should give more or less help to someone he knows than he gives to a stranger.

*(Ord. of 11-19-90(3), § 6)*

**Sec. 2-256. - Business or financial interest prohibited; actions in the event thereof.**

(a) It is a violation of this Code for any employee or official of the town to have a business/financial interest in anything on which he will have to act, vote or discuss as part of his duties as an employee or official.

(b) Business/financial interest means that the employee may make money, directly or indirectly, from the decision of the board or commission or the action of the employer/employee or that the employee or official will get some advantage, personal or otherwise, because of the decision of the board or commission or action of the employer/employee.

(c) By definition, an official or employee has a business/financial interest in the affairs of:

- (1) The following relatives of the official or employee or of the official's or employee's spouse or former spouse: great grandchildren, nephew, niece, aunt, uncle, great grandparent, grandchild, brother, sister, grandparent, child, parent, husband, wife;
- (2) Any person or any type of business with whom the official or employee has a contract, either written or oral;
- (3) Any business in which the official or employee is an officer, director, employee or member;
- (4) Any business which is owned in whole or in part, directly or indirectly, by the official or employee, including the ownership of stock.

(d) An official or employee who has a business/financial interest, as defined in this section, in any official act or action under consideration shall either:

- (1) Not participate in the deliberation and decision-making thereon; or
- (2) Disclose on the record the nature and extent of such interest and seek a ruling as follows:
  - a. In the case of an employee, that employee's department head shall then determine whether to:
    1. Allow the employee to participate in the discussion of the matter;
    2. Allow the employee to make a decision on the matter;
  - b. In the case of an official, the remaining members of the board or commission involved shall vote whether to allow the official to discuss and vote on the issue; provided that any vote by such board or commission to allow the official in question to discuss and vote on the issue must be by unanimous vote of



those remaining members present. Disclosure under this section shall be on its face evidence of compliance with this code. This provision shall not supersede the requirements of sections 8-11 and 8-21 of the General Statutes.

*(Ord. of 11-19-90(3), §§ 7, 8)*

### **Sec. 2-257. - Acceptance of gifts.**

(a) Gifts to employees or officials are hereby prohibited unless approved before receipt at a town meeting after full disclosure of the purpose and nature of the gift. This provision does not apply to gifts in-kind of nominal value not to exceed twenty-five dollars (\$25.00) tendered on gift-giving occasions generally recognized by society, e.g., Christmas, Hanukkah, birthdays, baby showers, etc., or to gifts given by a family member, other relative or close personal friend.

(b) Gifts to the town itself (excluding unconditional gifts to the New Fairfield Free Public Library and the New Fairfield Volunteer Fire Department and any of its subdivisions) are hereby prohibited unless:

- (1) In the case of gifts which do not exceed five thousand dollars (\$5,000.00) in value, the board of selectmen votes to accept the gift after full disclosure of the purpose and nature of the gift;
- (2) In the case of gifts which exceed five thousand dollars (\$5,000.00) in value, acceptance of the gift is approved by a town meeting after full disclosure of the purpose and nature of the gift.

*(Ord. of 11-19-90(3), § 9)*

### **Sec. 2-258. - Representation of private interests.**

No official or employee shall represent private interests before a board or commission of which he is a member or where his representation arose out of the activities of the board or commission of which he is a member. No official or employee shall represent private interests in litigation against the town board or commission of which he is a member or where his representation arose out of the activities of the board or commission of which he is a member. In any case where an official or employee is representing private interests before a town board or commission, or before a town official, that official or employee shall disclose on the public record his membership on all boards or commissions or his position as an employee of the town.

*(Ord. of 11-19-90(3), § 10)*

### **Sec. 2-259. - Disclosure of confidential information.**

Disclosure by an official or employee of information required by law to be confidential is prohibited.

*(Ord. of 11-19-90(3), § 11)*

### **Sec. 2-260. - Engaging in political activity.**

Officials and employees shall not allow political activities to interfere with the performance of their official duties, nor shall they engage in any political activity while:

- (1) ..In the case of an employee, during working hours;
- (2) In the case of an official, during the performance of his official duties.

*(Ord. of 11-19-90(3), § 12)*

### **Sec. 2-261. - Discrimination.**

No official or employee shall discriminate against any person on the basis of that person's race, creed, sex, sexual orientation, national origin, political affiliation, or age except as required by state law. Engaging in discriminatory conduct shall be on its face evidence of a violation of this code.

*(Ord. of 11-19-90(3), § 13)*

### **Sec. 2-262. - Enforcement.**

(a) Enforcement of this Code rests with the board of selectmen. The board of selectmen shall receive complaints of violation of this Code. Any person who wishes to file a complaint against any official or employee shall do so in writing, on forms to be made available at the selectmen's office and the town clerk's office, and shall sign and date such complaint. The complaint shall contain a simple statement of the facts claimed to be a violation of this Code and, if known, the name, address and title or position of the employee or official. Complaints shall be submitted at the selectmen's office.

(b) The person filing such a complaint shall be referred to as the "complainant," and the official or employee alleged to have committed a violation of this code shall be referred to as the "respondent."

(c) When a complaint is received by the selectmen's office, the date and time of receipt shall be noted in writing on the complaint. Within five (5) days of receipt of the complaint, the selectmen's office shall notify the respondent of the filing of the complaint and shall send him a copy of such complaint. Within fifteen (15) days of receipt of the complaint, the board of selectmen shall appoint a committee of three (3) registered voters of the town. No more than two (2) of the committee shall be from the same political party. None of the committee members can be members of the board of selectmen. The complaint shall then be referred to the committee. The committee shall convene itself within ten (10) days of appointment and determine if there is probable cause to believe that the respondent has violated the Code of Ethics. "Probable cause" means more than mere suspicion. There must be facts and circumstances, and trustworthy information sufficient to justify the belief of a reasonable person that a violation of the Code of Ethics



has occurred. Prior to a finding of probable cause, the complainant shall not disclose the existence or contents of the complaint to any third party and the complaint and the record of any investigation by the committee shall be confidential, unless the respondent requests that such complaint or record be made public. Prior to a finding of probable cause, any investigation, meeting or hearing held by the committee shall not be open to the public, unless the respondent requests that such investigation, meeting or hearing be held in public. By filing a complaint, the complainant shall be bound by the confidentiality requirements of this section and of Section 1-82a of the Connecticut General Statutes. Prior to a determination of probable cause, no member of the committee shall disclose his or her knowledge of such complaint or of any investigation by the committee to a third party, except to the extent necessary to conduct the investigation. Prior to any finding of probable cause, the respondent shall have the right to appear before and to be heard by the committee and to offer any information by way of answer or denial of the allegations.

If the committee determines that probable cause does not exist, the committee shall dismiss the complaint. The committee shall provide written notice of its actions and the reasons for its actions to the complainant and the respondent and the complaint and the record of any investigation shall not be disclosed by the complainant, any witness or any committee or staff member and shall remain confidential, unless the respondent requests that such complaint or record be made public.

If the committee determines that probable cause does exist, then the committee shall, within five (5) business days after any such finding make the entire record of the investigation available to the public and shall thereafter hold a public hearing wherein the complainant and the respondent are allowed to be heard. At the hearing, the respondent shall be allowed to have an attorney represent him. The respondent shall be afforded the opportunity to cross examine any witnesses in support of the complaint and shall have a right to present evidence and witnesses in his behalf. The committee, with the administrative support of the selectmen's office, shall give written notice of the date, place and time of the hearing at least five (5) days prior to the hearing to the complainant and the respondent by first class mail. Upon completion of the investigation, the committee shall issue short written findings and shall either (a) dismiss the complaint or, (b) having found a violation, shall levy punishment in accordance with Sec. 2-263, as it deems appropriate, which punishment shall in any event include public censure. The committee shall complete its investigation and hearing and shall make its decision within thirty (30) days of its appointment. The committee shall send by first class mail a copy of its decision to the complainant and to the respondent and shall make its decision public.

(d) The respondent may appeal the decision of the committee to the board of selectmen, within fifteen (15) days of mailing notice of the decision of the committee, by giving written notice of the appeal to the board of selectmen. Upon receipt of such notice of appeal, the board of selectmen shall review the proceedings of the investigation conducted by the committee and, if desired, may listen to the tapes of the meetings and the hearing(s) of the committee. The board of selectmen shall, within fifteen (15) days of receipt of the notice of appeal, either grant the appeal or dismiss the appeal. Within five (5) days of making its decision, the board of selectmen shall give written notice of its decision and the reasons for its decision to the complainant and the respondent. Notice shall be by first class mail, and the decision shall be made public. If the board of selectmen grants the