Ethics And Conflicts ofInterest

A CCM Research and Information Municipal Tool Kit

Introduction

The following Ethics And Conflicts of Interest Municipal Tool Kit is provided as an informative publication to all CCM members.

For more information regarding this or any question please contact the CCM Research and Information Services Department at (203) 498-3000 or research@ccm-ct.org.

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Purpose of A Code of Ethics, United Nations Habitat, Human Settlements Programme, 2005

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Model Code of Ethics For Local Governments, New York Office of the State Comptroller, Local Government and School Accountability, 2010
Section 5: Connecticut Municipal Ethics Ordinances

Bridgeport (pop. 147,216)
Bristol (pop. 60,568)
Enfield (pop. 44,748)
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Connecticut Municipalities With a Codes of Ethics
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Section 1: Introduction:

Municipal officials must maintain a high level of ethical conduct to earn and foster the trust and confidence of their constituents: Most do.

However, if problems occur, those local governments that are best prepared to deal swiftly with allegations of an ethical breach will be best prepared to maintain and/or regain the approbation of their citizens.

In this guide, the Connecticut Conference of Municipalities provides a variety of selections on this subject: relevant Connecticut statutes on ethics, materials offering an overview of ethical principles and issues at the municipal level, and examples of actual Connecticut and model codes of ethics.

An important note: Many of the materials in this guide deal primarily with laws concerning ethics. It is important to realize that there is a difference between law and ethics, in order that they encourage an atmosphere of ethical behavior, not simply one in which the letter of the law provides a rationale for questionable practices. ¹

But that does not mean that there are not widely accepted principles and guidelines for ethical conduct. There are and that is one thing this manual seeks to present.

To get municipal officials thinking about the non-code oriented aspect of ethical, responsible behavior, and why it is important, included in this Guide under Tab 5 is an article from the International City/County Management Association, "Practical Difficulties With Ethics."

Basics of Local Ethics Codes and Commissions:

Following is a set of questions and answers that explain some basics of municipal ethics codes and ethics commissions, as well as conflicts of interest in Connecticut. (These are adapted from a column in the January-February 2002 edition of Connecticut Town & City, published by the Connecticut Conference of Municipalities.)

¹ In a community of law-abiding people, there can be a plurality of acceptable approaches to the practice of ethics. To the extent the community formally defines and agrees on acceptable minimum standards for the practice of ethics, and establishes penalties that may be imposed on those who fail to meet the standards, those formal standards become law; and are no longer "merely" ethics. A person remains law-abiding even if the person's guiding principle is: "as long as I will not be punished under law for doing or not doing something, whatever I do is alright." But will a person remain ethical if the person's guiding principle is: "as long as I will not be punished under the law for doing or not doing something, whatever I do is alright?" If you would answer this question no, then you have perceived a difference between law and ethics. It is because of this difference that it is often said that a community cannot legislate ethics.

Excerpted from "Ethics, Editor's Commentary, IMLA Model Ordinance on Ethics," International Municipal Lawyers Association, 1998. The entire model ordinance, including the editor's commentary, can be located in Tab 4 of this guide.
Q. What authority do Connecticut municipalities have to establish local ethics commissions, and codes of ethics?

A. Connecticut General Statutes § 7-148h(a) ("Ethics commission; establishment and powers. Interest in conflict with discharge of duties.") provides that "any town, city or borough may, by charter provision or ordinance, establish a board, commission, council, committee or other agency to investigate allegations of unethical conduct, corrupting influence or illegal activities levied against any municipal official, officer or employee of such."

CGS § 7-148(c)(10) provides municipalities with the power to adopt a code of "ethical conduct."

CGS § 7-479 ("Conflict of interest") allows any municipality to prohibit, by ordinance or regulation, its officials and employees from having financial or other personal beneficial interests in contracts, goods or services furnished to or used by the municipality. A municipality also may prohibit its officials and employees from accepting money or rewards in return for "any promise, obligation or contract for future reward or compensation."

Q. Have any cities or towns formed a regional board of ethics?

A. No. However, Public Act 01-117 authorized any "two or more municipalities [to] jointly perform any function that each municipality may perform separately under any provisions of the general statutes or of any special act, charter or home rule ordinance." These functions include the ability to establish ethics commissions; regional commissions could result in less incident of recusal by panel members and potential cost-savings.

Q. What are the enforcement powers of local ethics commissions established under CGS 7-148h?

A. The statute provides local ethics commissions with the power to "issue subpoenas ... enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers."

Q. What do local codes of ethics contain?

A. Local codes of ethics usually prescribe which officials are covered by the code and what constitutes a conflict of interest. They may also provide other guidelines, including those to be used by boards of ethics when they conduct investigations.

Q. What is a conflict of interest?

A. CGS § 7-148(h)(b) provides a definition of "substantial conflict" for use in municipalities
that have adopted ethics commissions under its provisions. Under this definition, an elected municipal official "has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed by the laws of [Connecticut] if he has reason to believe or expect that he, his spouse, a dependent child or a business with which he is associated ...will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity," Other pertinent statutes include CGS § 7-148t (addressing conflicts of interest for members of land use and purchasing commissions and boards), CGS § 7-2330 (addressing conflicts of interest for representatives, officers and employees of municipal electric energy cooperatives), CGS § 7- 478, ("Municipal employee or member of civil service board or commission not to participate in certain matters"), and CGS § 8-21 (barring certain land use officials from appearing for or representing an entity before certain land use commissions).

Q. What do the Connecticut courts say about conflicts of interest?

Numerous Connecticut comi decisions deal with conflicts of interest. They arise under the General Statutes, the common law, and municipal charters and ordinances. They amplify as well as augment the relatively sparse standards and constraints of the statutes and municipal laws. Of particular note are these cases:

*Low v. Town of Madison, 135 Conn.l, 8, 60 A.2d 774; 776-778 (1948). The Connecticut Supreme Court declared invalid an amendment to the town's zoning regulations, where a zoning commission member voted upon his wife's application for the amendment. "He could not, with propriety, vote upon his wife's application, and, since the change of zone... depended upon his participation, the action of the zoning commission was invalid .[W]e have not adopted personal pecuniary interest as the conclusive test." Relationships themselves may be determinative as to whether a disqualifying conflict exists. [Citing cases, and giving examples from prior cases]. "The single question is whether [the commissioner's] public duty as a member of the zoning commission so conflicted with his private interest in his wife's application that the fairness and impartiality of the proceedings are called in question. Public office is a trust conferred by public authority for a public purpose. [Citations]. His status forbids the public officer from placing himself in a position where his private interest conflicts with his public duty."

*Dana-Robin Corporation v. Common Council of the City of Danbury, 166 Conn. 207, 348 A.2d 560, 563-565 (1974). The state Supreme Court decided that just because two of the planning commissioners owned multifamily housing developments in Danbury, they were not necessarily disqualified from voting on a proposed rental housing complex. The Court ruled, by a 5 to 1 majority, that there was no need for disqualification because the evidence supplied the trial court's conclusion that each commissioner's interest was too remote or
speculative to disqualify him. "[T]he decision as to whether a particular interest is sufficient to disqualify is necessarily a factual one and depends on the circumstances of the particular case." [Citation]. The lone dissenting justice concluded that here the commissioners' interest reasonably might conflict, and therefore that disqualification was required. [At 567-568].

*Josephso11 v. Plan11ii11g Board, 151 Conn. 489, 493-495, 199A.2d 690 (1964). "The test is not whether personal interest does conflict, but whether it reasonably might conflict." Gaynor-Stafford Industries v. Water Pollution Control Authority of the Town of Stafford, 192 Coml. 638, 649-651, 474 A. 2d 752 (1984). "We recognize and reaffirm the principle first declared in Low v. Madison, supra, that the appearance of impropriety created by a public official's participation in a matter in which he has a pecuniary or personal interest is alone sufficient to require disqualification. The prophylactic rule serves the salutary purpose of promoting public confidence in the fairness of the decision-making process and preventing the public official from placing himself in a position where he might be tempted to breach the public trust bestowed upon him. 'Whether a particular interest justifies disqualification is necessarily a factual question, for not every interest, no matter how remote and infinitesimal, may be said to possess the likely capacity to tempt the public official to depart from his sworn duty.' [Citation]. 4 McQuillin, Municipal Corporations (3d Ed. Rev. 1979) §13.35". 
SECTION 2: RELEVANT CONNECTICUT STATE STATUTES

CODE OF ETHICS FOR PUBLIC OFFICIALS

*Code of ethics for public officials, Secs. 1-79–1-89 cited. 18 CA 212.

Sec. 1-79. Definitions. The following terms, when used in this part, shall have the following meanings unless the context otherwise requires:

(a) “Blind trust” means a trust established by a public official or state employee or member of his immediate family for the purpose of divestiture of all control and knowledge of assets.

(b) “Business with which he is associated” means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or state employee or member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class, provided, a public official or state employee, or member of his immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the public official or state employee or member of his immediate family is an unpaid director or officer of the not for profit entity. “Officer” refers only to the president, executive or senior vice president or treasurer of such business.

(c) “Candidate for public office” means any individual who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, or who has raised or expended money in furtherance of such candidacy, or who has been nominated for appointment to serve as a public official, but shall not include a candidate for the office of senator or representative in Congress.

(d) “Board” means the Citizen’s Ethics Advisory Board established in section 1-80.

(e) “Gift” means anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. “Gift” shall not include:

1. A political contribution otherwise reported as required by law or a donation or payment as described in subdivision (9) or (10) of subsection (b) of section 9-601a;

2. Services provided by persons volunteering their time, if provided to aid or promote the success or defeat of any political party, any candidate or candidates for public office or the position of convention delegate or town committee member or any referendum question;

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 (A) an individual’s spouse, fiance or fiancee, (B) the parent, brother or sister of such spouse or such individual, or (C) the child of such individual or the spouse of such child;

(5) Goods or services (A) which are provided to a state agency or quasi-public agency (i) for use on state or quasi-public agency property, or (ii) that support an event, and (B) which facilitate state or quasi-public agency action or functions. As used in this subdivision, “state property” means (i) property owned by the state or a quasi-public agency, or (ii) property leased to a state agency or quasi-public agency;

(6) A certificate, plaque or other ceremonial award costing less than one hundred dollars;

(7) A rebate, discount or promotional item available to the general public;

(8) Printed or recorded informational material germane to state action or functions;

(9) Food or beverage or both, costing less than fifty dollars in the aggregate per recipient in a calendar year, and consumed on an occasion or occasions at which the person paying, directly or indirectly, for the food or beverage, or his representative, is in attendance;

(10) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed legislative reception to which all members of the General Assembly are invited and which is hosted not more than once in any calendar year by a lobbyist or business organization. For the purposes of such limit, (A) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which he owns or is employed by, and (B) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception;

(11) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed reception to which all members of the General Assembly from a region of the state are invited and which is hosted not more than once in any calendar year by a lobbyist or business organization. For the purposes of such limit, (A) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which he owns or is employed by, and (B) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception. As used in this subdivision, “region of the state” means the established geographic service area of the organization hosting the reception;

(12) A gift, including, but not limited to, food or beverage or both, provided by an individual for the celebration of a major life event, provided any such gift provided by an individual who is not a member of the family of the recipient shall not exceed one thousand dollars in value;
(13) Gifts costing less than one hundred dollars in the aggregate or food or beverage provided at a hospitality suite at a meeting or conference of an interstate legislative association, by a person who is not a registrant or is not doing business with the state of Connecticut;

(14) Admission to a charitable or civic event, including food and beverage provided at such event, but excluding lodging or travel expenses, at which a public official or state employee participates in his official capacity, provided such admission is provided by the primary sponsoring entity;

(15) Anything of value provided by an employer of (A) a public official, (B) a state employee, or (C) a spouse of a public official or state employee, to such official, employee or spouse, provided such benefits are customarily and ordinarily provided to others in similar circumstances;

(16) Anything having a value of not more than ten dollars, provided the aggregate value of all things provided by a donor to a recipient under this subdivision in any calendar year shall not exceed fifty dollars;

(17) Training that is provided by a vendor for a product purchased by a state or quasi-public agency which is offered to all customers of such vendor; or

(18) Travel expenses, lodging, food, beverage and other benefits customarily provided by a prospective employer, when provided to a student at a public institution of higher education whose employment is derived from such student’s status as a student at such institution, in connection with bona fide employment discussions.

(f) “Immediate family” means any spouse, children or dependent relatives who reside in the individual’s household.

(g) “Individual” means a natural person.

(h) “Member of an advisory board” means any individual (1) appointed by a public official as an advisor or consultant or member of a committee, commission or council established to advise, recommend or consult with a public official or branch of government or committee thereof, (2) who receives no public funds other than per diem payments or reimbursement for his actual and necessary expenses incurred in the performance of his official duties, and (3) who has no authority to expend any public funds or to exercise the power of the state.

(i) “Person” means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.

(j) “Political contribution” has the same meaning as in section 9-601a except that for purposes of this part, the provisions of subsection (b) of that section shall not apply.

(k) “Public official” means any state-wide elected officer, any member or member-elect of the General Assembly, any person appointed to any office of the legislative, judicial or executive
branch of state government by the Governor or an appointee of the Governor, with or without the advice and consent of the General Assembly, any public member or representative of the teachers’ unions or state employees’ unions appointed to the Investment Advisory Council pursuant to subsection (a) of section 3-13b, any person appointed or elected by the General Assembly or by any member of either house thereof, any member or director of a quasi-public agency and the spouse of the Governor, but shall not include a member of an advisory board, a judge of any court either elected or appointed or a senator or representative in Congress.


(m) “State employee” means any employee in the executive, legislative or judicial branch of state government, whether in the classified or unclassified service and whether full or part-time, and any employee of a quasi-public agency, but shall not include a judge of any court, either elected or appointed.

(n) “Trust” means a trust in which any public official or state employee or member of his immediate family has a present or future interest which exceeds ten per cent of the value of the trust or exceeds fifty thousand dollars, whichever is less, but shall not include blind trusts.

(o) “Business organization” means a sole proprietorship, corporation, limited liability company, association, firm or partnership, other than a client lobbyist, which is owned by, or employs, one or more individual lobbyists.

(p) “Client lobbyist” means a person on behalf of whom lobbying takes place and who makes expenditures for lobbying and in furtherance of lobbying.

(q) “Necessary expenses” means a public official’s or state employee’s expenses for an article, appearance or speech or for participation at an event, in his official capacity, which shall be limited to necessary travel expenses, lodging for the nights before, of and after the appearance, speech or event, meals and any related conference or seminar registration fees.

(r) “Lobbyist” and “registrant” shall be construed as defined in section 1-91.

(s) “Legal defense fund” means a fund established for the payment of legal expenses of a public official or state employee incurred as a result of defending himself or herself in an administrative, civil, criminal or constitutional proceeding concerning matters related to the official’s or employee’s service or employment with the state or a quasi-public agency.
(t) “State agency” means any office, department, board, council, commission, institution, constituent unit of the state system of higher education, technical high school or other agency in the executive, legislative or judicial branch of state government.


History: P.A. 77-605 redefined “political contribution”; P.A. 79-493 redefined “candidate for public office”, “gift”, “immediate family”, “member of an advisory board” and “public official” and included treasurers as officers of businesses in Subdiv. (a); P.A. 81-395 substituted reference to Sec. 9-335(18) for reference to Sec. 9-348q(a) in Subdiv. (i); P.A. 82-423 amended Subdiv. (d) to change food and beverage exception from under $25 to under $50; P.A. 83-249 amended Subdiv. (i) to broaden the definition of “political contribution”; P.A. 84-335 amended Subdiv. (j) to include sheriffs and deputy sheriffs in definition of “public official”; P.A. 86-99 amended definition of “political contribution” to reflect technical changes made in chapter 150; P.A. 88-139 added definitions of “blind trust” and “trust”, redefined “business with which he is associated” to include references to sole proprietorships, firms, corporations, trusts and other profit or nonprofit entities, and redefined “person” to include sole proprietorships and trusts, relettering Subdivs. as necessary; P.A. 88-225 included “any member or director of a quasi-public agency” in definition of “public official”, included “any employee of a quasi-public agency” in definition of “state employee” and inserted new Subdiv. defining “quasi-public agency”, relettering former Subdivs. as necessary; P.A. 89-245 amended the definition of “quasi-public agency” in Subdiv. (l) to rename Connecticut Product Development Corporation as Connecticut Innovations, Incorporated; P.A. 89-360 redefined “quasi-public agency” to include the New Haven Family Alliance; P.A. 89-369 limited exception in definition of “gift” for food or beverage costing less than $50 per person and consumed on a single occasion to an occasion “at which the person paying, directly or indirectly, for the food or beverage, or his representative, is in attendance”; June Sp. Sess. P.A. 91-8 deleted reference to New Haven Family Alliance in definition of “quasi-public agency”; June 12 Sp. Sess. P.A. 91-1 added exception to definition of “business with which he is associated” in Subdiv. (b), substantially amended definition of “gift” and exceptions to “gift” in Subdiv. (e), redefined “quasi-public agency” in Subdiv. (l) by adding Lower Fairfield County Convention Center Authority and Connecticut Convention Center Authority, and added Subdivs. (o) to (r), inclusive, defining “business organization”, “client lobbyist”, “necessary expenses” and “lobbyist” and “registrant”; P.A. 92-149 redefined “client lobbyist”; P.A. 93-413 included Connecticut Coastline Port Authority in definition of “quasi-public agency” in Subdiv. (l), effective July 1, 1993; P.A. 95-79 redefined “person” and “business organization” to include a limited liability company, effective May 31, 1995; June 18 Sp. Sess. P.A. 97-5 amended Subsec. (e)(1) by changing Sec. 9-333b(b) Subdiv. reference from
(11) to (10), effective July 1, 1997, and applicable to elections and primaries held on or after January 1, 1998; June 18 Sp. Sess. P.A. 97-6 amended Subsec. (e) by expanding Subdiv. (5), by changing limit to $50 in Subdiv. (9), inserting new Subdiv. (11) re food or beverage consumed at a publicly noticed reception, adding new Subdiv. (14) re admission to charitable or civic event, adding new Subdiv. (15) re anything of value provided by employer and adding new Subdiv. (16) re anything of value of not more than $10, effective January 1, 1998 (Revisor’s note: In Subdiv. (11) of Subsec. (e) a hyphen between “publicly” and “noticed” was deleted editorially by the Revisors for consistency with customary statutory usage); P.A. 98-179 amended Subsec. (l), defining “quasi-public agency”, by deleting the Connecticut Convention Center Authority and adding the Capital City Economic Development Authority, effective June 1, 1998; P.A. 99-56 amended Subsec. (k) by adding an appointee of the Governor to the definition of “public official”; P.A. 00-43 amended Subsec. (k) to include members of the Investment Advisory Council as “public officials”, effective May 3, 2000; P.A. 00-99 deleted reference to sheriff and deputy sheriff in Subsec. (k), effective December 1, 2000; P.A. 01-143 amended Subsec. (l) by changing Connecticut Coastline Port Authority to Connecticut Port Authority, effective July 6, 2001; P.A. 04-143 redefined “quasi-public agency” in Subsec. (l) to eliminate Connecticut Port Authority from definition, effective July 1, 2004; P.A. 04-198 applied provisions to Sec. 1-86d, made technical changes in Subsecs. (e)(10) and (h) and defined “legal defense fund” in Subsec. (s), effective June 3, 2004, and redefined “quasi-public agency” in Subsec. (l) to include Connecticut Lottery Corporation; P.A. 05-183 replaced definition of “commission” with definition of “board”, effective July 1, 2005; P.A. 05-287 amended Subsec. (e)(2) to provide that excepted services are those services provided to aid or promote the success or defeat of any political party, any candidate or the position of convention delegate or town committee member or any referendum question, effective July 1, 2005; P.A. 06-76 amended Subsec. (l) to delete reference to Connecticut Hazardous Waste Management Service; P.A. 07-1 amended Subsec. (e)(5) to include reference to a state or quasi-public agency, added Subsec. (e)(17) re training provided by a vendor and added Subsec. (t) defining “state agency”, effective February 8, 2007; June 11 Sp. Sess. P.A. 08-3 amended Subsec. (e)(12) to add requirement that gift provided by an individual who is not a family member of recipient shall not exceed $1,000 in value and amended Subsec. (k) to include spouse of the Governor; P.A. 10-101 amended Subsec. (e) by making a technical change in Subdiv. (12) and adding Subdiv. (18) re exclusion of certain benefits provided by prospective employer to student of public institution of higher education from definition of “gift”; P.A. 10-117 redefined “quasi-public agency” to include Health Information Technology Exchange of Connecticut in Subsec. (l), effective June 8, 2010; P.A. 11-53 redefined “quasi-public agency” in Subsec. (l) to include Connecticut Health Insurance Exchange, effective July 1, 2011; P.A. 11-84 redefined “quasi-public agency” in Subsec. (l) to include Connecticut Airport Authority, effective July 1, 2011; pursuant to P.A. 12-116, “vocational-technical school” was changed editorially by the Revisors to “technical high school” in Subdiv. (t), effective July 1, 2012; P.A. 12-147 replaced “Capital City Economic Development Authority” with “Capital Region Development Authority” in Subdiv. (l), effective June 15, 2012; June 12 Sp. Sess. P.A. 12-1 deleted “the Connecticut Development Authority” and made a technical change in Subdiv. (l), effective July 1, 2012; June 12 Sp. Sess. P.A. 12-2 added “and Clean Energy Finance and Investment Authority” and made a technical change in Subdiv. (l), effective July 1, 2012.
Sec. 1-79a. Calculation of dollar limit on gifts. For purposes of calculating the dollar limits under the exceptions to the term “gift” under sections 1-79 and 1-91 any expenditure provided by a lobbyist who is an individual shall be deemed to have also been provided by the business organization which he owns or by which he is employed, and any expenditure provided by a business organization shall be deemed to have also been provided by all owners and employees of the business organization who are lobbyists.

(P.A. 92-149, S. 6, 12; June 18 Sp. Sess. P.A. 97-6, S. 9, 14.)

History: June 18 Sp. Sess. P.A. 97-6 deleted provision that, for purposes of calculating dollar limit, gifts costing less than $10 per occasion or transaction are not considered and added provision that, for purposes of calculating dollar limit, expenditures provided by a lobbyist shall be considered to be provided by the business organization by which he is employed and vice versa, effective January 1, 1998.

Sec. 1-80. Office of State Ethics. Citizen’s Ethics Advisory Board. Members; appointment; qualifications; vacancies; compensation; restrictions. Hearings. (a) There shall be established, within the Office of Governmental Accountability established under section 1-300, an Office of State Ethics. Said office shall consist of an executive director, general counsel, ethics enforcement officer and such other staff as hired by the executive director. Within the Office of State Ethics, there shall be the Citizen’s Ethics Advisory Board that shall consist of nine members, appointed as follows: One member shall be appointed by the speaker of the House of Representatives; one member by the president pro tempore of the Senate; one member by the majority leader of the Senate; one member by the minority leader of the Senate; one member by the majority leader of the House of Representatives; one member by the minority leader of the House of Representatives; and three members by the Governor. Members of the board shall serve for four-year terms which shall commence on October 1, 2005, except that members first appointed shall have the following terms: The Governor shall appoint two members for a term of three years and one member for a term of four years; the majority leader of the House of Representatives, minority leader of the House of Representatives and the speaker of the House of Representatives shall each appoint one member for a term of two years; the president pro tempore of the Senate, the majority leader of the Senate and the minority leader of the Senate shall each appoint one member for a term of four years. No individual shall be appointed to more than one four-year term as a member of the board, provided, members may not continue in office once their term has expired and members first appointed may not be reappointed. No more than five members shall be members of the same political party. The members appointed by the majority leader of the Senate and the majority leader of the House of Representatives shall be selected from a list of nominees proposed by a citizen group having an interest in ethical government. The majority leader of the Senate and the majority leader of the House of Representatives shall each determine the citizen group from which each will accept such nominations. One member appointed by the Governor shall be selected from a list of nominees proposed by a citizen group having an interest in ethical government. The Governor shall determine the citizen group from which the Governor will accept such nominations.

(b) All members shall be electors of the state. No member shall be a state employee. No member or employee of such board shall (1) hold or campaign for any public office; (2) have held public
office or have been a candidate for public office for a three-year period prior to appointment; (3) hold office in any political party or political committee or be a member of any organization or association organized primarily for the purpose of influencing legislation or decisions of public agencies; or (4) be an individual who is a registrant as defined in subsection (q) of section 1-91.

(c) Any vacancy on the board shall be filled by the appointing authority having the power to make the original appointment. An individual selected by the appointing authority to fill a vacancy shall be eligible for appointment to one full four-year term thereafter. Any vacancy occurring on the board shall be filled within thirty days.

(d) The board shall elect a chairperson who shall, except as provided in subsection (b) of section 1-82 and subsection (b) of section 1-93, preside at meetings of the board and a vice-chairperson to preside in the absence of the chairperson. Six members of the board shall constitute a quorum. Except as provided in subdivision (3) of subsection (a) of section 1-81, subsections (a) and (b) of section 1-82, subsection (b) of section 1-88, subdivision (5) of section 1-92, subsections (a) and (b) of section 1-93 and subsection (b) of section 1-99, a majority vote of the members shall be required for action of the board. The chairperson or any three members may call a meeting.

(e) Any matter before the board, except hearings held pursuant to the provisions of subsection (b) of section 1-82 or subsection (b) of section 1-93, may be assigned by the board to two of its members to conduct an investigation or hearing, as the case may be, to ascertain the facts and report thereon to the board with a recommendation for action.

(f) Members of the board shall be compensated at the rate of two hundred dollars per day for each day they attend a meeting or hearing and shall receive reimbursement for their necessary expenses incurred in the discharge of their official duties.

(g) The board shall not be construed to be a board or commission within the meaning of section 4-9a.

(h) The members and employees of the Citizen’s Ethics Advisory Board and the Office of State Ethics shall adhere to the following code of ethics under which the members and employees shall: (1) Observe high standards of conduct so that the integrity and independence of the Citizen’s Ethics Advisory Board and the Office of State Ethics may be preserved; (2) respect and comply with the law and conduct themselves at all times in a manner which promotes public confidence in the integrity and impartiality of the board and the Office of State Ethics; (3) be faithful to the law and maintain professional competence in the law; (4) be unswayed by partisan interests, public clamor or fear of criticism; (5) maintain order and decorum in proceedings of the board and Office of State Ethics; (6) be patient, dignified and courteous to all persons who appear in board or Office of State Ethics proceedings and with other persons with whom the members and employees deal in their official capacities; (7) refrain from making any statement outside of a board or Office of State Ethics proceeding, which would have a likelihood of prejudicing a board or Office of State Ethics proceeding; (8) refrain from making any statement outside of a board or Office of State Ethics 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; (9) preserve confidences of complainants and respondents; (10) exercise independent professional judgment on behalf of the board and Office of State Ethics; and (11) represent the board and Office of State Ethics competently.

(i) No member or employee of the board or Office of State Ethics may make a contribution, as defined in section 9-601a, to any person subject to the provisions of this part.

(j) Members of the board shall recuse themselves from participating in any proceeding or matter undertaken pursuant to this chapter that involves the person who appointed such member to the board.

(k) No member of the board may represent any business or person, other than himself or herself, before the board for a period of one year following the end of such member’s service on the board. No business or person that appears before the board shall employ or otherwise engage the services of a former member of the board for a period of one year following the end of such former member’s service on the board.

(l) No member of the board may hold any other position in state employment for a period of one year following the end of such member’s service on the board, including, but not limited to, service as a member on a state board or commission, service as a judge of the Superior Court or service as a state agency commissioner.

(m) Upon request of any aggrieved party, the board shall delay the effect of any decision rendered by the board for a period not to exceed more than seven days following the rendering of such decision.

(P.A. 77-600, S. 2, 15; 77-605, S. 2, 21; P.A. 79-493, S. 2, 9; P.A. 83-249, S. 2, 3, 14; 83-586, S. 1, 14; P.A. 84-52, S. 5; 84-334, S. 1, 3; P.A. 86-390, S. 3, 4; 86-403, S. 93, 132; P.A. 88-139, S. 4; P.A. 92-149, S. 9, 12; P.A. 03-19, S. 1; P.A. 04-204, S. 1, 2; P.A. 05-183, S. 2; P.A. 06-187, S. 68; 06-196, S. 1–3; P.A. 11-48, S. 61.)

History: P.A. 77-605 changed method for making initial appointments and qualifications for members and placed commission in the office of secretary of the state for administrative purposes only; P.A. 79-493 changed provisions concerning quorum, introduced provisions for fact-finding investigations and hearings and excluded commission from Sec. 4-9a; P.A. 83-249 amended Subsec. (a) to clarify that terms commence on October first and that members may continue in office until successors are appointed and qualify and made technical changes in Subsec. (d); P.A. 83-586 added Subsec. (h) allowing appointment of executive director and general counsel upon concurrence of vote of five members and dismissal upon concurrence of vote of four members; P.A. 84-52 made technical changes in Subsecs. (d) and (e) to reflect relettering of subsections in Secs. 1-82 and 1-93; P.A. 84-334 increased members’ compensation from $25 to $50 per day; P.A. 86-390 deleted provision in Subsec. (a) placing commission within the office of the secretary of the state for administrative purposes only; P.A. 86-403 made technical change in Subsec. (d); P.A. 88-139, S. 4 which was codified as Subsec. (i) established a code of ethics for members and employees of the ethics commission; P.A. 92-149 amended Subsec. (d) to make technical corrections, deleted Subsec. (h) re appointment of executive director and general
counsel, and relettered remaining Subsec. accordingly; P.A. 03-19 made a technical change in Subsec. (d), effective May 12, 2003; P.A. 04-204 amended Subsec. (a) to increase members from seven to nine, one appointed each by majority leaders of House and Senate, specify terms of initial appointees, add method of selection for such additional members, add method of selection for one member appointed by Governor on and after October 1, 2004, and increase limit on members from same political party from four to five, and amended Subsec. (d) to increase quorum from five to six members and number of members necessary to call a meeting from four to five, effective June 3, 2004; P.A. 05-183 amended Subsec. (a) to replace State Ethics Commission with Office of State Ethics and Citizen’s Ethics Advisory Board, amended Subsec. (b) to prohibit any member from being a state employee, made technical changes in Subsec. (c), amended Subsec. (d) to make technical changes, authorize a majority vote of members, rather than quorum, to conduct business and enable any three members, rather than any five members, to call a meeting, amended Subsecs. (e) to (h) to make technical changes, added Subsec. (i) re prohibited contributions by members of the board or employees of the Office of State Ethics, added Subsec. (j) re recusal in certain matters by members of the board, added Subsec. (k) re representation before the board by any member of the board within one year of the end of such member’s service on the board, added Subsec. (l) re member prohibition on holding any other position in state employment for a period of one year from the end of such member’s service on the board and added Subsec. (m) re request for delay of the effect of any decision rendered by the board, effective July 1, 2005; P.A. 06-187 amended Subsec. (f) to change rate of compensation for board members from $50 to $200 per day for attending a meeting or hearing, effective May 26, 2006; P.A. 06-196 made technical changes in Subsecs. (a), (k) and (m), effective June 7, 2006; P.A. 11-48 amended Subsec. (a) by adding language re Office of Governmental Accountability and by deleting language re independent and successor agency, effective July 1, 2011.

Sec. 1-80a. Statements filed with commission. Restrictions on use. Section 1-80a is repealed, effective October 1, 2002.

(P.A. 78-169, S. 1, 2; S.A. 02-12, S. 1.)

Sec. 1-81. Duties of the board, Office of State Ethics. Employment of executive director, general counsel, ethics enforcement officer. Legal and enforcement divisions of the Office of State Ethics. Regulations. State personnel training in ethics. (a) The board and general counsel and staff of the Office of State Ethics shall:

(1) Compile and maintain an index of all reports, advisory opinions, informal staff letters, memoranda issued in accordance with subsection (b) of section 1-82 and statements filed by and with the Office of State Ethics to facilitate public access to such reports and advisory opinions, informal staff letters, memoranda statements as provided by this part;

(2) Preserve advisory opinions and informal staff letters, permanently; preserve memoranda issued in accordance with subsection (b) of section 1-82 and statements and reports filed by and with the board for a period of five years from the date of receipt;
(3) Upon the concurring vote of a majority of the board present and voting, issue advisory opinions with regard to the requirements of this part, upon the request of any person subject to the provisions of this part, and publish such advisory opinions in the Connecticut Law Journal. Advisory opinions rendered by the board, until amended or revoked, shall be binding on the board and shall be deemed to be final decisions of the board for purposes of appeal to the superior court, in accordance with the provisions of section 4-175 or 4-183. Any advisory opinion concerning the person who requested the opinion and who acted in reliance thereon, in good faith, shall be binding upon the board, and it shall be an absolute defense in any criminal action brought under the provisions of this part, that the accused acted in reliance upon such advisory opinion;

(4) Respond to inquiries and provide advice regarding the code of ethics either verbally or through informal letters;

(5) Provide yearly training to all state employees regarding the code of ethics;

(6) Make legislative recommendations to the General Assembly and report annually, prior to April fifteenth, to the Governor summarizing the activities of the commission;

(7) Meet not less than once per month with the office’s executive director and ethics enforcement officer; and

(8) The commission may enter into such contractual agreements as may be necessary for the discharge of its duties, within the limits of its appropriated funds and in accordance with established procedures.

(b) The Office of State Ethics shall employ an executive director, general counsel and ethics enforcement officer, each of whom shall be exempt from classified state service. The salary for the executive director, general counsel and the ethics enforcement officer shall be determined by the Commissioner of Administrative Services in accordance with accepted personnel practices. No one person may serve in more than one of the positions described in this subsection. The Office of State Ethics may employ necessary staff within available appropriations. Such necessary staff of the Office of State Ethics shall be in classified state service.

(c) The executive director, described in subsection (b) of this section, shall be appointed by the Citizen’s Ethics Advisory Board for an open-ended term. Such appointment shall not be made until all the initial board members appointed to terms commencing on October 1, 2005, are appointed by their respective appointing authorities, pursuant to subsection (a) of section 1-80. The board shall annually evaluate the performance of the executive director, in writing, and may remove the executive director, in accordance with the provisions of chapter 67.

(d) The general counsel and ethics enforcement officer described in subsection (b) of this section, and other staff of the Office of State Ethics shall be appointed by the executive director of the Office of State Ethics. The executive director shall annually evaluate the performance of the general counsel, ethics enforcement officer and such other staff, in writing, and may remove
the general counsel or ethics enforcement officer, in accordance with the provisions of chapter 67, or such other staff, in accordance with any applicable collective bargaining agreement.

(e) There shall be a legal division within the Office of State Ethics. The legal division shall provide the board with legal advice on matters before said board and shall represent the board in all matters in which the board is a party, without the assistance of the Attorney General unless the board requests such assistance. The legal division shall, under the direction of the general counsel, provide information and written and verbal opinions to persons subject to the code and to the general public. The general counsel, described in subsection (b) of this section, shall supervise such division. The investigation or instigation of a complaint may not occur solely because of information received by the legal division.

(f) There shall be an enforcement division within the Office of State Ethics. The enforcement division shall be responsible for investigating complaints brought to or by the board. The ethics enforcement officer, described in subsection (b) of this section, shall supervise the enforcement division. The enforcement division shall employ such attorneys and investigators, as necessary, within available appropriations, and may refer matters to the office of the Chief State’s Attorney, as appropriate.

(g) The Citizen’s Ethics Advisory Board shall adopt regulations in accordance with chapter 54 to carry out the purposes of this part. Such regulations shall not be deemed to govern the conduct of any judge trial referee in the performance of such judge trial referee’s duties pursuant to this chapter.

(h) In consultation with the executive director of the Office of State Ethics, the general counsel shall oversee yearly training of all state personnel in the code of ethics, provide training on the code of ethics to other individuals or entities subject to the code and shall make recommendations as to public education regarding ethics.


History: P.A. 77-605 specifically provided that advisory opinions be published in the Connecticut Law Journal; P.A. 79-493 limited the issuance of advisory opinions to those in which at least four members concur; P.A. 83-249 deleted the words “subject to the provisions of this part” modifying “public official or state employee” in Subsec. (a)(3); P.A. 83-493 amended Subsec. (a) to provide that advisory opinions shall be deemed to be final decisions of the commission for purposes of Sec. 1-87; P.A. 84-52 made technical changes to reflect relettering of subsections in Sec. 1-82; P.A. 86-403 made technical changes in Subsec. (a); P.A. 89-97 added Subdiv. (5) requiring commission to adopt regulations; P.A. 89-369 amended Subsec. (a)(3) to authorize any “person subject to the provisions of this part”, instead of any “public official or state employee”, to request an advisory opinion; P.A. 92-149 amended Subsec. (b) to authorize employment of an executive director and general counsel; P.A. 94-172 inserted new Subdivs. (5) and (6) re model codes of ethics and renumbered former Subdiv. (5) as (7); P.A. 95-
amended Subsec. (a)(5) and (6) by repealing requirement that the commission enforce model codes for municipalities and districts (Revisor’s note: In Subdiv. (6) the word “and” was added editorially by the Revisors before “provide” to correspond with technical change enacted in Subdiv. (5)); P.A. 99-55 amended Subsec. (a)(4) by changing reporting date from February to April; P.A. 02-89 amended Subsec. (a) by deleting as obsolete former Subdivs. (5) and (6) re development by July 1, 1995, of a model code of ethics for officials and officers of municipalities and for officers of districts, respectively, and redesignating existing Subdiv. (7) as Subdiv. (5); P.A. 04-204 amended Subsec. (a)(3) to increase vote required to issue advisory opinions from four to five members, effective June 3, 2004; P.A. 05-183 amended Subsec. (a) to change references from the commission to the board and Office of State Ethics, include the duty to maintain informal staff letters, require a majority of board members present and voting for the issuance of advisory opinions, rather than a concurring vote of five members, and add Subdiv. (5) re yearly training of state employees re the code of ethics, Subdiv. (6) re the making of legislative recommendations and Subdiv. (7) re monthly meetings with the office’s executive director and ethics enforcement officer, amended Subsec. (b) to provide for the employment of a separate general counsel and ethics enforcement officer, and added Subsec. (c) re appointment and yearly evaluation of the executive director, Subsec. (d) re appointment of the general counsel and ethics enforcement officer, Subsec. (e) re the legal division of the Office of State Ethics, Subsec. (f) re the enforcement division of the Office of State Ethics, Subsec. (g) re authority of the board to adopt regulations and Subsec. (h) re yearly training of state personnel in the code of ethics, effective July 1, 2005; P.A. 05-287 added Subsec. (a)(6) re the commission’s authority to enter into contractual agreements necessary for the discharge of its duties and deleted Subsec. (b) re authority to employ an executive director, general counsel and staff, effective July 13, 2005; P.A. 05-288 amended Subsec. (a)(1) and (2) by replacing provision re memoranda filed under Sec. 1-82a(f) with provision re memoranda issued in accordance with Sec. 1-82(b), effective July 13, 2005; June Sp. Sess. P.A. 05-3 amended Subsec. (c) to require that appointment of executive director not be made until all the initial board members appointed to terms commencing on October 1, 2005, are appointed by their respective authorities and amended Subsec. (g) to provide that regulations shall not be deemed to govern the conduct of any judge trial referee, effective July 1, 2005; P.A. 06-196 made technical changes in Subsecs. (c) and (f), effective June 7, 2006.

See Sec. 1-92 re commission’s duties with regard to lobbyists.

Sec. 1-82. Complaints. Procedure. Time limits. Investigation; notice; hearings. Attorneys’ fees. Damages for complaints without foundation. (a)(1) Upon the complaint of any person on a form prescribed by the board, signed under penalty of false statement, or upon its own complaint, the ethics enforcement officer of the Office of State Ethics shall investigate any alleged violation of this part or section 1-101nn. Not later than five days after the receipt or issuance of such complaint, the board 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. When the ethics enforcement officer of the Office of State Ethics undertakes an evaluation of a possible violation of this part or section 1-101nn prior to the filing of a complaint, the subject of the evaluation shall be notified not later than five business days after an Office of State Ethics staff member’s first contact with a third party concerning the matter.
(2) In the conduct of its investigation of an alleged violation of this part or section 1-101nn, the Office of State Ethics shall have the power to hold hearings, administer oaths, examine witnesses and receive oral and documentary evidence. The Office of State Ethics may subpoena witnesses under procedural rules adopted by the Citizen’s Ethics Advisory Board as regulations in accordance with the provisions of chapter 54 to compel attendance before the Office of State Ethics and to require the production for examination by the ethics enforcement officer of the Office of State Ethics of any books and papers which the Office of State Ethics deems relevant in any matter under investigation or in question, provided any such subpoena is issued either pursuant to a majority vote of the Citizen’s Ethics Advisory Board or pursuant to the signature of the chairperson of such board. The vice-chairperson of such board may sign any such subpoena if the chairperson of such board is unavailable. In the exercise of such powers, the Office of State Ethics may use the services of the state police, who shall provide the same upon the office’s request. The Office of State Ethics shall make a record of all proceedings conducted pursuant to this subsection. The ethics enforcement officer of the Office of State Ethics may bring any alleged violation of this part before a judge trial referee assigned by the Chief Court Administrator for such purpose for a probable cause hearing. Such judge trial referee shall be compensated in accordance with the provisions of section 52-434 from such funds as may be available to the Office of State Ethics. Any witness summoned before the Office of State Ethics or a judge trial referee pursuant to this subsection shall receive the witness fee paid to witnesses in the courts of this state. During any investigation conducted pursuant to this subsection or any probable cause hearing conducted pursuant to this subsection, the respondent shall have the right to appear and be heard and to offer any information which may tend to clear the respondent of probable cause to believe the respondent has violated any provision of this part or section 1-101nn. The respondent shall also have the right to be represented by legal counsel and to examine and cross-examine witnesses. Not later than ten days prior to the commencement of any hearing conducted pursuant to this subsection, the Office of State Ethics shall provide the respondent with a list of its intended witnesses. Any finding of probable cause to believe the respondent is in violation of any provisions of this part shall be made by a judge trial referee not later than thirty days after the ethics enforcement officer brings such alleged violation before such judge trial referee, except that such thirty-day limitation period shall not apply if the judge trial referee determines that good cause exists for extending such limitation period.

(b) If a judge trial referee determines that probable cause exists for the violation of a provision of this part or section 1-101nn, the board shall initiate hearings to determine whether there has been a violation of this part or section 1-101nn. Any such hearing shall be initiated by the board not later than thirty days after the finding of probable cause by a judge trial referee and shall be concluded not later than ninety days after its initiation, except that such thirty or ninety-day limitation period shall not apply if the judge trial referee determines that good cause exists for extending such limitation period. A judge trial referee, who has not taken part in the probable cause determination on the matter shall be assigned by the Chief Court Administrator and shall be compensated in accordance with section 52-434 out of funds available to the Office of State Ethics and shall preside over such hearing and rule on all issues concerning the application of the rules of evidence, which shall be the same as in judicial proceedings. The trial referee shall have no vote in any decision of the board. All hearings of the board held pursuant to this subsection shall be open. At such hearing the board shall have the same powers as the Office of State Ethics under subsection (a) of this section and the respondent shall have the right to be represented by
legal counsel, the right to compel attendance of witnesses and the production of books, documents, records and papers and to examine and cross-examine witnesses. Not later than ten days prior to the commencement of any hearing conducted pursuant to this subsection, the Office of State Ethics shall provide the respondent with a list of its intended witnesses. The judge trial referee shall, while engaged in the discharge of the duties as provided in this subsection, have the same authority as is provided in section 51-35 over witnesses who refuse to obey a subpoena or to testify with respect to any matter upon which such witness may be lawfully interrogated, and may commit any such witness for contempt for a period no longer than thirty days. The Office of State Ethics shall make a record of all proceedings pursuant to this subsection. During the course of any such hearing, no ex-parte communication shall occur between the board, or any of its members, and: (1) The judge trial referee, or (2) any staff member of the Enforcement Division of the Office of State Ethics, concerning the complaint or the respondent. The board shall find no person in violation of any provision of this part or section 1-101nn except upon the concurring vote of six of its members present and voting. No member of the board shall vote on the question of whether a violation of any provision of this part has occurred unless such member was physically present for the duration of any hearing held pursuant to this subsection. Not later than fifteen days after the public hearing conducted in accordance with this subsection, the board shall publish its finding and a memorandum of the reasons therefor. Such finding and memorandum shall be deemed to be the final decision of the board on the matter for the purposes of chapter 54. The respondent, if aggrieved by the finding and memorandum, may appeal therefrom to the Superior Court in accordance with the provisions of section 4-183.

(c) If a judge trial referee finds, after a hearing pursuant to this section, that there is no probable cause to believe that a public official or state employee has violated a provision of this part or section 1-101nn, or if the board determines that a public official or state employee has not violated any such provision, or if a court of competent jurisdiction overturns a finding by the board of a violation by such a respondent, the state shall pay the reasonable legal expenses of the respondent as determined by the Attorney General or by the court if appropriate. If any complaint brought under the provisions of this part or section 1-101nn is made with the knowledge that it is made without foundation in fact, the respondent shall have a cause of action against the complainant for double the amount of damage caused thereby and if the respondent prevails in such action, he may be awarded by the court the costs of such action together with reasonable attorneys’ fees.

(d) No complaint may be made under this section later than five years after the violation alleged in the complaint has been committed.

(e) No person shall take or threaten to take official action against an individual for such individual’s disclosure of information to the board or the general counsel, ethics enforcement officer or staff of the Office of State Ethics under the provisions of this part or section 1-101nn. After receipt of information from an individual under the provisions of this part or section 1-101nn, the Office of State Ethics shall not disclose the identity of such individual without such individual’s consent unless the Office of State Ethics determines that such disclosure is unavoidable during the course of an investigation. No person shall be subject to civil liability for any good faith disclosure that such person makes to the commission.
History: P.A. 77-605 removed subpoena power and permission to use services of state police from investigation process in Subsec. (a) and placed these provisions in Subsec. (c) under the hearing process; P.A. 77-614 and P.A. 78-303 placed the state police within the department of public safety, effective January 1, 1979; P.A. 79-493 required concurring vote of four members for finding of probable cause; P.A. 81-296 added Subsec. (e) establishing a three-year time limit for complaints; P.A. 83-249 made technical change in Subsec. (a); P.A. 83-586 amended Subsec. (b) by adding provisions concerning publication of commission findings and confidentiality of record; June Sp. Sess. P.A. 83-15 amended Subsec. (d) to provide for state reimbursement of legal expenses of respondent in some instances; P.A. 84-52 eliminated provisions re confidentiality of investigations and publication of findings; P.A. 84-519 amended section to grant subpoena power to commission at all stages of investigation, to require commission to meet prior to commencing investigation and to exempt such meetings from the freedom of information act, and deleted provision authorizing commission witnesses to be paid witness fees awarded court witnesses; P.A. 85-290 amended Subsec. (a) to require that commission notify persons under evaluation within 5 business days after a commission staff member’s first contact with a third party concerning the matter; June 12 Sp. Sess. P.A. 91-1 amended Subsecs. (b) and (c) to require trial referee or senior judge, instead of commission, to make determinations re violations; P.A. 92-29 amended Subsecs. (b) and (c) by eliminating references to senior judges; P.A. 94-132 amended Subsec. (a)(1) by deleting provisions re meeting to determine whether sufficient evidence exists to warrant inquiry, changing notice deadline from 5 days after meeting to 5 days after receipt or issuance of complaint, and making technical grammatical changes, amended Subsec. (a)(2) by adding “of an alleged violation of this part” after “investigation”, deleting provision re deadline for adoption of regulations, and adding provisions re record of proceedings and list of intended witnesses, amended Subsec. (b) by specifying trial referee has no vote in commission decision, adding “of the commission held” after “all hearings” giving commission, rather than trial referee, the same powers as under Subsec. (a), adding provisions re list of intended witnesses and vote required for finding of violation, changing publisher of finding and memorandum from trial referee to commission, and deleting provision re commission aggrieved by finding and memorandum, amended Subsec. (c) by deleting provision re trial referee overturning finding by commission, changing finding that may be overturned by court from one of trial referee to one of commission, and making technical changes, and added new Subsec. (e) re individuals who disclose information to commission; P.A. 96-37 amended Subsec. (b) by changing “state trial referee” to “judge trial referee”; P.A. 04-38 amended Subsec. (d) to increase the time limit for complaints from three to five years, effective July 1, 2004; P.A. 04-198 applied provisions to Sec. 1-86d, effective June 3, 2004; P.A. 04-204 amended Subsec. (a)(2) to increase vote required to find probable cause of violation of part from four to five members, and amended Subsec. (b) to increase vote required to find violation of part from five to seven members, effective June 3, 2004; P.A. 05-183 amended Subsec. (a) to change references from the State Ethics Commission to the Office of State Ethics and the Citizen’s Ethics Advisory Board, authorize the ethics enforcement officer to bring alleged violations of the code of ethics to
a judge trial referee for a probable cause hearing, provide 30 days for a judge trial referee to make any such probable cause finding and make conforming and technical changes, amended Subsec. (b) to provide for the timing of a hearing by the board on a violation, make technical changes, and change the requirement for a finding of a violation from a vote of seven members to a vote of two-thirds of those members present and voting, and amended Subsecs. (c) and (e) to make conforming and technical changes, effective July 1, 2005; P.A. 05-287 made technical changes and included references to Sec. 1-101nn throughout the section, amended Subsec. (b) to require a vote of six members, rather than seven, for a finding of a violation and amended Subsec. (e) to provide that persons who make good faith disclosures to the commission shall not be subject to civil liability for such disclosures, effective July 1, 2005; June 11 Sp. Sess. P.A. 08-3 amended Subsec. (a)(2) to provide that Office of State Ethics may subpoena witnesses provided subpoena is issued either pursuant to majority vote of board or pursuant to signature of chairperson, or vice-chairperson of board if chairperson unavailable, and amended Subsec. (b) to provide prohibition re ex-parte communications during course of hearings between board or its members and judge trial referee or any staff member of Enforcement Division of the Office of State Ethics and to prohibit a board member from voting on question of whether violation had occurred if such member was not physically present for duration of any hearing.

Cited. 222 C. 799; 224 C. 29.

Sec. 1-82a. Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings. (a) Unless a judge trial referee makes a finding of probable cause, a complaint alleging a violation of this part or section 1-101nn shall be confidential except upon the request of the respondent. An evaluation of a possible violation of this part or section 1-101nn by the Office of State Ethics prior to the filing of a complaint shall be confidential except upon the request of the subject of the evaluation. If the evaluation is confidential, any information supplied to or received from the Office of State Ethics shall not be disclosed to any third party by a subject of the evaluation, a person contacted for the purpose of obtaining information or by the ethics enforcement officer or staff of the Office of State Ethics. No provision of this subsection shall prevent the Office of State Ethics from reporting the possible commission of a crime to the Chief State’s Attorney or other prosecutorial authority.

(b) An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received from the Office of State Ethics shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics.

(c) Not later than three business days after the termination of the investigation, the Office of State Ethics shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making that finding. The Office of State Ethics shall publish its finding upon the respondent’s request and may also publish a summary of its reasons for making such finding.

(d) If a judge trial referee makes a finding of no probable cause, the complaint and the record of the Office of State Ethics’ investigation shall remain confidential, except upon the request of the
respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the judge trial referee may, after consultation with the respondent if the respondent is not the source of the disclosure, publish the judge trial referee’s finding and a summary of the judge trial referee’s reasons therefor.

(e) The judge trial referee shall make public a finding of probable cause not later than five business days after any such finding. At such time the entire record of the investigation shall become public, except that the Office of State Ethics may postpone examination or release of such public records for a period not to exceed fourteen days for the purpose of reaching a stipulation agreement pursuant to subsection (c) of section 4-177. Any such stipulation agreement or settlement shall be approved by a majority of those members present and voting.


History: P.A. 85-290 amended Subsec. (a) to add provisions re confidentiality of a commission evaluation prior to the filing of a complaint; P.A. 88-317 substituted “subsection (c)” for “subsection (d)” in reference to Sec. 4-177, effective July 1, 1989, and applicable to all agency proceedings commencing on or after that date; June 12 Sp. Sess. P.A. 91-1 repealed former Subsec. (f) re publication of commission finding and memorandum under Sec. 1-82(b); P.A. 94-132 amended Subsec. (a) to authorize reports to prosecutorial authority other than chief state’s attorney; P.A. 05-183 replaced “commission” with “judge trial referee” or “Office of State Ethics” and made conforming changes throughout the section and amended Subsec. (e) to require approval of a stipulation or settlement agreement by a majority of those members present and voting, effective July 1, 2005; P.A. 05-287 amended Subsec. (a) to include references to Sec. 1-101nn, effective July 1, 2005; P.A. 06-196 made technical changes in Subsec. (d), effective June 7, 2006.

Sec. 1-83. Statements of financial interests. Filing requirements. Ethics statements. (a)(1) All state-wide elected officers, members of the General Assembly, department heads and their deputies, members of the Gaming Policy Board, members or directors of each quasi-public agency, members of the Investment Advisory Council, state marshals and such members of the Executive Department and such employees of quasi-public agencies as the Governor shall require, shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the Office of State Ethics on or before the May first next in any year in which they hold such a position. Any such individual who leaves his or her office or position shall file a statement of financial interests covering that portion of the year during which such individual held his or her office or position. The Office of State Ethics shall notify such individuals of the requirements of this subsection not later than thirty days after their departure from such office or position. Such individuals shall file such statement within sixty days after receipt of the notification.
(2) Each state agency, department, board and commission shall develop and implement, in cooperation with the Office of State Ethics, an ethics statement as it relates to the mission of the agency, department, board or commission. The executive head of each such agency, department, board or commission shall be directly responsible for the development and enforcement of such ethics statement and shall file a copy of such ethics statement with the Department of Administrative Services and the Office of State Ethics.

(b) (1) The statement of financial interests, except as provided in subdivision (2) of this subsection, shall include the following information for the preceding calendar year in regard to the individual required to file the statement and the individual’s spouse and dependent children residing in the individual’s household: (A) The names of all businesses with which associated; (B) all sources of income, including the name of each employer, with a description of each source, in excess of one thousand dollars, without specifying amounts of income; (C) the name of securities in excess of five thousand dollars at fair market value owned by such individual, spouse or dependent children or held in the name of a corporation, partnership or trust for the benefit of such individual, spouse or dependent children; (D) the existence of any known blind trust and the names of the trustees; (E) all real property and its location, whether owned by such individual, spouse or dependent children or held in the name of a corporation, partnership or trust for the benefit of such individual, spouse or dependent children; (F) the names and addresses of creditors to whom the individual, the individual’s spouse or dependent children, individually, owed debts of more than ten thousand dollars; (G) any leases or contracts with the state held or entered into by the individual or a business with which he or she was associated; and (H) a description of any partnership, joint ownership or similar business affiliation between (i) a business included under subparagraph (A) of this subdivision with which the individual filing the statement, the individual’s spouse or a dependent child of the individual is associated, and (ii) a lobbyist, a person that the individual filing the statement knows or has reason to know is doing business with or seeking to do business with the state or is engaged in activities that are directly regulated by the department or agency in which the individual is employed, or a business with which such lobbyist or person is associated.

(2) The statement of financial interests filed by state marshals shall include only amounts and sources of income earned in their capacity as state marshals.

(c) The statement of financial interests filed pursuant to this section shall be a matter of public information, except the list of names, filed in accordance with subparagraph (F) of subdivision (1) of subsection (b) of this section shall be sealed and confidential and for the use of the Office of State Ethics only after a complaint has been filed under section 1-82 and such complaint has been determined by a vote of the board to be of sufficient merit and gravity to justify the unsealing of such list or lists and not open to public inspection unless the respondent requests otherwise. If the board reports its findings to the Chief State’s Attorney in accordance with subsection (c) of section 1-88, the board shall turn over to the Chief State’s Attorney such relevant information contained in the statement as may be germane to the specific violation or violations or a prosecutorial official may subpoena such statement in a criminal action. Unless otherwise a matter of public record, the Office of State Ethics shall not disclose to the public any such subpoena which would be exempt from disclosure by the issuing agency.
Any individual who is unable to provide information required under the provisions of subdivision (1) of subsection (b) of this section by reason of impossibility may petition the board for a waiver of the requirements.

P.A. 77-600, S. 5, 15; P.A. 79-549; P.A. 80-482, S. 342, 343, 345, 348; P.A. 83-249, S. 6, 14; 83-270, S. 3; 83-586, S. 3, 14; P.A. 84-21, S. 1, 5; 84-335, S. 2, 4; 84-546, S. 141, 173; P.A. 87-524, S. 5, 7; P.A. 88-139, S. 2; 88-225, S. 2, 14; P.A. 89-97, S. 2, 7; 89-145; June 12 Sp. Sess. P.A. 91-1, S. 8; P.A. 94-126, S. 1; 94-132, S. 3; June 18 Sp. Sess. P.A. 97-6, S. 12, 14; P.A. 00-43, S. 17, 19; 00-66, S. 1; 00-99, S. 14, 154; P.A. 01-195, S. 1, 2, 181; P.A. 04-245, S. 1; P.A. 05-183, S. 8; P.A. 07-201, S. 2; P.A. 11-51, S. 183.)

History: P.A. 79-549 included members of gaming policy board, executive director of division of special revenue within the department of business regulation under filing requirements; P.A. 80-482 changed “business regulation” to “revenue services”; expanded provisions regarding the executive director and limited revenue services’ control to administrative purposes only; P.A. 83-249 changed “commissioners and deputy commissioners” to “department heads and their deputies” and made technical amendments; P.A. 83-270 amended Subsec. (a) to include members of the board of directors of the Connecticut resources recovery authority under filing requirements; P.A. 83-586 amended Subsec. (a) to require post-termination filing of financial statement, amended Subsec. (b) to allow for nondisclosure of privileged information, to clarify that reporting threshold figure of $5,000 refers to net income and to require disclosure of clients providing more than $5,000 of net income to any business with which the individual was associated, names of creditors and state leases and contracts, amended Subsec. (c) to allow commission access to list of names if commission determines that a complaint is of sufficient merit and gravity to justify its unsealing and added Subsec. (d) allowing waiver in cases in which it is impossible to comply with information requirements; P.A. 84-21 made technical correction in Subsec. (c) to refer to list of names of creditors as sealed and confidential; P.A. 84-335 added requirement that sheriffs and deputy sheriffs file limited financial statements; P.A. 84-546 made technical changes in Subsec. (b); P.A. 87-524 amended Subsec. (b) to specify that Subdiv. (2) shall not permit elected official to receive gift, honorarium or compensation prohibited under Sec. 9-333i(h); P.A. 88-139 amended Subsec. (a) by changing the filing deadline for statements of financial interests from April fifteenth to May first, amended Subsec. (b)(1)(C) by deleting the exception for blind trusts; added Subsec. (b)(1)(D) re blind trusts; added the language in Subsec. (b)(1)(E) re real property held for the benefit of an individual, spouse or dependent children and relettered Subparas. (E) and (F) accordingly; P.A. 88-225 amended Subsec. (a) to require that members or directors of each quasi-public agency, instead of only members of board of directors of Connecticut resources recovery authority, and such employees of quasi-public agencies as governor requires, file statement of financial interests; P.A. 89-97 added definition of “fee” and “honorarium” in Subsec. (b)(2) and required filing of such a fee or honorarium in an amount of $100 or more received in capacity as public official or state employee instead of fee or honorarium received for appearance or delivery of address to any meeting of an organization; P.A. 89-145 increased threshold in Subsec. (b)(1)(B) for reporting names and addresses of clients, patients and customers providing income to individual, from $5,000 to $10,000; June 12 Sp. Sess. P.A. 91-1 deleted former Subsec. (b)(2) re disclosure of fees and honoraria and renumbered Subdiv. (3) as Subdiv. (2); P.A. 94-126 added Subsec. (a)(2) re ethics statements and clarified that Subsecs. (b) and (c) apply to statements of financial interests; P.A. 94-132
amended Subsec. (c) by adding provision re disclosure of subpoenas; June 18 Sp. Sess. P.A. 97-6
amended Subsec. (b)(1) to delete requirement that statement of financial interests include names
and addresses of clients, patients and customers who provide more than $10,000 of net income,
effective January 1, 1998; P.A. 00-43 amended Subsec. (a) to extend provisions of section to
members of the Investment Advisory Council and to make technical changes for purposes of
gender neutrality, effective May 3, 2000; P.A. 00-66 made technical changes in Subsec. (b); P.A.
00-99 changed reference to sheriffs and deputy sheriffs to state marshals in Subsecs. (a) and (b),
effective December 1, 2000; P.A. 01-195 substituted “marshals” for “marshal” in Subsec. (a)(1)
and made a technical change in Subsec. (b)(1)(G) for purposes of gender neutrality, effective
July 11, 2001; P.A. 04-245 added Subsec. (b)(1)(H) re disclosure of business affiliations with
lobbyists, persons doing business with or seeking to do business with the state or persons
engaged in regulated activities or associated businesses; P.A. 05-183 replaced “commission” and
“Ethics Commission” with “Office of State Ethics” or “board” throughout the section and made a
technical change in Subsec. (a)(1), effective July 1, 2005; P.A. 07-201 amended Subsec.
(b)(1)(B) to require the disclosure of the name of each employer and a description of each source
of income, effective July 5, 2007; P.A. 11-51 removed reference to executive director of
Division of Special Revenue in Subsec. (a)(1), effective July 1, 2011.

Disclosure obligations under statute not subject to disclosure requirement of Sec. 1-19(a). 18 CA
212.

Sec. 1-84. (Formerly Sec. 1-66). Prohibited activities. (a) No public official or state employee
shall, while serving as such, have any financial interest in, or engage in, any business,
employment, transaction or professional activity, which is in substantial conflict with the proper
discharge of his duties or employment in the public interest and of his responsibilities as
prescribed in the laws of this state, as defined in section 1-85.

(b) No public official or state employee shall accept other employment which will either impair
his independence of judgment as to his official duties or employment or require him, or induce
him, to disclose confidential information acquired by him in the course of and by reason of his
official duties.

(c) No public official or state employee shall wilfully and knowingly disclose, for financial gain,
to any other person, confidential information acquired by him in the course of and by reason of
his official duties or employment and no public official or state employee shall use his public
office or position or any confidential information received through his holding such public office
or position to obtain financial gain for himself, his spouse, child, child’s spouse, parent, brother
or sister or a business with which he is associated.

(d) No public official or state employee or employee of such public official or state employee
shall agree to accept, or be a member or employee of a partnership, association, professional
corporation or sole proprietorship which partnership, association, professional corporation or
sole proprietorship agrees to accept any employment, fee or other thing of value, or portion
thereof, for appearing, agreeing to appear, or taking any other action on behalf of another person
before the Department of Banking, the Claims Commissioner, the Office of Health Care Access
division within the Department of Public Health, the Insurance Department, the Department of
Consumer Protection, the Department of Motor Vehicles, the State Insurance and Risk Management Board, the Department of Energy and Environmental Protection, the Public Utilities Regulatory Authority, the Connecticut Siting Council, the Gaming Policy Board within the Department of Consumer Protection or the Connecticut Real Estate Commission; provided this shall not prohibit any such person from making inquiry for information on behalf of another before any of said commissions or commissioners if no fee or reward is given or promised in consequence thereof. For the purpose of this subsection, partnerships, associations, professional corporations or sole proprietorships refer only to such partnerships, associations, professional corporations or sole proprietorships which have been formed to carry on the business or profession directly relating to the employment, appearing, agreeing to appear or taking of action provided for in this subsection. Nothing in this subsection shall prohibit any employment, appearing, agreeing to appear or taking action before any municipal board, commission or council. Nothing in this subsection shall be construed as applying (1) to the actions of any teaching or research professional employee of a public institution of higher education if such actions are not in violation of any other provision of this chapter, (2) to the actions of any other professional employee of a public institution of higher education if such actions are not compensated and are not in violation of any other provision of this chapter, (3) to any member of a board or commission who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance of the member’s duties, or (4) to any member or director of a quasi-public agency. Notwithstanding the provisions of this subsection to the contrary, a legislator, an officer of the General Assembly or part-time legislative employee may be or become a member or employee of a firm, partnership, association or professional corporation which represents clients for compensation before agencies listed in this subsection, provided the legislator, officer of the General Assembly or part-time legislative employee shall take no part in any matter involving the agency listed in this subsection and shall not receive compensation from any such matter. Receipt of a previously established salary, not based on the current or anticipated business of the firm, partnership, association or professional corporation involving the agencies listed in this subsection, shall be permitted.

(e) No legislative commissioner or his partners, employees or associates shall represent any person subject to the provisions of part II concerning the promotion of or opposition to legislation before the General Assembly, or accept any employment which includes an agreement or understanding to influence, or which is inconsistent with, the performance of his official duties.

(f) No person shall offer or give to a public official or state employee or candidate for public office or his spouse, his parent, brother, sister or child or spouse of such child or a business with which he is associated, anything of value, including, but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public official, state employee or candidate for public office would be or had been influenced thereby.

(g) No public official or state employee or candidate for public office shall solicit or accept anything of value, including but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or
(h) Nothing in subsection (f) or (g) of this section shall be construed (1) to apply to any promise made in violation of subdivision (6) of section 9-622, or (2) to permit any activity otherwise prohibited in section 53a-147 or 53a-148.

(i) (1) No public official or state employee or member of the official or employee’s immediate family or a business with which he is associated shall enter into any contract with the state, valued at one hundred dollars or more, other than a contract (A) of employment as a state employee, (B) with the technical high school system for students enrolled in a school in the system to perform services in conjunction with vocational, technical or technological education and training any such student is receiving at a school in the system, subject to the review process under subdivision (2) of this subsection, (C) with a public institution of higher education to support a collaboration with such institution to develop and commercialize any invention or discovery, or (D) pursuant to a court appointment, unless the contract has been awarded through an open and public process, including prior public offer and subsequent public disclosure of all proposals considered and the contract awarded. In no event shall an executive head of an agency, as defined in section 4-166, including a commissioner of a department, or an executive head of a quasi-public agency, as defined in section 1-79, or the executive head’s immediate family or a business with which he is associated enter into any contract with that agency or quasi-public agency. Nothing in this subsection shall be construed as applying to any public official who is appointed as a member of the executive branch or as a member or director of a quasi-public agency and who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance of the public official’s duties unless such public official has authority or control over the subject matter of the contract. Any contract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced not later than one hundred eighty days after the making of the contract.

(2) The superintendent of the technical high school system shall establish an open and transparent process to review any contract entered into under subparagraph (B) of subdivision (1) of this subsection.

(j) No public official, state employee or candidate for public office, or a member of any such person’s staff or immediate family shall knowingly accept any gift, as defined in subsection (e) of section 1-79, from a person known to be a registrant or anyone known to be acting on behalf of a registrant.

(k) No public official, spouse of the Governor or state employee shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event, in the public official’s, spouse’s or state employee’s official capacity, provided a public official, Governor’s spouse or state employee may receive payment or reimbursement for necessary expenses for any such activity in his or her official capacity. If a public official, Governor’s spouse or state employee receives such a payment or reimbursement for lodging or out-of-state travel, or both, the public official, Governor’s spouse or state employee shall, not later than thirty days thereafter, file a
report of the payment or reimbursement with the Office of State Ethics, unless the payment or reimbursement is provided by the federal government or another state government. If a public official, Governor’s spouse or state employee does not file such report within such period, either intentionally or due to gross negligence on the public official’s, Governor’s spouse’s or state employee’s part, the public official, Governor’s spouse or state employee shall return the payment or reimbursement. If any failure to file such report is not intentional or due to gross negligence on the part of the public official, Governor’s spouse or state employee, the public official, Governor’s spouse or state employee shall not be subject to any penalty under this chapter. When a public official, Governor’s spouse or state employee attends an event in this state in the public official’s, Governor’s spouse’s or state employee’s official capacity and as a principal speaker at such event and receives admission to or food or beverage at such event from the sponsor of the event, such admission or food or beverage shall not be considered a gift and no report shall be required from such public official, spouse or state employee or from the sponsor of the event.

(1) No public official or state employee, or any person acting on behalf of a public official or state employee, shall wilfully and knowingly interfere with, influence, direct or solicit existing or new lobbying contracts, agreements or business relationships for or on behalf of any person.

(m) No public official or state employee shall knowingly accept, directly or indirectly, any gift, as defined in subsection (e) of section 1-79, from any person the public official or state employee knows or has reason to know: (1) Is doing business with or seeking to do business with the department or agency in which the public official or state employee is employed; (2) is engaged in activities which are directly regulated by such department or agency; or (3) is prequalified under section 4a-100. No person shall knowingly give, directly or indirectly, any gift or gifts in violation of this provision. For the purposes of this subsection, the exclusion to the term “gift” in subdivision (12) of subsection (e) of section 1-79 for a gift for the celebration of a major life event shall not apply. Any person prohibited from making a gift under this subsection shall report to the Office of State Ethics any solicitation of a gift from such person by a state employee or public official.

(n) (1) As used in this subsection, (A) “investment services” means investment legal services, investment banking services, investment advisory services, underwriting services, financial advisory services or brokerage firm services, and (B) “principal of an investment services firm” means (i) an individual who is a director of or has an ownership interest in an investment services firm, except for an individual who owns less than five per cent of the shares of an investment services firm which is a publicly traded corporation, (ii) an individual who is employed by an investment services firm as president, treasurer, or executive or senior vice president, (iii) an employee of such an investment services firm who has managerial or discretionary responsibilities with respect to any investment services, (iv) the spouse or dependent child of an individual described in this subparagraph, or (v) a political committee established by or on behalf of an individual described in this subparagraph.

(2) The State Treasurer shall not pay any compensation, expenses or fees or issue any contract to any firm which provides investment services when (A) a political committee, as defined in section 9-601, established by such firm, or (B) a principal of the investment services firm has
made a contribution, as defined in section 9-601a, to, or solicited contributions on behalf of, any exploratory committee or candidate committee, as defined in section 9-601, established by the State Treasurer as a candidate for nomination or election to the office of State Treasurer. The State Treasurer shall not pay any compensation, expenses or fees or issue any contract to such firms or principals during the term of office as State Treasurer, including, for an incumbent State Treasurer seeking reelection, any remainder of the current term of office.

(o) If (1) any person (A) is doing business with or seeking to do business with the department or agency in which a public official or state employee is employed, or (B) is engaged in activities which are directly regulated by such department or agency, and (2) such person or a representative of such person gives to such public official or state employee anything of value which is subject to the reporting requirements pursuant to subsection (e) of section 1-96, such person or representative shall, not later than ten days thereafter, give such recipient and the executive head of the recipient’s department or agency a written report stating the name of the donor, a description of the item or items given, the value of such items and the cumulative value of all items given to such recipient during that calendar year. The provisions of this subsection shall not apply to a political contribution otherwise reported as required by law.

(p) (1) No public official or state employee or member of the immediate family of a public official or state employee shall knowingly accept, directly or indirectly, any gift costing one hundred dollars or more from a public official or state employee who is under the supervision of such public official or state employee.

(2) No public official or state employee or member of the immediate family of a public official or state employee shall knowingly accept, directly or indirectly, any gift costing one hundred dollars or more from a public official or state employee who is a supervisor of such public official or state employee.

(3) No public official or state employee shall knowingly give, directly or indirectly, any gift in violation of subdivision (1) or (2) of this subsection.

(q) No public official or state employee shall counsel, authorize or otherwise sanction action that violates any provision of this part.

(r) (1) Notwithstanding the provisions of subsections (b) and (c) of this section, a member of the faculty or a member of a faculty bargaining unit of a constituent unit of the state system of higher education may enter into a consulting agreement or engage in a research project with a public or private entity, provided such agreement or project does not conflict with the member’s employment with the constituent unit, as determined by policies established by the board of trustees for such constituent unit.

(2) The board of trustees for each constituent unit of the state system of higher education shall establish policies to ensure that any such member who enters such a consulting agreement or engages in such a research project (A) is not inappropriately using university proprietary information in connection with such agreement or project, (B) does not have an interest in such agreement or project that interferes with the proper discharge of his or her employment with the
constituent unit, and (C) is not inappropriately using such member’s association with the constituent unit in connection with such agreement or project. Such policies shall (i) establish procedures for the disclosure, review and management of conflicts of interest relating to any such agreement or project, (ii) require the approval by the chief academic officer of the constituent unit, or his or her designee, prior to any such member entering into any such agreement or engaging in any such project, and (iii) include procedures that impose sanctions and penalties on any member for failing to comply with the provisions of the policies. Annually, the internal audit office of each constituent unit shall audit the constituent unit’s compliance with such policies and report its findings to the committee of the constituent unit established pursuant to subdivision (3) of this subsection. For purposes of this subsection, “consulting” means the provision of services for compensation to a public or private entity by a member of the faculty or member of a faculty bargaining unit of a constituent unit of the state system of higher education: (I) When the request to provide such services is based on such member’s expertise in a field or prominence in such field, and (II) while such member is not acting in the capacity of a state employee, and “research” means a systematic investigation, including, but not limited to, research development, testing and evaluation, designed to develop or contribute to general knowledge in the applicable field of study.

(3) There is established a committee for each constituent unit of the state system of higher education to monitor the constituent unit’s compliance with the policies and procedures described in subdivision (2) of this subsection governing consulting agreements and research projects with public or private entities by a member of the faculty or a member of a faculty bargaining unit of such constituent unit. Each committee shall consist of nine members as follows: (A) Three members, appointed jointly by the Governor, the speaker of the House of Representatives, the president pro tempore of the Senate, the majority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives and the minority leader of the Senate, who shall serve as members for each such committee; (B) one member appointed by the chairperson of the constituent unit’s board of trustees from the membership of such board; (C) the chief academic officer of the constituent unit, or his or her designee; (D) three members appointed by the chief executive officer of the constituent unit; and (E) one member appointed by the chairperson of the Citizen’s Ethics Advisory Board from the membership of such board. Members shall serve for a term of two years. Any vacancies shall be filled by the appointing authority. Each committee shall (i) review the annual reports submitted by the internal audit office for the constituent unit, pursuant to subdivision (2) of this subsection, (ii) make recommendations, annually, to the board of trustees of the constituent unit concerning the policies and procedures of the constituent unit established pursuant to subdivision (2) of this subsection, including any changes to such policies and procedures, and (iii) send a copy of such recommendations, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to higher education and government administration.

(4) The provisions of subsections (b) and (c) of this section shall apply to any member of the faculty or member of a faculty bargaining unit of a constituent unit of the state system of higher education who enters such a consulting agreement or engages in such a research project without prior approval, as described in subdivision (2) of this subsection.
History: P.A. 75-605 changed “commission on claims” to “claims commissioner”; P.A. 76-302 added Subsec. (e); P.A. 77-600 broadened scope of section regarding prohibited activities and those who are affected by the prohibitions and added Subsecs. (f) to (i), effective January 1, 1978; P.A. 77-604 changed sections referred to in Subsec. (h), effective January 1, 1978; P.A. 77-605 expanded scope of prohibitions in Subsec. (e); in Subsec. (d) P.A. 77-614 changed “liquor control commission” to “division of liquor control within the department of business regulation”; in Subsec. (d) P.A. 78-303 changed “state banking commission” to “banking commissioner”, effective January 1, 1979; in 1979 Sec. 1-66 transferred to Sec. 1-84; P.A. 79-404 changed “commission on special revenue” to “division of special revenue” and added the gaming policy board in Subsec. (d); P.A. 79-493 clarified prohibited conduct in Subsec. (d) and excluded members of advisory boards and commissions receiving per diem or reimbursement for expenses from provisions and excluded executive branch officials from provisions of Subsec. (i) except in certain cases; P.A. 80-482 deleted references to business regulation and reflected changes placing special revenue and the gaming policy board within the department of revenue services and creating the banking, insurance, liquor control and public utility control departments; P.A. 80-483 made technical changes; P.A. 82-423 added Subsec. (j) which placed $50 limit on gifts accepted by public officials; P.A. 83-249 limited prohibition to financial interest or gains; P.A. 83-586 amended Subsec. (d) to include appearance or action before commission on hospitals and health care, insurance department, department of public utility control or Connecticut siting council, effective January 9, 1985; (Revisor’s note: Pursuant to P.A. 87-9, “banking department” was changed editorially by the Revisors to “department of banking”); P.A. 87-234 amended Subsec. (d) to exempt from provisions of Subsec. (d) actions of teaching or research professional employees of public institutions of higher education, regardless of whether such actions are compensated; P.A. 87-524 added provision in Subsec. (h) that Subsecs. (f) and (g) shall not apply to promise violating Sec. 9-333x(6); P.A. 88-225 added Subsec. (d)(4), exempting members and directors of quasi-public agencies from application of Subsec. (d) and amended Subsec. (i) to exempt certain members and directors of quasi-public agencies from application of Subsec. (i); P.A. 89-369 applied section to sole proprietorships; June 12 Sp. Sess. P.A. 91-1 amended Subsec. (j) by inserting “knowingly” and making a technical change and added Subsec. (k) re fees and honoraria and Subsec. (l) re influence with lobbying contracts, agreements or business relationships; P.A. 92-149 amended Subsec. (d) to allow firms employing legislators or legislative employees to represent clients before specific agencies provided such employee derives no compensation from such representation, amended Subsec. (k) to allow public officials or state employees to receive payment or reimbursements for
necessary expenses for lodging, out-of-state travel or both provided a report is filed with the commission and added new Subsec. (m) re acceptance of gifts in excess of $50; P.A. 94-69 amended Subsec. (m) by deleting “serving in the executive branch or a quasi-public agency” after “state employee”, effective January 1, 1994; P.A. 95-188 added Subsec. (n) re contributions to candidates for Treasurer by “investment services” firms or individuals associated with such firms; P.A. 95-195 amended Subsec. (d) to replace reference to Department of Liquor Control with reference to office within the Department of Consumer Protection carrying out the duties of Secs. 30-2 to 30-68m, inclusive, effective July 1, 1995; P.A. 95-257 amended Subsec. (d) to replace Commission on Hospitals and Health Care with Office of Health Care Access, effective July 1, 1995; P.A. 96-11 amended Subsec. (i) to prohibit an executive head of an agency or his immediate family or a business with which he is associated from entering into a contract with that agency, effective January 1, 1997; June 18 Sp. Sess. P.A. 97-6 amended Subsec. (j) to delete reference to gifts of $50 or more in value, amended Subsec. (k) to provide that admission to, and food and beverage consumed at, an event are not considered a gift if consumed at the event, if official or employee attends in official capacity or as principal speaker, amended Subsec. (m) to delete reference to gifts of $50 or more in value and to delete Subdiv. (3) re financial interests that may be substantially affected by performance or nonperformance of duties and added new Subsec. (o) re written reports by person who is doing business with agency and who gives something of value to a public official or employee of that agency, effective January 1, 1998; P.A. 99-51 amended Subsec. (d) to substitute “State Insurance and Risk Management Board” for “State Insurance Purchasing Board” and to make existing provisions gender neutral, effective May 27, 1999; P.A. 99-145 amended Subsec. (d) to substitute “State Insurance and Risk Management Board” for “State Insurance Purchasing Board”, effective June 8, 1999; P.A. 00-66 made technical changes in Subsec. (k); P.A. 02-130 amended Subsec. (n) by designating definitions as Subdiv. (1) and remaining provisions as Subdiv. (2), designating definition of “investment services” in Subdiv. (1) as Subpara. (A) and replacing “legal services” with “investment legal services” therein, adding Subdiv. (1)(B) defining “principal of an investment services firm” and revising Subdiv. (2) to replace former provisions re individual who is owner of firm or employed by firm as manager, officer, director, partner or employee having managerial or discretionary investment responsibilities with “a principal of the investment services firm” and to make conforming and technical changes, effective May 10, 2002; P.A. 03-215 added Subsec. (m)(3) re gifts from a prequalified contractor, effective October 1, 2004; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-38 amended Subsec. (i) to increase the number of days by which a lawsuit to void a contract in violation of said Subsec. may be brought from 90 days to 180 days and to make technical changes, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 04-245 amended Subsec. (m) to provide that, for purposes of said Subsec., exclusion to term “gift” in Sec. 1-79(e)(12) for major life event shall not apply, effective June 1, 2004; P.A. 05-287 made technical changes throughout the section, amended Subsec. (m) to require any person who is prohibited from making a gift under the subsection to report any solicitation of a gift by a state employee or public official, amended Subsec. (o) to include references to representatives and the executive head of the recipient’s department or agency and added Subsec. (p) re a public official’s or state employee’s acceptance of a gift costing $100 or more from a person under supervision or a supervisor, Subsec. (q) re acceptance of gifts to the state from persons
prohibited from making gifts to public officials and state employees and Subsec. (r) re the 
sanctioning of violations, effective July 1, 2005; P.A. 06-137 amended Subsec. (k) to include 
references to the spouse of the Governor, effective June 6, 2006; P.A. 06-196 made technical 
changes in Subsecs. (k), (m) and (o), effective June 7, 2006; P.A. 07-1 deleted former Subsec. 
(q) re knowing acceptance of goods or services provided under Sec. 1-79(e)(5) and redesignated 
existing Subsec. (r) as Subsec. (q), effective February 8, 2007; P.A. 07-166 amended Subsec. (i) 
to exempt contracts with public institutions of higher education to support a collaboration with 
such institutions to develop and commercialize any invention or discovery from prohibition in 
said Subsec. re entering into contracts and added new Subsec. (r) to exempt from the provisions 
of Subsecs. (b) and (c) a member of the faculty or faculty bargaining unit of a constituent unit of 
the state system of higher education who enters into a consulting agreement or engages in a 
research project, to have the board of trustees of each constituent unit establish policies to govern 
such activities of such faculty members, and to establish a separate committee for each 
constituent unit to monitor compliance with such policies, effective June 19, 2007; Sept. Sp. 
Sess. P.A. 09-3 amended Subsec. (d) by adding “division within the Department of Public 
amended Subsec. (d) to replace “Department of Revenue Services” with “Division of Special 
Revenue” re Gaming Policy Board, effective October 5, 2009; P.A. 11-51 amended Subsec. (d) 
to remove provision re office that carries out duties and responsibilities of Secs. 30-2 to 30-68m, 
remove references to Division of Special Revenue and insert “Department of Consumer 
Protection” re the Gaming Policy Board, effective July 1, 2011; pursuant to P.A. 11-80, 
“Department of Environmental Protection” and “Department of Public Utility Control” were 
changed editorially by the Revisors to “Department of Energy and Environmental Protection” 
and “Public Utilities Regulatory Authority”, respectively, in Subsec. (d), effective July 1, 2011; 
P.A. 12-129 amended Subsec. (r) by making audits and corresponding reports annual rather than 
semiannual in Subdivs. (2) and (3) and by making a technical change in Subdiv. (3), effective 
July 1, 2012; P.A. 12-206 amended Subsec. (i) by designating existing language as Subdiv. (1) 
and adding Subpara. designators (A), (C) and (D), by adding Subpara. (B) re regional vocational-
technical school system and by adding Subdiv. (2) re establishment of a review process for any 
contract entered into with the regional vocational-technical school system, effective July 1, 2012 
(Revisor’s note: In 2013, references to “regional vocational-technical school” in Subsec. (i) were 
changed editorially by the Revisors to “technical high school” to conform with changes made by 

See Sec. 1-79a re calculation of dollar limit on gifts.

Cited. 229 C. 479.

Ethics Commission has jurisdiction in case involving the use of office by state employee for 
financial gain even if employee’s behavior could arguably subject him to discipline by 
Commissioner of Administrative Services pursuant to State Personnel Act. 53 CA 808.

Not unconstitutionally void for vagueness or overbroad as applied to plaintiff, a high sheriff 
engaged in fee splitting. 45 CS 242. Stipulated agreement between union and Workers’ 
Compensation Commission re use of state time for production of transcripts by commission 
hearing reporters does not govern over provisions of Subsec. (c), which the board properly found
to prohibit reporters from preparing transcripts for private sale during state-compensated time. 52 CS 304.

Sec. 1-84a. Disclosure or use of confidential information by former official or employee. No former executive or legislative branch or quasi-public agency public official or state employee shall disclose or use confidential information acquired in the course of and by reason of his official duties, for financial gain for himself or another person.

(P.A. 83-586, S. 5; P.A. 88-225, S. 4, 14.)

History: P.A. 88-225 applied provisions of section to quasi-public agency public officials and state employees.

Sec. 1-84b. Certain activities restricted after leaving public office or employment. (a) No former executive branch or quasi-public agency public official or state employee shall represent anyone other than the state, concerning any particular matter (1) in which he participated personally and substantially while in state service, and (2) in which the state has a substantial interest.

(b) No former executive branch or quasi-public agency public official or state employee shall, for one year after leaving state service, represent anyone, other than the state, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the state has a substantial interest. The provisions of this subsection shall not apply to an attorney who is a former employee of the Division of Criminal Justice, with respect to any representation in a matter under the jurisdiction of a court.

(c) The provisions of this subsection apply to present or former executive branch public officials or state employees who hold or formerly held positions which involve significant decision-making or supervisory responsibility and are designated as such by the Office of State Ethics in consultation with the agency concerned except that such provisions shall not apply to members or former members of the boards or commissions who serve ex officio, who are required by statute to represent the regulated industry or who are permitted by statute to have a past or present affiliation with the regulated industry. Designation of positions subject to the provisions of this subsection shall be by regulations adopted by the Citizen’s Ethics Advisory Board in accordance with chapter 54. As used in this subsection, “agency” means the Office of Health Care Access division within the Department of Public Health, the Connecticut Siting Council, the Department of Banking, the Insurance Department, the Department of Emergency Services and Public Protection, the office within the Department of Consumer Protection that carries out the duties and responsibilities of sections 30-2 to 30-68m, inclusive, the Public Utilities Regulatory Authority, including the Office of Consumer Counsel, the Department of Consumer Protection and the Gaming Policy Board and the term “employment” means professional services or other services rendered as an employee or as an independent contractor.

(1) No public official or state employee in an executive branch position designated by the Office of State Ethics shall negotiate for, seek or accept employment with any business subject to regulation by his agency.
(2) No former public official or state employee who held such a position in the executive branch shall within one year after leaving an agency, accept employment with a business subject to regulation by that agency.

(3) No business shall employ a present or former public official or state employee in violation of this subsection.

(d) The provisions of subsection (e) of this section apply to (1) present or former Gaming Policy Board or Department of Consumer Protection public officials or state employees who hold or formerly held positions which involve significant decision-making or supervisory responsibility and are designated as such by the Office of State Ethics, in consultation with the agency concerned, and (2) present or former public officials or state employees of other agencies who hold or formerly held positions which involve significant decision-making or supervisory responsibility concerning the regulation or investigation of (A) any business entity (i) engaged in Indian gaming operations in the state, and (ii) in which a federally-recognized Indian tribe in the state owns a controlling interest, or (B) a governmental agency of a federally-recognized Indian tribe engaged in Indian gaming operations in the state, which positions are designated as such by the Office of State Ethics, in consultation with the agency concerned. Designation of positions subject to the provisions of this subsection shall be by regulations adopted by the Citizen’s Ethics Advisory Board in accordance with chapter 54. As used in subsection (e) of this section, the term “employment” means professional services or other services rendered as an employee or as an independent contractor.

(e) (1) No Gaming Policy Board or Department of Consumer Protection public official or state employee or other public official or state employee described in subdivision (2) of subsection (d) of this section, in a position designated by the Office of State Ethics, shall negotiate for, seek or accept employment with (A) a business entity (i) engaged in Indian gaming operations in the state, and (ii) in which a federally-recognized Indian tribe in the state owns a controlling interest, or (B) a governmental agency of a federally-recognized Indian tribe engaged in Indian gaming operations in the state.

(2) No former Gaming Policy Board or Department of Consumer Protection public official or state employee or other former public official or state employee described in subdivision (2) of subsection (d) of this section, who held such a position shall, within two years after leaving such agency, accept employment with (A) a business entity (i) engaged in Indian gaming operations in the state, and (ii) in which a federally-recognized Indian tribe in the state owns a controlling interest, or (B) a governmental agency of a federally-recognized Indian tribe engaged in Indian gaming operations in the state.

(f) No former public official or state employee (1) who participated substantially in the negotiation or award of (A) a state contract valued at an amount of fifty thousand dollars or more, or (B) a written agreement for the approval of a payroll deduction slot described in section 3-123g, or (2) who supervised the negotiation or award of such a contract or agreement, shall accept employment with a party to the contract or agreement other than the state for a period of one year after his resignation from his state office or position if his resignation occurs less than one year after the contract or agreement is signed. No party to such a contract or agreement other
than the state shall employ any such former public official or state employee in violation of this subsection.

(g) No member or director of a quasi-public agency who participates substantially in the negotiation or award of a contract valued at an amount of fifty thousand dollars or more, or who supervised the negotiation or award of such a contract, shall seek, accept, or hold employment with a party to the contract for a period of one year after the signing of the contract.

(h) The provisions of subsections (a), (b) and (f) of this section shall not apply to any employee of a quasi-public agency who leaves such agency before July 1, 1989. The provisions of subsections (b) and (f) of this section shall not apply to a former state employee of a public institution of higher education whose employment was derived from such employee’s status as a student at such institution.

(i) No Treasurer who authorizes, negotiates or renegotiates a contract for investment services valued at an amount of fifty thousand dollars or more shall negotiate for, seek or accept employment with a party to the contract prior to one year after the end of the Treasurer’s term of office within which such contract for investment services was authorized, negotiated or renegotiated by such Treasurer.

(j) No former executive, judicial or legislative branch or quasi-public agency official or state employee convicted of any felony involving corrupt practices, abuse of office or breach of the public trust shall seek or accept employment as a lobbyist or act as a registrant pursuant to this chapter.

(k) No former Governor shall accept employment or act as a registrant pursuant to the provisions of this chapter, for one year after leaving state service, on behalf of any business that received a contract with any department or agency of the state during such Governor’s term. No business shall employ a former Governor in violation of this subsection.


History: P.A. 83-586, S. 6, effective January 7, 1987; P.A. 86-250 added Subsec. (e) permitting adoption of regulations to implement provisions of Subsec. (c) prior to January 7, 1987; (Revisor’s note: Pursuant to P.A. 87-9, “banking department” was changed editorially by the Revisors to “department of banking”); P.A. 88-22 substituted in Subsec. (c) the office of consumer counsel for the division of consumer counsel; P.A. 88-225 applied provisions of Subsec. (b) to quasi-public agency public officials and state employees, inserted new Subsec. (e) re employment prohibition for certain members and directors of quasi-public agencies, relettered former Subsec. (e) as Subsec. (f) and added Subsec. (g) providing that Subsecs. (a), (b) and (d)
shall not apply to any quasi-public agency employee leaving agency before July 1, 1989; Nov. Sp. Sess. P.A. 94-1 amended Subsec. (b) to exempt from the prohibition of this subsection attorneys who are former employees of the division of criminal justice, “with respect to any representation of a criminal defendant in a matter under the jurisdiction of a court”, effective December 13, 1994; P.A. 95-144 amended Subsec. (b) by applying exception from its provisions for attorneys to any representation in a court matter, instead of to any representation “of a criminal defendant” in a court matter, effective July 1, 1995; P.A. 95-195 amended Subsec. (b) to substitute Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 95-257 amended Subsec. (c) to replace Commission on Hospitals and Health Care with Office of Health Care Access, effective July 1, 1995; P.A. 96-156 inserted Subdiv. and Subpara. designations in Subsec. (d) and applied its provisions to persons participating in the approval of a payroll deduction slot; June 18 Sp. Sess. P.A. 97-6 amended Subsec. (c) to add the Department of Public Safety, inserted new Subsec. (d) re applicability of Subsec. (e) and inserted new Subsec. (e) to prohibit certain public officials and state employees from employment with entities engaged in Indian gaming operations and to prohibit such employment for a period of two years after leaving certain state agencies, relettering prior Subsecs. accordingly, effective July 1, 1997; June Sp. Sess. P.A. 98-1 amended Subsec. (f) by substituting “3-123g” for “3-123”, effective June 24, 1998; P.A. 00-43 added Subsec. (j) re Treasurer’s employment with parties to certain investment services contracts, effective May 3, 2000; P.A. 00-66 changed a subsection reference in Subsec. (d); June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-183 replaced “commission” and “State Ethics Commission” with “Office of State Ethics” and “Citizen’s Ethics Advisory Board” and made technical changes throughout the section, deleted former Subsec. (h) re regulations required to implement provisions of Subsec. (c) and redesignated existing Subsecs. (i) and (j) as Subsecs. (h) and (i), effective July 1, 2005; P.A. 05-287 added new Subsec. (j) re employment as lobbyist by former state employee or public official convicted of a felony involving corrupt practices, effective July 13, 2005; P.A. 06-137 added Subsec. (k) re prohibition on lobbying by former Governor on behalf of any business that received a state contract during such Governor’s term, effective July 1, 2006; June 11 Sp. Sess. P.A. 08-3 amended Subsec. (f) to provide that no contract party, other than the state, shall employ any former public official or state employee in violation of subsection; Sept. Sp. Sess. P.A. 09-3 amended Subsec. (c) by adding “division within the Department of Public Health” re Office of Health Care Access, effective October 6, 2009; P.A. 10-18 made a technical change in Subsec. (c)(1); P.A. 10-101 amended Subsec. (h) by exempting former state employee of public institution of higher education whose employment was derived from student status from provisions of Subsecs. (b) and (f); pursuant to P.A. 11-51, “Department of Public Safety” and “Division of Special Revenue” were changed editorially by the Revisors to “Department of Emergency Services and Public Protection” and “Department of Consumer Protection”, respectively, effective July 1, 2011; pursuant to P.A. 11-80, “Department of Public Utility Control” was changed editorially by the Revisors to “Public Utilities Regulatory Authority” in Subsec. (c), effective July 1, 2011.

Sec. 1-85. (Formerly Sec. 1-68). Interest in conflict with discharge of duties. A public official, including an elected state official, or state employee has an interest which is in substantial
conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. A public official, including an elected state official, or state employee does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group. A public official, including an elected state official or state employee who has a substantial conflict may not take official action on the matter.

(1971, P.A. 822, S. 3; P.A. 77-600, S. 7, 15; P.A. 84-546, S. 142, 173; P.A. 89-97, S. 5, 7.)

History: P.A. 77-600 changed “person subject to this chapter” to “public official or state employee”; in 1979 Sec. 1-68 transferred to Sec. 1-85; P.A. 84-546 made technical change; P.A. 89-97 amended section to specify applicability to elected state officials, state employees, their spouses and dependent children and businesses with which they are associated and to prohibit an official or employee who has substantial conflict from taking official action on the matter.

Cited. 229 C. 479.

Sec. 1-86. Procedure when discharge of duty affects official’s or state employee’s financial interests. Lobbyists prohibited from accepting employment with General Assembly and General Assembly members forbidden to be lobbyists. (a) Any public official or state employee, other than an elected state official, who, in the discharge of such official’s or employee’s official duties, would be required to take an action that would affect a financial interest of such official or employee, such official’s or employee’s spouse, parent, brother, sister, child or the spouse of a child or a business with which such official or employee is associated, other than an interest of a de minimis nature, an interest that is not distinct from that of a substantial segment of the general public or an interest in substantial conflict with the performance of official duties as defined in section 1-85 has a potential conflict of interest. Under such circumstances, such official or employee shall, if such official or employee is a member of a state regulatory agency, either excuse himself or herself from the matter or prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict and explaining why despite the potential conflict, such official or employee is able to vote and otherwise participate fairly, objectively and in the public interest. Such public official or state employee shall deliver a copy of the statement to the Office of State Ethics and enter a copy of the statement in the journal or minutes of the agency. If such official or employee is not a member of a state regulatory agency, such official or employee shall, in the case of either a substantial or potential conflict, prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the conflict and deliver a copy of the statement to such official’s or employee’s immediate superior, if any, who shall assign the matter to another employee, or if such official or employee has no immediate superior, such official or employee shall take such steps as the Office of State Ethics shall prescribe or advise.
(b) No elected state official shall be affected by subsection (a) of this section.

(c) No person required to register with the Office of State Ethics under section 1-94 shall accept employment with the General Assembly or with any member of the General Assembly in connection with legislative action, as defined in section 1-91. No member of the General Assembly shall be a lobbyist.

(P.A. 77-600, S. 8, 15; 77-604, S. 67, 84; P.A. 81-53, S. 1, 3; 81-472, S. 114, 159; P.A. 83-249, S. 8, 14; 83-586, S. 7, 14; P.A. 85-369; P.A. 89-97, S. 6, 7; P.A. 05-183, S. 10.)

History: P.A. 77-604 made technical changes; P.A. 81-53 amended this section to exempt public officials and state employees from compliance with its terms with respect to actions affecting a financial interest of theirs if such interest is not distinct from that of a substantial segment of the public where prior law provided an exemption only where the interest affected was the same as that of the public in general; P.A. 81-472 made technical correction; P.A. 83-249 made technical amendments; P.A. 83-586 eliminated requirement that official or employee refrain from action or decision in all instances in which a potential conflict exists; P.A. 85-369 added Subsec. (b) which prohibits persons required to register with the state ethics commission from accepting employment with the general assembly or a member thereof in connection with legislative action, and prohibits members of the general assembly from being lobbyists; P.A. 89-97 amended Subsec. (a) to limit applicability to public officials or state employees who are not elected state officials, to specify applicability in cases of both substantial and potential conflicts of interest and to rephrase provision re voluntary withdrawal from consideration of such matters, inserted new Subsec. (b) stating that Subsec. (a) does not apply to elected state officials, and relettered the former Subsec. (b) as Subsec. (c); P.A. 05-183 replaced “commission” and “State Ethics Commission” with “Office of State Ethics” throughout the section and in Subsec. (a) made technical changes for the purpose of gender neutrality, effective July 1, 2005.

Sec. 1-86e. Consultants and independent contractors. Prohibited activities. (a) No person hired by the state as a consultant or independent contractor shall:

(1) Use the authority provided to the person under the contract, or any confidential information acquired in the performance of the contract, to obtain financial gain for the person, an employee of the person or a member of the immediate family of any such person or employee;

(2) Accept another state contract which would impair the independent judgment of the person in the performance of the existing contract; or

(3) Accept anything of value based on an understanding that the actions of the person on behalf of the state would be influenced.

(b) No person shall give anything of value to a person hired by the state as a consultant or independent contractor based on an understanding that the actions of the consultant or independent contractor on behalf of the state would be influenced.

(June 12 Sp. Sess. P.A. 91-1, S. 7.)
Sec. 1-87. Aggrieved persons. Appeals. Any person aggrieved by any final decision of the board, made pursuant to this part, may appeal such decision in accordance with the provisions of section 4-175 or section 4-183.

(P.A. 77-600, S. 9, 15; P.A. 83-586, S. 8, 14; P.A. 05-183, S. 12.)

History: P.A. 83-586 added reference to appeals under Sec. 4-175; P.A. 05-183 replaced “commission” with “board”, effective July 1, 2005.

Sec. 1-88. Authority of board after finding violation. (a) The board, upon a finding made pursuant to section 1-82 that there has been a violation of any provision of this part or section 1-101nn, shall have the authority to order the violator to do any or all of the following: (1) Cease and desist the violation of this part or section 1-101nn; (2) file any report, statement or other information as required by this part or section 1-101nn; and (3) pay a civil penalty of not more than ten thousand dollars for each violation of this part or section 1-101nn.

(b) Notwithstanding the provisions of subsection (a) of this section, the board may, after a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, upon the concurring vote of six of its members, present and voting impose a civil penalty not to exceed ten dollars per day upon any individual who fails to file any report, statement or other information as required by this part or section 1-101nn. Each distinct violation of this subsection shall be a separate offense and in case of a continued violation, each day thereof shall be deemed a separate offense. In no event shall the aggregate penalty imposed for such failure to file exceed ten thousand dollars.

(c) The board may also report its finding to the Chief State’s Attorney for any action deemed necessary. The board, upon a finding made pursuant to section 1-82 that a member or member-elect of the General Assembly has violated any provision of this part or section 1-101nn, shall notify the appropriate house of the General Assembly, in writing, of such finding and the basis for such finding.

(d) Any person who knowingly acts in such person’s financial interest in violation of section 1-84, 1-85, 1-86 or 1-86d or any person who knowingly receives a financial advantage resulting from a violation of any of said sections shall be liable for damages in the amount of such advantage. If the board determines that any person may be so liable, it shall immediately inform the Attorney General of that possibility.

(e) Any employee of the Office of State Ethics or member of the Citizen’s Ethics Advisory Board who, in violation of this part or section 1-101nn, discloses information filed in accordance with subparagraph (F) of subdivision (1) of subsection (b) of section 1-83, shall be dismissed, if an employee, or removed from the board, if a member.

History: P.A. 79-493 provided for civil penalty for failure to file required information; P.A. 80-483 made technical changes; P.A. 81-53 amended Subsec. (c) to require the commission to notify the general assembly of its findings and their basis in the event of a violation by a member of the general assembly; P.A. 83-249 amended Subsec. (b) to require concurring vote of five members; P.A. 83-493 added Subsec. (d) creating liability for damages on the part of any person who knowingly acts in his pecuniary interest in violation of certain code provisions or knowingly receives a pecuniary advantage resulting from a violation of those sections; P.A. 83-586 added Subsec. (e) establishing penalties for disclosure of confidential information contained in financial statements; P.A. 84-21 changed “pecuniary” interest to “financial” interest and made technical changes in Subsecs. (d) and (e); P.A. 84-546 made technical change in Subsec. (a); P.A. 88-139 made technical change in Subsec. (e); P.A. 88-317 substituted “4-176e” for “4-177” in Subsec. (b), effective July 1, 1989, and applicable to all agency proceedings commencing on or after that date; P.A. 94-132 amended Subsecs. (a) and (b) by changing maximum penalty from $1,000 to $2,000; P.A. 04-38 amended Subsec. (a) to increase the civil penalty from $2,000 to $10,000 and amended Subsec. (b) to make a technical change and increase the maximum aggregate penalty from $2,000 to $10,000, effective July 1, 2004; P.A. 04-198 applied provisions to Sec. 1-86d, effective June 3, 2004 (Revisor’s note: In Subsec. (c) a reference to “part I of chapter 10” was changed editorially by the Revisors to “this part” for consistency with customary statutory usage); P.A. 04-204 amended Subsec. (b) to increase vote required for imposition of civil penalty from five to seven members and to make a technical change, effective June 3, 2004; P.A. 05-183 replaced “commission” with “board” throughout the section and amended Subsec. (b) to change the requirement to impose a civil penalty from a concurring vote of seven members to a vote of two-thirds of the members present and voting, Subsecs. (c) and (d) to make technical changes and Subsec. (e) to replace reference to employees or members of the commission with reference to employees of the Office of State Ethics or members of the Citizen’s Ethics Advisory Board, effective July 1, 2005; P.A. 05-287 added references to Sec. 1-101nn throughout the section and amended Subsec. (b) to change the number of member votes required to impose a civil penalty from seven to six, effective July 1, 2005, and amended Subsec. (e) to delete reference to Sec. 1-83(b)(1)(B), effective July 13, 2005.

Cited. 229 C. 479.

Sec. 1-89. Violations; penalties. Disciplinary powers of the legislature, agencies and commissions. Civil action for damages. (a) Any person who intentionally violates any provision of this part or section 1-101nn shall (1) for a first violation, be guilty of a class A misdemeanor, except that, if such person derives a financial benefit of one thousand dollars or more as a result of such violation, such person shall be guilty of a class D felony, and (2) for a second or subsequent violation, be guilty of a class D felony, provided no person may be found guilty of a violation of subsection (f) or (g) of section 1-84 and bribery or bribe receiving under section 53a-147 or 53a-148 upon the same incident, but such person may be charged and prosecuted for all or any of such offenses upon the same information.

(b) The penalties prescribed in this part or section 1-101nn shall not limit the power of either house of the legislature to discipline its own members or impeach a public official, and shall not limit the power of agencies or commissions to discipline their officials or employees.
(c) The Attorney General may bring a civil action against any person who knowingly acts in the person’s financial interest in, or knowingly receives a financial advantage resulting from, a violation of section 1-84, 1-85, 1-86 or 1-101nn. In any such action, the Attorney General may, in the discretion of the court, recover any financial benefit that accrued to the person as a result of such violation and additional damages in an amount not exceeding twice the amount of the actual damages.

(d) Any fines, penalties or damages paid, collected or recovered under section 1-88 or this section for a violation of any provision of this part or section 1-101nn applying to the office of the Treasurer shall be deposited on a pro rata basis in any trust funds, as defined in section 3-13c, affected by such violation.

(P.A. 77-600, S. 11, 15; 77-604, S. 69, 84; 77-605, S. 12, 21; P.A. 83-493, S. 3, 5; P.A. 94-132, S. 5; P.A. 00-43, S. 8, 19; P.A. 04-38, S. 4; 04-198, S. 5, 7; P.A. 05-287, S. 43.)

History: P.A. 77-604 made technical changes; P.A. 77-605 repealed specific provisions regarding penalties for false swearing for obtaining financial gain through prohibited acts; P.A. 83-493 added Subsec. (c) allowing attorney general to bring a civil action against persons liable under Sec. 1-88(d) and, in the discretion of the court, to recover double damages; P.A. 94-132 amended Subsec. (a) by changing maximum fine from $1,000 to $2,000; P.A. 00-43 added Subsec. (d) re penalties for violations involving Treasurer’s office, effective May 3, 2000; P.A. 04-38 amended Subsec. (a) to change the penalty for an intentional violation from a term of imprisonment not to exceed one year or a fine not to exceed $2,000, or both, to a class D felony, effective July 1, 2004; P.A. 04-198 applied provisions to Sec. 1-86d, effective June 3, 2004, and, effective July 1, 2004, amended Subsec. (a) by making first violation a class A misdemeanor and by designating second or subsequent violations and deriving financial benefit of $1,000 or more as result of first violation a class D felony; P.A. 05-287 added references to Sec. 1-101nn throughout the section and amended Subsec. (c) to delete provision re liability under Sec. 1-88(d) and authorize the Attorney General to bring a civil suit against a person who knowingly acts in the person’s financial interest in, or knowingly receives a financial advantage from, a violation of Sec. 1-84, 1-85, 1-86 or 1-101nn and to recover any resulting financial benefit, effective July 1, 2005.

Cited. 229 C. 479.

Sec. 1-89a. Conferences on ethical issues. (a) In each odd-numbered calendar year, the Office of State Ethics, the Connecticut Humanities Council and the Joint Committee on Legislative Management shall conduct a conference on ethical issues affecting members of the General Assembly and lobbyists.

(b) In each even-numbered calendar year, the Office of State Ethics shall conduct a conference on ethical issues affecting executive branch and quasi-public agency public officials and state employees.

(June 12 Sp. Sess. P.A. 91-1, S. 21; P.A. 05-183, S. 14.)
History: P.A. 05-183 replaced “State Ethics Commission” with “Office of State Ethics” throughout the section, effective July 1, 2005.
OTHER RELEVANT CONNECTICUT STATUTES

Sec. 7-148. Scope of municipal powers. (a) Definitions. Whenever used in this section, “municipality” means any town, city or borough, consolidated town and city or consolidated town and borough.

(b) Ordinances. Powers granted to any municipality under the general statutes or by any charter or special act, unless the charter or special act provides to the contrary, shall be exercised by ordinance when the exercise of such powers has the effect of:

(1) Establishing rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty including community service for not more than twenty hours; or

(2) Creating a permanent local law of general applicability.

(c) Powers. Any municipality shall have the power to do any of the following, in addition to all powers granted to municipalities under the Constitution and general statutes:

(1) Corporate powers. (A) Contract and be contracted with, sue and be sued, and institute, prosecute, maintain and defend any action or proceeding in any court of competent jurisdiction;

(B) Provide for the authentication, execution and delivery of deeds, contracts, grants, and releases of municipal property and for the issuance of evidences of indebtedness of the municipality;

(2) Finances and appropriations. (A) Establish and maintain a budget system;

(B) Assess, levy and collect taxes for general or special purposes on all property, subjects or objects which may be lawfully taxed, and regulate the mode of assessment and collection of taxes and assessments not otherwise provided for, including establishment of a procedure for the withholding of approval of building application when taxes or water or sewer rates, charges or assessments imposed by the municipality are delinquent for the property for which an application was made;

(C) Make appropriations for the support of the municipality and pay its debts;

(D) Make appropriations for the purpose of meeting a public emergency threatening the lives, health or property of citizens, provided such appropriations shall require a favorable vote of at least two-thirds of the entire membership of the legislative body or, when the legislative body is the town meeting, at least two-thirds of those present and voting;
(E) Make appropriations to military organizations, hospitals, health care facilities, public health nursing organizations, nonprofit museums and libraries, organizations providing drug abuse and dependency programs and any other private organization performing a public function;

(F) Provide for the manner in which contracts involving unusual expenditures shall be made;

(G) When not specifically prescribed by general statute or by charter, prescribe the form of proceedings and mode of assessing benefits and appraising damages in taking land for public use, or in making public improvements to be paid for, in whole or in part, by special assessments, and prescribe the manner in which all benefits assessed shall be collected;

(H) Provide for the bonding of municipal officials or employees by requiring the furnishing of such bond, conditioned upon honesty or faithful performance of duty and determine the amount, form, and sufficiency of the sureties thereof;

(I) Regulate the method of borrowing money for any purpose for which taxes may be levied and borrow on the faith and credit of the municipality for such general or special purposes and to such extent as is authorized by general statute;

(J) Provide for the temporary borrowing of money;

(K) Create a sinking fund or funds or a trust fund or funds or other special funds, including funds which do not lapse at the end of the municipal fiscal year;

(L) Provide for the assignment of municipal tax liens on real property to the extent authorized by general statute;

(3) Property. (A) Take or acquire by gift, purchase, grant, including any grant from the United States or the state, bequest or devise and hold, condemn, lease, sell, manage, transfer, release and convey such real and personal property or interest therein absolutely or in trust as the purposes of the municipality or any public use or purpose, including that of education, art, ornament, health, charity or amusement, cemeteries, parks or gardens, or the erection or maintenance of statues, monuments, buildings or other structures, require. Any lease of real or personal property or any interest therein, either as lessee or lessor, may be for such term or any extensions thereof and upon such other terms and conditions as have been approved by the municipality, including without limitation the power to bind itself to appropriate funds as necessary to meet rent and other obligations as provided in any such lease;

(B) Provide for the proper administration of gifts, grants, bequests and devises and meet such terms or conditions as are prescribed by the grantor or donor and accepted by the municipality;

(4) Public services. (A) Provide for police protection, regulate and prescribe the duties of the persons providing police protection with respect to criminal matters within the limits of the municipality and maintain and regulate a suitable place of detention within the limits of the municipality for the safekeeping of all persons arrested and awaiting trial and do all other things necessary or desirable for the policing of the municipality;
(B) Provide for fire protection, organize, maintain and regulate the persons providing fire protection, provide the necessary apparatus for extinguishing fires and do all other things necessary or desirable for the protection of the municipality from fire;

(C) Provide for entertainment, amusements, concerts, celebrations and cultural activities, including the direct or indirect purchase, ownership and operation of the assets of one or more sports franchises;

(D) Provide for ambulance service by the municipality or any person, firm or corporation;

(E) Provide for the employment of nurses;

(F) Provide for lighting the streets, highways and other public places of the municipality and for the care and preservation of public lamps, lamp posts and fixtures;

(G) Provide for the furnishing of water, by contract or otherwise;

(H) Provide for or regulate the collection and disposal of garbage, trash, rubbish, waste material and ashes by contract or otherwise, including prohibiting the throwing or placing of such materials on the highways;

(I) Provide for the financing, construction, rehabilitation, repair, improvement or subsidization of housing for low and moderate income persons and families;

(5) Personnel. (A) Provide for and establish pension systems for the officers and employees of the municipality and for the active members of any volunteer fire department or any volunteer ambulance association of the municipality, and establish a system of qualification for the tenure in office of such officers and employees, provided the rights or benefits granted to any individual under any municipal retirement or pension system shall not be diminished or eliminated;

(B) Establish a merit system or civil service system for the selection and promotion of public officials and employees. Nothing in this subparagraph shall be construed to validate any merit system or civil service system established prior to May 24, 1972;

(C) Provide for the employment of and prescribe the salaries, compensation and hours of employment of all officers and employees of the municipality and the duties of such officers and employees not expressly defined by the Constitution of the state, the general statutes, charter or special act;

(D) Provide for the appointment of a municipal historian;

(6) Public works, sewers, highways. (A) Public facilities. (i) Establish, lay out, construct, reconstruct, alter, maintain, repair, control and operate cemeteries, public burial grounds, hospitals, clinics, institutions for children and aged, infirm and chronically ill persons, bus terminals and airports and their accessories, docks, wharves, school houses, libraries, parks, playgrounds, playfields, fieldhouses, baths, bathhouses, swimming pools, gymnasiums, comfort
stations, recreation places, public beaches, beach facilities, public gardens, markets, garbage and refuse disposal facilities, parking lots and other off-street parking facilities, and any and all buildings or facilities necessary or convenient for carrying on the government of the municipality;

(ii) Create, provide for, construct, regulate and maintain all things in the nature of public works and improvements;

(iii) Enter into or upon any land for the purpose of making necessary surveys or mapping in connection with any public improvement, and take by eminent domain any lands, rights, easements, privileges, franchises or structures which are necessary for the purpose of establishing, constructing or maintaining any public work, or for any municipal purpose, in the manner prescribed by the general statutes;

(iv) Regulate and protect from injury or defacement all public buildings, public monuments, trees and ornaments in public places and other public property in the municipality;

(v) Provide for the planting, rearing and preserving of shade and ornamental trees on the streets and public grounds;

(vi) Provide for improvement of waterfronts by a board, commission or otherwise;

(B) Sewers, drainage and public utilities. (i) Lay out, construct, reconstruct, repair, maintain, operate, alter, extend and discontinue sewer and drainage systems and sewage disposal plants;

(ii) Enter into or upon any land for the purpose of correcting the flow of surface water through watercourses which prevent, or may tend to prevent, the free discharge of municipal highway surface water through said courses;

(iii) Regulate the laying, location and maintenance of gas pipes, water pipes, drains, sewers, poles, wires, conduits and other structures in the streets and public places of the municipality;

(iv) Prohibit and regulate the discharge of drains from roofs of buildings over or upon the sidewalks, streets or other public places of the municipality or into sanitary sewers;

(v) Enter into energy-savings performance contracts;

(C) Highways and sidewalks. (i) Lay out, construct, reconstruct, alter, maintain, repair, control, operate, and assign numbers to streets, alleys, highways, boulevards, bridges, underpasses, sidewalks, curbs, gutters, public walks and parkways;

(ii) Keep open and safe for public use and travel and free from encroachment or obstruction the streets, sidewalks and public places in the municipality;

(iii) Control the excavation of highways and streets;
(iv) Regulate and prohibit the excavation, altering or opening of sidewalks, public places and grounds for public and private purposes and the location of any work or things thereon, whether temporary or permanent, upon or under the surface thereof;

(v) Require owners or occupants of land adjacent to any sidewalk or public work to remove snow, ice, sleet, debris or any other obstruction therefrom, provide penalties upon their failure to do so, and cause such snow, ice, sleet, debris or other obstruction to be removed and make the cost of such removal a lien on such property;

(vi) Grant to abutting property owners a limited property or leasehold interest in abutting streets and sidewalks for the purpose of encouraging and supporting private commercial development;

(7) Regulatory and police powers. (A) Buildings. (i) Make rules relating to the maintenance of safe and sanitary housing;

(ii) Regulate the mode of using any buildings when such regulations seem expedient for the purpose of promoting the safety, health, morals and general welfare of the inhabitants of the municipality;

(iii) Regulate and prohibit the moving of buildings upon or through the streets or other public places of the municipality, and cause the removal and demolition of unsafe buildings and structures;

(iv) Regulate and provide for the licensing of parked trailers when located off the public highways, and trailer parks or mobile manufactured home parks, except as otherwise provided by special act and except where there exists a local zoning commission so empowered;

(v) Establish lines beyond which no buildings, steps, stoop, veranda, billboard, advertising sign or device or other structure or obstruction may be erected;

(vi) Regulate and prohibit the placing, erecting or keeping of signs, awnings or other things upon or over the sidewalks, streets and other public places of the municipality;

(vii) Regulate plumbing and house drainage;

(viii) Prohibit or regulate the construction of dwellings, apartments, boarding houses, hotels, commercial buildings, youth camps or commercial camps and commercial camping facilities in such municipality unless the sewerage facilities have been approved by the authorized officials of the municipality;

(B) Traffic. (i) Regulate and prohibit, in a manner not inconsistent with the general statutes, traffic, the operation of vehicles on streets and highways, off-street parking and on-street residential neighborhood parking areas in which on-street parking is limited to residents of a given neighborhood, as determined by the municipality;
(ii) Regulate the speed of vehicles, subject to the provisions of the general statutes relating to the regulation of the speed of motor vehicles and of animals, and the driving or leading of animals through the streets;

(C) Building adjuncts. Regulate and prohibit the construction or use, and require the removal of sinks, cesspools, drains, sewers, privies, barns, outhouses and poultry pens and houses;

(D) Animals. (i) Regulate and prohibit the going at large of dogs and other animals in the streets and public places of the municipality and prevent cruelty to animals and all inhuman sports;

(ii) Regulate and prohibit the keeping of wild or domestic animals, including reptiles, within the municipal limits or portions thereof;

(E) Nuisance. Define, prohibit and abate within the municipality all nuisances and causes thereof, and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants and cause the abatement of any nuisance at the expense of the owner or owners of the premises on which such nuisance exists;

(F) Loitering and trespassing. (i) Keep streets, sidewalks and public places free from undue noise and nuisances, and prohibit loitering thereon;

(ii) Regulate loitering on private property with the permission of the owner thereof;

(iii) Prohibit the loitering in the nighttime of minors on the streets, alleys or public places within its limits;

(iv) Prevent trespassing on public and private lands and in buildings in the municipality;

(G) Vice. Prevent vice and suppress gambling houses, houses of ill-fame and disorderly houses;

(H) Public health and safety. (i) Secure the safety of persons in or passing through the municipality by regulation of shows, processions, parades and music;

(ii) Regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity;

(iii) Regulate auctions and garage and tag sales;

(iv) Prohibit, restrain, license and regulate the business of peddlers, auctioneers and junk dealers in a manner not inconsistent with the general statutes;

(v) Regulate and prohibit swimming or bathing in the public or exposed places within the municipality;
(vi) Regulate and license the operation of amusement parks and amusement arcades including, but not limited to, the regulation of mechanical rides and the establishment of the hours of operation;

(vii) Prohibit, restrain, license and regulate all sports, exhibitions, public amusements and performances and all places where games may be played;

(viii) Preserve the public peace and good order, prevent and quell riots and disorderly assemblages and prevent disturbing noises;

(ix) Establish a system to obtain a more accurate registration of births, marriages and deaths than the system provided by the general statutes in a manner not inconsistent with the general statutes;

(x) Control insect pests or plant diseases in any manner deemed appropriate;

(xi) Provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health;

(xii) Regulate the use of streets, sidewalks, highways, public places and grounds for public and private purposes;

(xiii) Make and enforce police, sanitary or other similar regulations and protect or promote the peace, safety, good government and welfare of the municipality and its inhabitants;

(xiv) Regulate, in addition to the requirements under section 7-282b, the installation, maintenance and operation of any device or equipment in a residence or place of business which is capable of automatically calling and relaying recorded emergency messages to any state police or municipal police or fire department telephone number or which is capable of automatically calling and relaying recorded emergency messages or other forms of emergency signals to an intermediate third party which shall thereafter call and relay such emergency messages to a state police or municipal police or fire department telephone number. Such regulations may provide for penalties for the transmittal of false alarms by such devices or equipment;

(xv) Make and enforce regulations for the prevention and remediation of housing blight, including regulations reducing assessments and authorizing designated agents of the municipality to enter property during reasonable hours for the purpose of remediating blighted conditions, provided such regulations define housing blight and require such municipality to give written notice of any violation to the owner and occupant of the property and provide a reasonable opportunity for the owner and occupant to remediate the blighted conditions prior to any enforcement action being taken, and further provided such regulations shall not authorize such municipality or its designated agents to enter any dwelling house or structure on such property, and including regulations establishing a duty to maintain property and specifying standards to determine if there is neglect; prescribe civil penalties for the violation of such regulations of not less than ten or more than one hundred dollars for each day that a violation continues and, if such civil penalties are prescribed, such municipality shall adopt a citation hearing procedure in accordance with section 7-152c;
Regulate, on any property owned by the municipality, any activity deemed to be deleterious to public health, including the lighting or carrying of a lighted cigarette, cigar, pipe or similar device;

(8) The environment. (A) Provide for the protection and improvement of the environment including, but not limited to, coastal areas, wetlands and areas adjacent to waterways in a manner not inconsistent with the general statutes;

(B) Regulate the location and removal of any offensive manure or other substance or dead animals through the streets of the municipality and provide for the disposal of same;

(C) Except where there exists a local zoning commission, regulate the filling of, or removal of, soil, loam, sand or gravel from land not in public use in the whole, or in specified districts of, the municipality, and provide for the reestablishment of ground level and protection of the area by suitable cover;

(D) Regulate the emission of smoke from any chimney, smokestack or other source within the limits of the municipality, and provide for proper heating of buildings within the municipality;

(9) Human rights. (A) Provide for fair housing;

(B) Adopt a code of prohibited discriminatory practices;

(10) Miscellaneous. (A) Make all lawful regulations and ordinances in furtherance of any general powers as enumerated in this section, and prescribe penalties for the violation of the same not to exceed two hundred fifty dollars, unless otherwise specifically provided by the general statutes. Such regulations and ordinances may be enforced by citations issued by designated municipal officers or employees, provided the regulations and ordinances have been designated specifically by the municipality for enforcement by citation in the same manner in which they were adopted and the designated municipal officers or employees issue a written warning providing notice of the specific violation before issuing the citation;

(B) Adopt a code of ethical conduct;

(C) Establish and maintain free legal aid bureaus;

(D) Perform data processing and related administrative computer services for a fee for another municipality;

(E) Adopt the model ordinance concerning a municipal freedom of information advisory board created under subsection (f) of section 1-205 and establish a municipal freedom of information advisory board as provided by said ordinance and said section.

S. 1, 2; P.A. 76-32; P.A. 78-331, S. 4, 58; P.A. 79-531, S. 1; 79-618, S. 1; P.A. 80-403, S. 7, 10; P.A. 81-219, S. 1, 3; P.A. 82-327, S. 5; P.A. 83-168, S. 3; 83-188, S. 1; 83-587, S. 78, 96; June Sp. Sess. P.A. 83-3, S. 1; P.A. 84-232, S. 1–3; P.A. 86-97, S. 2, 3; 86-229, S. 1, 2; P.A. 87-278, S. 1, 5; P.A. 88-213, S. 1, 2; 88-221, S. 1; P.A. 90-334, S. 1; P.A. 93-434, S. 18, 20; P.A. 95-7; 95-320; P.A. 97-199, S. 5; 97-320, S. 4, 11; June 18 Sp. Sess. P.A. 97-11, S. 62, 65; P.A. 98-188, S. 2; P.A. 99-129; 99-188, S. 3, 6; P.A. 00-136, S. 7, 10; P.A. 01-128, S. 1; P.A. 03-19, S. 19; P.A. 06-185, S. 7; P.A. 07-141, S. 4; P.A. 08-184, S. 34; P.A. 10-152, S. 7; P.A. 11-80, S. 122; P.A. 12-146, S. 2.)

History: 1959 act authorized establishment and maintenance of parks, etc., “by a board, commission or otherwise”; 1961 acts deleted semicolon between the words “mobile home parks” and “and regulate the removal of soil, loam,” etc. and added provision regulations enacted by local zoning commission would have same effect as ordinance; 1963 acts added provision for improvement of waterfronts “by a board, commission or otherwise” and added power to enact ordinances re sewer and drainage systems and sewage disposal plants and entry on land to correct surface water flow; 1965 act authorized zoning commission to regulate the filling of land not in public use; 1967 acts added power to furnish ambulance service, deleted power to set poll hours for elections and added power to regulate loitering; 1969 act deleted power to set poll hours for electors’ meetings and referenda; 1971 acts added power to fix hours of operation of amusement parks and arcades and to establish commission or board to protect and improve environment and deleted power to regulate building construction; P.A. 73-614 added power to regulate off-street parking available to public on private property; P.A. 75-178 added power to acquire and sell personal and real property for benefit of the municipality; P.A. 76-32 replaced power to regulate loitering on public property with broader power to regulate use of streets, sidewalks, etc.; P.A. 78-331 divided section into subssecs. and subdivs. and restored power to acquire and sell real and personal property which was inadvertently dropped in 1976 act; P.A. 79-531 added power to provide fair housing and to perform data processing services for other towns in Subsec. (a); P.A. 79-618 added power to adopt ethics code in Subsec. (a); P.A. 80-403 added power to adopt code of discriminatory practices in Subsec. (a); P.A. 81-219 reorganized the section and included powers previously reserved for charter towns under Sec. 7-194, effective October 1, 1982; P.A. 82-327 completed the revision of power begun by P.A. 81-219; P.A. 83-168 added power to regulate automatic calling devices, designated as Subsec. (c)(7)(H)(xiv); P.A. 83-188 made technical changes in Subdiv. (c)(5)(C); P.A. 83-587 substituted “7-282b” for “7-282a” in Subsec. (c)(7)(H)(xiv); June Sp. Sess. 83-3 changed term “mobile home” to “mobile manufactured home” in Subsec. (c)(7)(A)(iv); P.A. 84-232 amended Subsec. (c)(3) to include encouragement of private commercial development and amended Subsec. (c)(6)(C) to authorize grants of limited property or leasehold interests in streets and sidewalks to abutting property owners; P.A. 86-97 amended Subsec. (c)(5) to include authorization to establish pension systems for members of volunteer fire departments; P.A. 86-229 amended Subsec. (c)(2)(K) to include references to trust funds and to funds which do not lapse at the end of the municipal fiscal year and added Subsec. (c)(4)(I) re housing for those with low or moderate incomes; P.A. 87-278 added Subsec. (c)(5)(D) re appointment of municipal historians; P.A. 88-213 added provision in Subsec. (c)(7)(B) to allow municipalities to regulate and prohibit on-street residential neighborhood parking; P.A. 88-221 amended Subsec. (c)(10)(A) to provide that regulations and ordinances may be enforced by citations by designated municipal officers, provided the regulations and ordinances are so designated and the written warning is issued.
before issuance of citation; P.A. 90-334 added provision in Subsec. (c)(7)(H) to allow municipalities to make and enforce regulations preventing housing blight; P.A. 93-434 added provision in Subsec. (c)(2)(L) to allow municipalities to assign tax liens on real property, effective June 30, 1993; P.A. 95-7 amended Subsec. (c) (5) (A) to authorize municipalities to establish pensions for active members of volunteer ambulance associations; P.A. 95-320 amended Subsec. (c)(2)(B) to allow municipalities to withhold approval of building applications when taxes are delinquent on the property; P.A. 97-199 amended Subsec. (b)(1) by adding “including community service for not more than twenty hours”; P.A. 97-320 amended Subsec. (c)(7)(H)(xv) to authorize blight ordinance to include provision re reduction of assessments, effective July 1, 1997; June 18 Sp. Sess. P.A. 97-11 changed effective date of P.A. 97-199 from October 1, 1997, to July 1, 1997, effective July 1, 1997; P.A. 98-188 added provision in Subsec. (c)(2)(B) re delinquent water or sewer rates, charges or assessments; P.A. 99-129 added provision in Subsec. (c)(7)(H) to allow municipalities to impose fines for violation of blight regulations; P.A. 99-188 amended Subsec. (c)(4)(C) to allow towns to purchase, own and operate sports franchises, effective June 23, 1999; P.A. 00-136 amended Subsec. (c)(10) to add new Subpara. (E) re municipal freedom of information advisory boards, effective July 1, 2000; P.A. 01-128 amended Subsec. (c)(7)(H)(xv) to authorize regulations to establish a duty to maintain property and to specify standards to determine neglect; P.A. 03-19 made a technical change in Subsec. (c)(7)(H)(xv), effective May 12, 2003; P.A. 06-185 amended Subsec. (c)(10)(A) to increase maximum penalty for violation of regulations and ordinances from $100 to $250; P.A. 07-141 amended Subsec. (c)(3)(A) to delete “or the encouragement of private commercial development” re power to take or acquire property, effective June 25, 2007, and applicable to property acquired on or after that date; P.A. 08-184 amended Subsec. (c)(7)(H) to add clause (xvi) re regulation on municipally owned property of any activity deemed to be deleterious to public health; P.A. 10-152 amended Subsec. (c)(7)(H)(xv) to authorize regulations for the remediation of housing blight, to provide that regulations may authorize designated agents of municipalities to enter property for purpose of remediating blighted conditions and to prohibit regulations from authorizing entry into dwelling house or structure on such property; P.A. 11-80 amended Subsec. (c)(6)(B) to add clause (v) re energy-savings performance contracts, effective July 1, 2011; P.A. 12-146 amended Subsec. (c)(7)(H)(xv) by providing that regulations require municipality to give written notice of housing blight violation and reasonable opportunity to remediate blighted conditions and by changing “fines” to “civil penalties”.

See Sec. 7-148ff re ordinances imposing special assessment on blighted housing.

See Sec. 29-265b re ordinance requiring rain sensor devices on automatic lawn sprinkler systems.

For constitutionality, see 95 C. 365. Cited. 102 C. 228. Vote to change compensation of town officers under this section discussed. 103 C. 424, see also 104 C. 255. Grant of power to enact ordinances ordinarily implies power to repeal them. 118 C. 11. Cited. 119 C. 603. State delegated power to make traffic rules applying to all vehicles alike, but retained special power to regulate motor vehicles with specific exceptions noted in Sec. 14-162. 125 C. 501; 135 C. 71. Cited. 129 C. 109; 133 C. 29; 135 C. 421. “Regulate” does not so much imply creating a new thing as arranging and controlling that which already exists. 143 C. 152. Confers necessary power to adopt legislation regulating auctions. Id., 698. Ordinance imposing time limitations on
the occupancy of land by trailers and mobile homes held constitutional. 146 C. 697. Constitutionality of ordinance licensing and regulating trailer and mobile home parks discussed. Id., 720. Towns without zoning authorities should have power to deal with trailers and mobile homes not only in matters narrowly concerned with public health and safety but in matters concerned with economic and esthetic considerations which can affect public welfare. Id. If ordinance which is police measure imposes a fee, such fee must be reasonably proportionate to cost of administering and enforcing the ordinance. Id. Power to adopt rent control not within general delegation of police power. 147 C. 60. If charter empowers legislative body of municipality to adopt and amend its own rules of order in exercising certain legislative functions, such body need not act by ordinance or resolution. 148 C. 33. Cited. Id., 233. Attempt by common council to establish law department by ordinance ineffective where charter provisions were inconsistent with the exercise of such power. 152 C. 287; Id., 318; 158 C. 100. Cited. 166 C. 376; 181 C. 114; 203 C. 267; 227 C. 363.

Cited. 1 CA 505; 13 CA 1; 17 CA 17; judgment reversed, see 212 C. 570.

Town limited in authority where city or borough has duplicate power. 14 CS 258. Test for powers by implication is necessity not convenience. 15 CS 344. Cited. 20 CS 464. Omission of any direct mention of a mobile home park as a permitted use of land anywhere in a town does not render zoning law void or unconstitutional. 21 CS 275. Town may regulate garbage disposal business; it cannot prohibit it. Id., 347. Ordinance prohibiting transportation into a town of garbage from any other town held void. Id. Zoning regulation requiring permit for commercial removal of sand and gravel not taking of property without due process. Proper exercise of police power. 25 CS 125. Does not permit adoption of original “special event” ordinance. 29 CS 48. Cited. 36 CS 74.

Cited as authority for municipality to establish monetary fine for violation of housing code. 4 Conn. Cir. Ct. 244.

Subsec. (b):


Subsec. (c):

suit with that aim that it otherwise would have no standing to bring. Id. “Public improvement” as used in Subdiv. (6)(A)(iii), is not limited to projects that either already exist or have been approved and funded by municipality. Accordingly, Subdiv. (6)(A)(iii) includes within its ambit studies intended to determine feasibility of a particular project. 274 C. 483. The grant of police powers to municipalities under section is sufficiently broad to encompass the power to require licensing and inspections of residential rental real estate. 288 C. 181. Although statutes confer on municipalities the power to control streets and to regulate traffic in order to prevent unsafe traffic conditions, under present facts, town’s closure of road to prevent access from subdivision in adjoining town was inconsistent with statutes governing review of subdivision applications. 295 C. 802.

Subdiv. (7)(H)(iv) cited. 4 CA 261. Cited. 10 CA 209; 29 CA 207. Provision enabling municipality to adopt an ordinance providing for the furnishing of water did not authorize planning commission to adopt subdivision regulations that address issues re water supply and water main extensions in a proposed subdivision. 114 CA 509.


Sec. 7-148h. Ethics commission; establishment and powers. Interest in conflict with discharge of duties. (a) Any town, city, district, as defined in section 7-324, or borough may, by charter provision or ordinance, establish a board, commission, council, committee or other agency to investigate allegations of unethical conduct, corrupting influence or illegal activities levied against any official, officer or employee of such town, city, district or borough. The provisions of subsections (a) to (e), inclusive, of section 1-82a shall apply to allegations before any such agency of such conduct, influence or activities, to an investigation of such allegations conducted prior to a probable cause finding, and to a finding of probable cause or no probable cause. Any board, commission, council, committee or other agency established pursuant to this section may issue subpoenas or subpoenas duces tecum, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers.

(b) Notwithstanding the provisions of any special act, municipal charter or ordinance to the contrary, an elected official of any town, city, district or borough that has established a board, commission, council, committee or other agency under subsection (a) of this section, has an interest that is in substantial conflict with the proper discharge of the official’s duties or employment in the public interest and of the official’s responsibilities as prescribed by the laws of this state, if the official has reason to believe or expect that the official, the official’s spouse or dependent child, or a business with which he is associated, as defined in section 1-79, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official’s official activity. Any such elected official does not have an interest that is in substantial conflict with the proper discharge of the official’s duties in the public interest and of the official’s responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to the official, the official’s spouse or dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group. Any such elected official who has a substantial conflict may not take official action on the matter.

History: P.A. 89-229 specified the circumstances under which the provisions of Subsecs. (a) to (e), inclusive, of Sec. 1-82a are to apply; June 12 Sp. Sess. P.A. 91-1 added Subsec. (b) re conflicts of interest; P.A. 00-92 applied provisions to a “district, as defined in section 7-324”, substituted “official” for “municipal official”, substituted “that” for “which”, and made technical changes for the purpose of gender neutrality.

Cited. 180 C. 243.

Sec. 7-148t. Conflict of interest for members of land use and purchasing commissions and boards. Notwithstanding the provisions of any special act or municipal charter and in addition to any provisions of sections 8-11, 8-21 and subsection (c) of section 22a-42, no member of any municipal commission or board having any jurisdiction or exercising any power over any municipal land use or purchasing decisions shall appear for or represent any person, firm, corporation or other entity in any matter pending before the commission or board. No member of any such commission or board shall participate in any hearing or decision of the board or commission of which he is a member upon any matter in which he knowingly has a pecuniary interest. In the event of such disqualification, such fact shall be entered on the records of the commission or board and any municipality may, by ordinance, provide that an elector may be chosen, in a manner specified in the ordinance, to act as a member of such commission or board in the hearing and determination of such matter, except that replacement shall be made first from alternate members of such commission or board designated pursuant to the general statutes or any special act or municipal charter or ordinance, if any.

(P.A. 83-540.)

Sec. 7-233o. Conflict of interest. No representative, officer or employee of a municipal electric energy cooperative shall have or acquire any personal interest, direct or indirect, in any project or in any property included or planned to be included in any project or in any contract or proposed contract for materials or services to be furnished to or used by the municipal electric energy cooperative, but neither the holding of any office or employment in the government of any municipal electric utility or in any municipal electric energy cooperative under any law of the state nor the owning of any property within the state shall be deemed a disqualification for representation on or employment by a municipal electric energy cooperative.

(P.A. 75-634, S. 15, 24; P.A. 11-98, S. 5.)

History: P.A. 11-98 added “personal” re interest in project, property or contract and added “in any municipal electric energy cooperative” re office-holding or employment that is not deemed a disqualification.

Sec. 7-421. Political activities of classified municipal employees. Candidacy of municipal employees for elective office. Leaves of absence. Service on governmental bodies of the town in which the employee resides. (a) No person employed in the classified civil service may (1) use his official authority or influence for the purpose of interfering with or affecting the result of an
election or a nomination for office; or (2) directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

(b) A person employed in said classified service retains the right to vote as he chooses and to express his opinions on political subjects and candidates and shall be free to participate actively in political management and campaigns. Such activity may include, but shall not be limited to, membership and holding of office in a political party, organization or club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of the candidate or soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties, committees or other agencies engaged in political action, except that no classified employee shall engage in such activity while on duty or within any period of time during which such employee is expected to perform services for which he receives compensation from the municipality, and no such employee shall utilize municipal funds, supplies, vehicles or facilities to secure support for or oppose any candidate, party, or issue in a political partisan election. Notwithstanding the provisions of this subsection, any municipal employee may be a candidate for a federal, state or municipal elective office in a political partisan election and no municipality or any officer or employer thereof shall take or threaten to take any personnel action against any such employee due to such candidacy. No person seeking or holding state or municipal office in accordance with the provisions of this subsection shall engage in political activity or in the performance of the duties of such office while on municipal duty or within any period of time during which such person is expected to perform services for which such person receives compensation from the municipality.

(c) Any municipal employee who leaves his municipal employment to accept a full-time elective municipal office shall be granted a personal leave of absence without pay from his municipal employment for not more than two consecutive terms of such office or for a period of four years, whichever is shorter. Upon reapplication for his original position at the expiration of such term or terms of office, such person shall be reinstated in his most recent municipal position or a similar position with equivalent pay or to a vacancy in any other position such person is qualified to fill. If no such positions are available, such person’s name shall be placed on all reemployment lists for classes for which he is eligible. Such person shall give notice in writing to his municipal employer that he is a candidate for a full-time elective municipal office within thirty days after nomination for that office.

(d) Notwithstanding the provisions of subsection (c) of this section, upon the request of any municipal employee to whom a personal leave of absence has been granted pursuant to said subsection, his municipal employer may, in its sole discretion, determine whether to extend such leave of absence beyond the period permitted in said subsection and, if extended, what terms and conditions shall pertain to such extension. As part of any such extension, rights of reinstatement with equivalent pay or benefits may be granted to such employee.

(e) Any municipal employee shall have the right to serve on any governmental body of the town in which such employee resides except any body which has responsibility for direct supervision of such employee. Notwithstanding the provisions of this subsection, (1) no such employee shall serve on any of the following unless such employee is permitted to serve pursuant to the
provisions of a municipal charter or home rule ordinance or serves because of membership on the legislative body of the municipality: (A) Any board of finance created pursuant to chapter 106 or any special act or municipal charter; (B) any body exercising zoning powers pursuant to chapter 124 or any special act or municipal charter; (C) any body exercising land use powers pursuant to chapter 125a or any special act or municipal charter; (D) any body exercising planning powers pursuant to chapter 126 or any special act or municipal charter; or (E) any body regulating inland wetlands and watercourses pursuant to chapter 440 or any special act or municipal charter; and (2) any municipality may, by ordinance adopted by its legislative body, authorize such employees to serve on (A) any body exercising zoning powers pursuant to chapter 124 or any special act or municipal charter; (B) any body exercising land use powers pursuant to chapter 125a or any special act or municipal charter; (C) any body exercising planning powers pursuant to chapter 126 or any special act or municipal charter; or (D) any body regulating inland wetlands and watercourses pursuant to chapter 440 or any special act or municipal charter.

(1949 Rev., S. 883; P.A. 76-424, S. 1, 4; P.A. 84-532, S. 2, 3; P.A. 87-75, S. 1, 2; P.A. 90-123, S. 1, 3; P.A. 93-103; P.A. 02-83, S. 9; P.A. 03-278, S. 17.)

History: P.A. 76-424 replaced former provisions re political activities of municipal and state employees; P.A. 84-532 provided that any municipal employee may be a candidate for municipal elective office, provided political activity may not be engaged in during working hours and added Subsec. (c), granting such employees the right to a leave of absence upon taking full-time elective office, with specified rights to reinstatement; P.A. 87-75 added Subsec. (d), permitting municipal employers to grant extensions of leaves of absence given to employees who have taken full-time elective office; P.A. 90-123 amended Subsec. (b) to include candidacies for federal and state office and to prohibit the taking of any personnel action against employee candidates and added Subsec. (e) concerning service on governmental bodies by municipal employees; P.A. 93-103 amended Subsec. (e) to clarify the right of a municipal employee to serve on a governmental body; P.A. 02-83 amended Subsec. (e) by designating existing provisions re limitations on employee service as Subdiv. (1), redesignating existing Subdivs. (1) to (5) as Subparas. (A) to (E), making a technical change for purposes of gender neutrality, and adding Subdiv. (2) re municipal ordinances authorizing employees to serve on certain bodies; P.A. 03-278 made a technical change in Subsec. (a), effective July 9, 2003.

Cited. 192 C. 399.

Cited. 39 CS 123; 41 CS 295.

Sec. 7-478. Municipal employee member of civil service board or commission not to participate in certain matters. Any provision of any special act, home rule ordinance or charter to the contrary notwithstanding, no member of a municipal civil service board or commission who is an employee of such municipality shall participate, as a board or commission member, in matters regarding compensation plans, or in grievances involving employees covered by collective bargaining.

(1967, P.A. 214.)

Sec. 7-479. Conflicts of interest. For the purposes of this section, “municipality” means any town, city, borough, school district, taxing district, fire district, district department of health, probate district, housing authority, flood commission or authority established by special act or regional planning agency. Any municipality, in addition to such powers as it has under the provisions of the general statutes or any special act, may, by ordinance or regulation, prohibit any member or employee of any municipal board or agency, or any official, officer or employee of such municipality from (1) being financially interested, or having any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by any such municipality, board or agency and (2) accepting or receiving, directly or indirectly, from any person, firm or corporation to which any contract or purchase order may be awarded by such municipality, by rebate, gifts or otherwise, any money, or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation. Such municipalities may prescribe penalties for the violation of any ordinance or regulation enacted pursuant to this section, including the voidance of any municipal purchase, contract or ruling adopted in contravention thereof.

(1969, P.A. 782.)

Sec. 7-468 et seq. cited. 42 CS 227.

Sec. 8-11. Disqualification of members of zoning authorities. No member of any zoning commission or board and no member of any zoning board of appeals or of any municipal agency exercising the powers of any zoning commission or board of appeals, whether existing under the general statutes or under any special act, shall appear for or represent any person, firm, corporation or other entity in any matter pending before the planning or zoning commission or board or said board of appeals or any agency exercising the powers of any such commission or board in the same municipality, whether or not he is a member of the board or commission hearing such matter. No member of any zoning commission or board and no member of any zoning board of appeals shall participate in the hearing or decision of the board or commission of which he is a member upon any matter in which he is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the commission or board and, unless otherwise provided by special act, any municipality may provide by ordinance that an elector may be chosen, in a manner specified in the ordinance, to act as a member of such commission or board in the hearing and determination of such matter, except that replacement shall first be made from alternate members pursuant to the provisions of sections 8-1b and 8-5a.

History: 1959 act required that when member or alternate is disqualified, replacement must first be made from alternates; 1971 act deleted provision concerning replacement of disqualified member by elector and added reference to Sec. 8-1b; P.A. 74-192 restored provision concerning selection of elector as replacement if authorized by ordinance.

See Sec. 8-21 re disqualification of planning commission members.

Cited. 144 C. 493; 146 C. 531; 148 C. 603. Evidence of statement of member of board before planning and zoning commission on same matter admissible for development of disqualification. Id., 604. Cited. 150 C. 147. Where zoning commission voted to amend regulations to make proposed use a permitted use in zone, and one of commission members who voted had a financial interest in proposed change, held participation by interested member in action rendered attempted amendment invalid. Id., 495. Previous showing by commission member of open opposition to plaintiff, coupled with other acts of interest, sufficient to disqualify him. 151 C. 476. Failure of commissioner to disqualify himself renders commission’s action invalid. Id. Zoning commission’s upgrading of residential zone invalid where chairman of commission who was owner of eight per cent of the land in area upgraded refused to disqualify himself and participated in decision of commission. 155 C. 497. The decision as to whether a particular interest is sufficient to disqualify a member is a factual one depending on the circumstances of the particular case. 157 C. 285. That chairman of zoning commission was chairman of town mental health fund and son of a member of the zoning appeals board had received psychiatric treatment at defendant institution did not disqualify either from reviewing application of defendant educational institution for emotionally maladjusted children. 158 C. 158. Where two members of commission had, prior to becoming members, signed petitions opposing applicant’s request for zoning change but applicant’s lawyer refused to challenge their qualifications at hearings, saying he would raise question on appeal if his client had unfavorable decision, decision was confirmed. Id., 497. Member of zoning commission did not have such personal or financial interest, either directly or indirectly, as would disqualify him under this section. 159 C. 585. Permissible for municipal official who, by virtue of his office is an ex-officio member of board, to appear before zoning commission on matter as long as he represents municipality and not applicant. 160 C. 295. Member of the Granby Conservation Commission not unqualified to serve as zoning and planning commissioner for personal or financial interests conflict. 161 C. 182. Cited. 165 C. 185. The intent of section is that a disinterested member or alternate attend a hearing and participate in the decision. 166 C. 207. Where zoning authority’s action is held to be illegal, arbitrary or abuse of discretion, reviewing court cannot substitute own judgment of what authority’s action should be unless as matter of law only one conclusion could reasonably be reached by authority. 178 C. 198. Cited. 196 C. 192; 199 C. 231; 209 C. 544.

Cited. 2 CA 551; 26 CA 943; 43 CA 512.

Where board member had no personal or financial interest in application before board and plaintiff’s attorney made no formal request at the hearing that he disqualify himself, facts do not justify his disqualification under section. 26 CS 254. Where one of petitioners for zone change was personal accountant and professional advisor of commission member, latter should have disqualified himself. Id., 502. Court must expect commissioner’s testimony that actions claimed by plaintiff did not, in their cumulative effect, constitute direct or indirect undue influence on
commission members. 28 CS 426. Statements and conduct of chairman of zoning commission at board’s hearing, coupled with prior activities on his part, were such that he could be said to “represent” within meaning of section opponents of plaintiff’s application. M’s appearance for board was violation of section, and board’s denial of variance sought by plaintiff was thereby rendered illegal and invalid. 29 CS 32. Cited. 41 CS 196; 43 CS 373.

Sec. 8-21. Disqualification of members in matters before planning or zoning commissions or zoning board of appeals. Replacement by alternates. No member of any planning commission and no member of any municipal agency exercising the powers of any planning commission, whether existing under the general statutes or under any special act, shall appear for or represent any person, firm or corporation or other entity in any matter pending before the planning or zoning commission or zoning board of appeals or agency exercising the powers of any such commission or board in the same municipality, whether or not he is a member of the commission hearing such matter. No member of any planning commission shall participate in the hearing or decision of the commission of which he is a member upon any matter in which he is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the commission and, unless otherwise provided by special act, replacement shall be made from alternate members pursuant to the provisions of section 8-19a, of an alternate to act as a member of such commission in the hearing and determination of the particular matter or matters in which the disqualification arose.

(1951, S. 392d; 1971, P.A. 763, S. 9; P.A. 84-546, S. 15, 173.)

History: 1971 act replaced provision allowing selection of elector to act for disqualified member with provision that selection be made from alternates; P.A. 84-546 made technical change substituting reference to Sec. 8-19a for reference to 8-1b.

See Sec. 8-11 re disqualification of members of zoning authorities.

Cited. 150 C. 147. Test is not whether personal interest does conflict, but whether it might conflict. 151 C. 489. Relationship of official need not be close. Id. Where member of common council of Norwalk appeared before planning commission and actively worked in town to defeat plaintiff’s planned residential development, and common council denied plaintiff’s application on grounds that it failed to satisfy the Norwalk zoning regulations, plaintiff’s appeal was sustained on ground member’s conduct conflicted with his duty. 156 C. 369. Majority leader of city council was in violation of statute when his law firm represented the opponent of an applicant for a zoning change. 157 C. 279. Cited. Id., 290. Permissible for municipal official, who by virtue of his office is ex-officio member of board, to appear before zoning commission on matter as long as he represents municipality and not applicant. 160 C. 295. Cited. 162 C. 237, 238. “Interest” defined for purposes of section. Test is not whether personal interest does conflict, but whether it reasonably might conflict. Whether a particular interest of a zoning commission member is sufficient to disqualify him is a factual question depending upon the circumstances of each case. 166 C. 207. Member of local planning commission, whose law partner was town attorney, need not resign from commission because of a hearing on a matter involving city where member had already disqualified himself for another reason. 168 C. 285. Cited. 178 C. 198; 196 C. 192; 199 C. 231. Does not apply to appearance by chief executive
officer as representative of community at public hearing before commission of which he is an ex-officio member when it is exercising a legislative function. 220 C. 584.

Cited. 2 CA 551.

Cited. 29 CS 40.

Sec. 10-232. Restrictions on employment of members of board of education. Notwithstanding the provisions of any special act to the contrary, no member of the board of education shall be employed for compensation by the board of which he or she is a member in any position in the school system. If any member of such board is employed contrary to the provisions of this section, the office to which he or she was elected or appointed shall become vacant. No provision of this section shall be construed to prohibit any member of a board of education from serving as a member of any school building committee established by a town or regional school district to undertake a school building project as defined in section 10-282.


History: 1963 act clarified that prohibition relates to employment as teacher or janitor “by” town rather than “in” town; 1965 act prohibited construction of statute to prevent school board member from serving on school building committee; 1967 act added “Notwithstanding the provisions of any special act to the contrary” and prohibited employment of board member, whether appointed or elected, “in any position in the school system”, replacing provisions prohibiting employment as teacher or school janitor; P.A. 78-218 added feminine personal pronouns.

Cited. 152 C. 568; 182 C. 253.

Sec. 22a-42. Municipal regulation of wetlands and watercourses. Action by commissioner. (a) To carry out and effectuate the purposes and policies of sections 22a-36 to 22a-45a, inclusive, it is hereby declared to be the public policy of the state to require municipal regulation of activities affecting the wetlands and watercourses within the territorial limits of the various municipalities or districts.

(b) Any municipality may acquire wetlands and watercourses within its territorial limits by gift or purchase, in fee or lesser interest including, but not limited to, lease, easement or covenant, subject to such reservations and exceptions as it deems advisable.

(c) On or before July 1, 1988, each municipality shall establish an inland wetlands agency or authorize an existing board or commission to carry out the provisions of sections 22a-36 to 22a-45, inclusive. Each municipality, acting through its legislative body, may authorize any board or commission, as may be by law authorized to act, or may establish a new board or commission to promulgate such regulations, in conformity with the regulations adopted by the commissioner pursuant to section 22a-39, as are necessary to protect the wetlands and watercourses within its territorial limits. The ordinance establishing the new board or commission shall determine the
number of members and alternate members, the length of their terms, the method of selection and removal and the manner for filling vacancies in the new board or commission. No member or alternate member of such board or commission shall participate in the hearing or decision of such board or commission of which he is a member upon any matter in which he is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of such board or commission and replacement shall be made from alternate members of an alternate to act as a member of such commission in the hearing and determination of the particular matter or matters in which the disqualification arose. For the purposes of this section, the board or commission authorized by the municipality or district, as the case may be, shall serve as the sole agent for the licensing of regulated activities.

(d) At least one member of the inland wetlands agency or staff of the agency shall be a person who has completed the comprehensive training program developed by the commissioner pursuant to section 22a-39. Failure to have a member of the agency or staff with training shall not affect the validity of any action of the agency. The commissioner shall annually make such program available to one person from each town without cost to that person or the town. Each inland wetlands agency shall hold a meeting at least once annually at which information is presented to the members of the agency which summarizes the provisions of the training program. The commissioner shall develop such information in consultation with interested persons affected by the regulation of inland wetlands and shall provide for distribution of video presentations and related written materials which convey such information to inland wetlands agencies. In addition to such materials, the commissioner, in consultation with such persons, shall prepare materials which provide guidance to municipalities in carrying out the provisions of subsection (f) of section 22a-42a.

(e) Any municipality, pursuant to ordinance, may act through the board or commission authorized in subsection (c) of this section to join with any other municipalities in the formation of a district for the regulation of activities affecting the wetlands and watercourses within such district. Any city or borough may delegate its authority to regulate inland wetlands under this section to the town in which it is located.

(f) Municipal or district ordinances or regulations may embody any regulations promulgated hereunder, in whole or in part, or may consist of other ordinances or regulations in conformity with regulations promulgated hereunder. Any ordinances or regulations shall be for the purpose of effectuating the purposes of sections 22a-36 to 22a-45, inclusive, and, a municipality or district, in acting upon ordinances and regulations shall incorporate the factors set forth in section 22a-41.

(g) Nothing contained in this section shall be construed to limit the existing authority of a municipality or any boards or commissions of the municipality, provided the commissioner shall retain authority to act on any application filed with said commissioner prior to the establishment or designation of an inland wetlands agency by a municipality.

(1972, P.A. 155, S. 7; P.A. 73-571, S. 3, 9; P.A. 74-133; P.A. 87-533, S. 5, 14; P.A. 96-157, S. 3; 96-269, S. 3, 4.)
History: P.A. 73-571 clarified provisions, included districts as well as municipalities under provisions, specified that ordinance establishing board or commission should determine number of members, length of terms, etc. in Subsec. (c) and added Subsec. (f)(2) re commissioner’s power to protect wetlands and watercourses if municipality does not exercise its regulatory authority; P.A. 74-133 added provisions re disqualification of members from participation in hearing or decision in which they are directly or indirectly personally or financially involved and selection of alternate in such cases under Subsec. (c); P.A. 87-533 amended Subsec. (a) to require rather than encourage municipal regulation of inland wetlands, amended Subsec. (c) to require all municipalities to establish inland wetlands agencies on or before July 1, 1988, amended Subsec. (d) to authorize towns or boroughs to delegate authority to regulate inland wetlands to the towns in which they are located, deleted former Subsec. (f) re state regulation of inland wetlands, relettering former Subsec. (g) as (f) and adding proviso re commissioner’s authority to act on applications filed prior to designation of municipal agency; P.A. 96-157 inserted new Subsec. (d) re training of agency or staff and relettered former subsequent Subsecs. and amended Subsec. (f) to require incorporation of the factors for consideration set forth in Sec. 22a-41 in the agency’s regulations or ordinances; P.A. 96-269 changed effective date of P.A. 96-157 from October 1, 1996, to January 1, 1997, effective June 12, 1996.


Cited. 35 CS 145; 36 CS 1; 41 CS 444; 42 CS 57.

Subsec. (c):

Cited. 24 CA 708. Disqualification applies to ex officio members. 50 CA 548.

Cited. 43 CS 373. Once a municipality has established an agency to regulate activities affecting wetlands and watercourses within its territorial limits in accordance with section, such agency is not subject to interference by municipality’s legislative body; Inland Wetlands and Watercourses Act requires that agency created pursuant to the act be sole agent for licensing of regulated activities in the municipality. 49 CS 188.
You requested a comparison of the State Ethics Code for public officials (CGS § 1-79 through 1-89a) with a sample of municipal ethics codes. This memo summarizes the state code and ethics codes of Hartford, New London, and Orange.

**SUMMARY**

The Connecticut General Statutes contain two ethics codes, one for public officials and one for lobbyists. The code for public officials is designed to prevent anyone from using his public position or authority for personal financial gain. It seeks to achieve this by, among other things, restricting the costs of gifts such individuals can receive, regulating their acceptance of outside employment and state contracts, and requiring them to file financial statements. The provisions prohibit officials and employees from engaging in behavior that poses a substantial conflict with their duties.

The code also restricts the types of positions that officials and employees in regulatory agencies can accept after they leave state service. The state code has specific provisions regarding the State Treasurer's Office, consultants, and independent contractors. It allows the Ethics Commission to issue advisory opinions and investigate complaints. Code violators are subject to criminal and civil penalties.

In general, the municipal codes that we summarized are less comprehensive than the state code. They generally have less extensive conflict of interest provisions than the state code. None of them restrict the employment of regulatory agency personnel after they leave municipal service. They impose fewer (in some cases no) reporting requirements on affected persons. On the other hand, all three municipal codes allow local ethics bodies to investigate alleged violations and issue advisory opinions.
Each of the municipal codes has provisions that do not have a parallel in the state code. For example, the Hartford code addresses conflicts of personal (i.e., non-financial) interests. The New London code requires officials and employees to conduct themselves with propriety, discharge their duties impartially and fairly, and make continuing efforts toward attaining and maintaining high standards of conduct. The Orange code bars officials and employees from granting any special consideration to one person that is not available to other. All three municipal codes bar the use of official property for other than official purposes.

The municipal codes also include provisions that are found in state statutes apart from the ethics code. For example, the Hartford code bars (1) employees from linking their official position with support for political candidates or issues and (2) employees and officials from compelling others to make or refrain from making political contributions. Orange generally bars one person from holding two offices. Similar provisions are found in the state’s civil service and election laws. We have included copies of the city codes that we summarized.

**STATE ETHICS CODE**

**Conflicts of Interest**

**Gifts/Honoraria.** A public official, state employee, political candidate, or such person’s family or staff may not knowingly accept gifts from a registered lobbyist (CGS § 1-84(j)). Public officials include statewide elected officials, legislators, people appointed to office by the governor, and heads of quasi-public agencies, among others. State employees include employees of quasi-public agencies, but do not include judges. A “gift” does not include food and drinks that total less than $50 per person per calendar year if consumed while the lobbyist or his employer is present. Nor does it include ceremonial awards costing less than $100 and certain other items (CGS § 1-79(e)).

Additionally, an official or employee may not accept a gift from anyone he knows or has reason to know (1) is doing or trying to do business with his agency or (2) is engaged in activities that are directly regulated by his agency (CGS § 1-84(m)). He may not accept a fee or honorarium for a speech or appearance made, or article written, in his official capacity. But he may be reimbursed for necessary expenses (typically travel and lodging). The code includes a reporting requirement described below (§ 1-84(k)).

**Outside Employment.** An official or employee may not accept other employment that would impair his independence in his official duties or require or induce him to disclose official, confidential information (CGS § 1-84(b)). He or his employee may not accept employment or anything of value for lobbying before certain regulatory agencies or be in a partnership or professional
corporation that does so. He may continue to receive a previously established salary that is not based on the firm's current or anticipated business involving the agencies. A legislator who neither takes a part in any matter involving these agencies nor shares in the compensation of those who do may be in or join a company that lobbies before the regulatory agencies. (CGS § 1-84(d)).

**Accepting State Contracts.** No official, employee, member of his immediate family, or an associated business may enter into a state contract worth $100 or more unless he or it wins the contract through an open and public process including prior public offer and subsequent disclosure of other proposals and the contract itself (CGS § 1-84(i)).

**Substantial Conflict.** An official or employee may not have any financial interest in, or engage in, any business, transaction, or professional activity that is in “substantial conflict” with the proper performance of his job (CGS § 1-84(a)). He may not take official action on a matter involving substantial conflict (CGS § 1-85).

A person has a “substantial conflict” if he has reason to think he, his spouse, dependent child, or business with which he is associated will experience a direct financial gain or loss if he takes the action. If his (or their) gain or loss would be no more than the gain or loss to others in his (or their) profession, occupation, or group, it is not a substantial conflict (CGS § 1-85).

A “business with which he is associated” is one in which the person or member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust, or holder of 5% or more of any class of stock. “Officer” includes only president, executive or senior vice-president, and treasurer. The provision does not apply to a person who serves only as an unpaid director or officer of a nonprofit agency. (CGS § 1-79(b)).

**Other Conflict of Interest Provisions.** An official or employee may not:

1. use his office or confidential information learned through his official duties for financial gain for himself; an associated business; or his spouse, child, child’s spouse, parent, brother or sister (CGS § 1-84(c));

2. solicit or take anything of value, including a promise of future employment, on the understanding that it will influence an official action (CGS § 1-84(g));

3. knowingly interfere with, influence, direct or solicit lobbying contracts, agreements, or business relationships for or on behalf of any person (CGS § 1-84(l)).
The second item also applies to political candidates. In addition, no legislator may be a lobbyist (CGS § 1-86 (c)).

**Post-employment Restrictions**

After leaving office, a former legislator, executive branch official, or state employee may not use or disclose confidential information acquired in office (CGS § 1-84a). If he participated substantially in negotiating or awarding a state contract of $50,000 or more, or supervised the negotiations or award, he may not take a job with a party to the contract for a year after he leaves office (CGS § 1-84b (f)). A member or director of a quasi-public agency that engaged in these activities cannot seek or accept employment with a party within one year of the signing of the contract (CGS § 1-84b(g)).

**Reporting Requirements**

**Statement of Financial Interests.** All statewide elected officials, legislators, agency heads, and certain other individuals must file a statement of financial interests for the preceding calendar year with the Ethics Commission by May 1. Anyone who leaves office must file a statement covering the part of the year for which he served.

The statement must include detailed information, for the individual filing, his spouse, and dependent children living in his home. Among other things, these include:

1. the names of all associated businesses;
2. the category or type (not amounts) of all sources of income above $1,000;
3. all real property and its location owned by the person, a spouse or dependent child, or held in the name of a corporation, partnership, or trust;
4. the names and addresses of creditors to whom the person owed more than $10,000; and
5. any state leases or contracts held or entered into by the person or an associated business.

Any person who cannot provide the required information may petition the commission for a waiver. With the exception of the list of creditors, all of the information in the financial statements is open to the public. Creditor information is kept sealed, to be opened at the commission’s discretion only after a complaint is filed (CGS § 1-83).
**Expense Reimbursements and Honoraria.** Officials and employees must disclose to the commission within 30 days any payment or reimbursement for necessary expenses incurred while giving a speech, making an appearance, or writing an article in their official capacity unless such payment or reimbursement was from the federal government or another state government. The report is required only when the reimbursement or payment is for lodging, out-of-state travel, or both. Necessary expenses are limited to travel expenses; lodging for the nights before, of, and after the appearance, speech, or event; meals; and any related conference or seminar registration fees. The commission does not require itemization of the payment by such items as food, hotel bill, and entertainment (CGS §§ 1-79(q) and 1-84(k) and Conn. Agencies Reg. § 1-81-21).

**Penalties**

Intentional violations of the ethics code are punishable by imprisonment for up to two years, a fine of up to $2,000, or both (CGS § 1-89). Anyone who knowingly acts in his financial interest in violation of the code or who knowingly benefits financially from such a violation is also liable for the damages. The commission can impose a civil penalty of up to $10 per day for each violation of the code’s reporting requirements, up to a maximum of $2,000 (CGS § 1-88).

**Municipal Ethics Codes**

**Hartford**

The city’s code of ethics (§ 2-456 et seq. of Hartford’s Municipal Code) applies to all officials and employees and was adopted in 1993. It has provisions regarding conflicts of interest, disclosure of confidential information, and representation by officials and employees on behalf of others before local agencies. It requires officials to file statements of financial interest. It does not have provisions restricting employment of former officials and employees,

The city’s conflict of interest provisions are in some ways less comprehensive than the state code, for example with regard to the receipt of gifts. On the other hand, unlike the state code, the city code bars an official or employee from having a “personal interest” that is incompatible with the proper discharge of his duties in the public interest or that would impair his judgment. The code defines a personal interest as something that an official or employee or his relatives are involved in that may provide them with a non-financial advantage or benefit.

Similarly, the code states that a conflict of interest exists if the official, employee, or his relatives may receive a personal, as well as financial, gain from the outcome of any matter before him. It requires the employee or official
to disclose to the city manager and city council all financial and personal interests that have the potential for a conflict of interest. The disclosure must be made whenever the potential for a conflict presents itself. The code states that a conflict of interest occurs whenever an official or employee engages in an act that advances his personal and financial interests over the public interest. The state code does not have comparable provisions with regard to personal interests and has less stringent disclosure requirements.

The city code's provisions regarding the disclosure of confidential information are similar to those in the state code. Its provision on representing others before a city agency has broader applicability than the parallel provision in the state code, in that it covers former city council members, while this provision of the state code does not cover former state legislators. On the other hand, while the state code imposes a permanent ban on former executive branch officials and employees representing others on matters in which they were personally and substantially involved, the city code restricts such representation for two years in the case of former officials and one year in the case of former employees. The ban begins to run as soon as the person leaves city service and applies only if the representation is for compensation. (In the case of people involved in contract negotiations, the restriction runs for the term of the contract.) The city code unlike the state code, does not restrict post-service employment of regulatory agency officials and employees.

Like the state code, the city code requires officials to file statements of financial interests. Unlike the state code, the city code does not require the reporting of the filer's sources of income, securities, or creditors. However, the city code requires filers to name their business associates and employers, which the state code does not require.

Another provision contained in the city code that is not found in the state code is the duty to disclose violations. City employees and officials are required to report violations of the code to the city ethics commission. The city cannot retaliate against the reporter unless the report was false and malicious. A person who knows of a violation and fails to report is considered to have condoned the violation.

If the commission finds that there has been a violation, it must recommend disciplinary action to the appropriate authorities. The recommendations can include fines, termination of employment, suspension without pay, or censure.

**New London**

Section 170 of the city's charter requires the appointment of a board of ethics and requires the board to prepare a code of ethics to be adopted by the city council. The council adopted the code in 1984 (Code of Ordinances § 15-201). The code applies to all city officials and employees.
The code was modeled after the state’s code and has similar, although less comprehensive, provisions on conflicts of interest, gifts, and disclosure and use of confidential information. In some ways the city code is less stringent than the state code. For example, it allows an official or employee to represent an individual or entity before a city agency if this is not against the city’s interest. The employee or official can engage in representation that is against the city’s interest if the matter is sufficiently remote from his official duties that no actual conflict of interest exists. The city code also does not have the post-employment restriction and reporting requirements of the state code.

On the other hand, the New London code goes beyond the state code in certain respects. It bars city officials and employees from using their positions to improperly influence another official, employee, or city contractor in the performance of his official duties.

The New London code gives the city Board of Ethics powers similar to those granted to the State Ethics Commission and has similar provisions for investigating complaints.

The board does not have the enforcement powers that the State Ethics Commission has. Instead, if it finds a violation of the city’s code, it can recommend to the appropriate appointing or supervisory official that the guilty party be reprimanded, reduced in grade, suspended, dismissed, or subject to other disciplinary actions.

**Orange**

Orange adopted its ethics code in 1973 pursuant to § 6. 80 of the town charter. The code applies to all town officials and employees. Its provisions are substantially less extensive than the state code’s. For example, the code bars the receipt of gifts only if it is the donor’s intent to influence the judgment of the official or employee. Similarly, it does not explicitly cover situations where the person’s exercise of authority would only indirectly affect his financial interests. It does not address outside employment of officials or employees or their employment after leaving town service. It does not impose any reporting requirements. The Board of Ethics cannot impose any penalties for violations of the code, although it can provide its findings and recommendations to the Board of Selectmen.

Orange’s code does have some provisions that are not found in the state code. It bars officials and employees from granting one individual any special consideration, treatment, or advantage that is not provided others. It generally bars officials from holding more than one office.
You asked us how our State Code of Ethics compares to codes in other states regarding its application to municipal officials and employees. Specifically, you wanted to know (1) the current ethics law in Connecticut for municipal employees and those doing business with municipalities; (2) which states have a statewide municipal code; (3) whether the codes in these states are enforced by a single state (or quasi-state) agency; (4) whether these state codes restrict municipal employees’ political activities; and (5) whether the codes prohibit municipal employees from participating in certain government decision-making.

**SUMMARY**

The Connecticut State Ethics Code (the “code”) for public officials (there is a separate code for lobbyists) is designed to prevent state officials and employees from using their public position or authority for their personal financial gain. The code does not apply to municipal officials or employees. Instead, municipalities have the authority to adopt their own code of ethical conduct (CGS § 7-148(c)(10)(B)). Most municipalities have exercised this authority by establishing their own codes or adopting the model code of ethics for municipalities that the law required the State Ethics Commission to draft in 1995. A local ethics board or commission and not the state commission enforces any municipal code, model or otherwise.

We have identified 22 states with a statewide code of ethics that applies to public officials and employees, including those officials and employees at the municipal level. These states are: Alabama, Alaska, Arkansas, California, Colorado, Florida, Georgia, Kansas, Louisiana, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Washington, and West Virginia. Washington’s statewide municipal code is separate from its statewide code for state officials and employees.
The codes in most of these states are applicable to all municipal officials and employees, but a few states, Colorado, Georgia, Missouri, Nevada, Ohio, and Pennsylvania, have codes that apply to only certain specified officials and employees.

In most of the 22 states, the codes are enforced by the equivalent of our State Ethics Commission. California, Kansas, Massachusetts, Montana, and Washington have local code enforcement.

None of the codes in these 22 states restrict municipal employees' political activities. In a few states, the code prohibits employees from engaging in partisan political activities while at work. But most states, like Connecticut, have likely codified this prohibition and other restrictions on such activities outside of the code.

Connecticut law allows municipal employees to run for and hold elective office with certain exceptions (CGS § 7-421). Employees can receive an unpaid leave of absence to accept a full-time elective office for as long as two consecutive terms of office or four years whichever is shorter. The town may extend the leave and its terms and conditions, at its discretion. When the leave expires, the employee must be reinstated in his most recent position, given one with equivalent pay or another position, or a rehiring preference.

A municipal employee has the right to serve on any governmental body as an elected or appointed official in the town where he lives with some restrictions. An employee cannot serve on a body that is responsible for directly supervising him in his job. The law also bans service on (1) boards of finance; (2) bodies exercising planning, zoning, or land use powers; and (3) bodies regulating inland wetlands and watercourses. However, the ban on service on a board of finance does not apply if (1) a local charter or home rule ordinance explicitly allows it or (2) the official serves only in his capacity as a member of the town’s legislative body. The prohibitions against service on the other bodies do not apply if (1) a local charter or home rule ordinance explicitly allows it,

(2) the town’s legislative body adopts an ordinance permitting an employee to serve, or (3) the official serves only in his capacity as a member of the town’s legislative body.

Additionally, regulations implementing the federal Hatch Act prohibit a local employee from being a candidate for elective public office in a partisan election when the individual’s “principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency but does not include an individual who exercises no functions in connection with that activity” (5 CFR §§ 151, 101 et seq.).
Prohibitions against municipal employees participating in certain government decision-making vary by state. But generally state codes prohibit municipal officials or employees from taking official action on matters in which they or members of their immediate family or associated business stand to receive some type of financial advantage.

The remainder of this report consists of a comparison of the laws in the 22 states with a statewide municipal ethics code.

### Table 1: Comparison of Statewide Municipal Ethics Codes

<table>
<thead>
<tr>
<th>States</th>
<th>Officials’ Code Covers*</th>
<th>Municipal Employee Participation in Government Decision-Making</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>§ 36-25 et seq.</td>
<td>Local elected and appointed officials, and employees No official or employee can be a member or employee of a state, county, or city board that regulates any business with which he is associated.</td>
</tr>
<tr>
<td>Alaska</td>
<td>§ 39. 50 et seq.</td>
<td>Local elected and appointed officials, and employees No official or employee, other than a member of the governing body, can participate in an official action</td>
</tr>
<tr>
<td>Arkansas</td>
<td>§ 21-8 et seq.</td>
<td>Appears to apply to local elected and appointed officials, and employees No board member of an entity receiving state funds can participate in, vote on, influence, or attempt to influence an official decision if he has a pecuniary interest in the matter under consideration by the entity. The board member may participate in, vote on, influence, or attempt to influence an official decision if the only pecuniary interest that may accrue to him is incidental to his position or accrues to him as a member of a profession, occupation, or large class to no greater extent than the pecuniary interest could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class. The member cannot participate in any discussion or vote on a rule or regulation that exclusively benefits the member.</td>
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<tr>
<td>California</td>
<td>Gov. Code § 81000 et seq.</td>
<td>Local elected and appointed officials, and employees* Each agency must adopt a conflict of interest code, which must at a minimum prohibit anyone from taking action on a matter that would inure a special benefit to him or members of his immediate family or associated business.</td>
</tr>
<tr>
<td>Colorado</td>
<td>§ 24-18 et seq.</td>
<td>Yes, but only elected or appointed officials; not employees A member of a local governing body who has a personal or private interest in any matter proposed or pending before such body must disclose the interest and refrain from voting thereon or attempting to influence other members’ votes.</td>
</tr>
<tr>
<td>State</td>
<td>Section/Chapter</td>
<td>Official Prohibitions</td>
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</tr>
<tr>
<td>Florida</td>
<td>Chapter 112</td>
<td>Local elected and appointed officials, and employees</td>
</tr>
<tr>
<td>Georgia</td>
<td>§ 21-5 et seq.</td>
<td>Yes, but only elected municipal officials and elected members of local boards of education</td>
</tr>
<tr>
<td>Kansas</td>
<td>§ 75-4304</td>
<td>Limited, single prohibition that applies to local elected and appointed officials, and employees*</td>
</tr>
<tr>
<td>Louisiana</td>
<td>§ 42-1101 et seq.</td>
<td>Local elected and appointed officials, and employees*</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Chapter 268A</td>
<td>Local elected and appointed officials, and employees*</td>
</tr>
<tr>
<td>Mississippi</td>
<td>§ 25-4-1 et seq.</td>
<td>Local elected and appointed officials, and employees</td>
</tr>
<tr>
<td>Missouri</td>
<td>§ 105-450 et seq.</td>
<td>Yes, but only officials, appointees, or employees of a municipal governing body with a general operating budget in excess of $1 million</td>
</tr>
<tr>
<td>Location</td>
<td>Legislation</td>
<td>Details</td>
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<tr>
<td>Montana</td>
<td>§ 2-2-101 et seq.</td>
<td>Yes, but the only local officers affected are those who are elected. An employee-member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority must disclose any potential conflict prior to taking official action on any matter that would create the appearance of impropriety regarding his influence, benefit, or detriment in regard to the matter. A public officer or employee cannot perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he has a substantial personal interest in a competing firm or undertaking. This prohibition does not prevent a member of the governing body of a local government from performing an official act when the member’s participation is necessary to obtain a quorum or to otherwise enable the body to act. A public officer or employee may not participate in a proceeding when an organization in which he is an officer or director is: 1. involved in a proceeding before the employing agency that is within the scope of his job duties or 2. attempting to influence a local, state, or federal proceeding in which he represents the state or local government.</td>
</tr>
<tr>
<td>Nebraska</td>
<td>§ 49-1401 et seq.</td>
<td>Yes, specifically includes elected or appointed members of school boards or institutions of higher education. A public official in a primary metropolitan area must disclose any financial benefit or detriment to himself, his immediate family, or an associated business caused by any action or decision he makes in his official capacity. This duty does not prevent such a person from (1) making or participating in the making of a governmental decision if his participation is legally required for the action or decision to be made or (2) making or participating in the making of a governmental decision if the potential conflict of interest is based upon a business association and the business association exists only as the result of his or her position on a commodity board.</td>
</tr>
<tr>
<td>Nevada</td>
<td>§ 281. 411 et seq.</td>
<td>Yes, but only those working for state or local officers in a position to exercise public power, trust or duty. “Public officer” does not include: (1) court A public officer or employee cannot participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.</td>
</tr>
<tr>
<td>State</td>
<td>Citation</td>
<td>Description</td>
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<tr>
<td>Ohio</td>
<td>§ 102. 01 et seq.</td>
<td>Officers, (2) advisory board or commission members, (3) any member of a board of trustees for a general improvement district or special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district’s money, or (4) a county health officer. Ohio § 102. 01 et seq. Does not apply to people appointed or elected to precinct wards, members of district council, or educators who do not perform administrative or supervisory functions. No public official or employee can participate, except on a ministerial level, in any license or rate-making proceeding that directly affects the license or rates of any (1) person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent or (2) person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official’s or employee’s immediate family owns or controls more than five per cent, has sold goods or services totaling more than $1,000 during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency’s proceedings.</td>
</tr>
<tr>
<td>Oregon</td>
<td>Ch. 244</td>
<td>Local elected and appointed officials, and employees. City or county planning commission members cannot participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: 1. The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; 2. Any business in which the member is then serving or has served within the previous two years; or 3. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.</td>
</tr>
<tr>
<td>State</td>
<td>Section</td>
<td>Official/Employee Description</td>
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<tr>
<td>Pennsylvania</td>
<td>§ 65 Pa. Cons. Stat. 1102</td>
<td>Only officials or employees responsible for taking or suggesting official action of a nonministerial nature regarding contracting or purchasing; administering or monitoring grants or subsidies; planning and zoning; inspecting, licensing, regulating, or auditing people; or other action with more than de minimus impact</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>§36-14 et seq.</td>
<td>Local elected and appointed officials, and employees</td>
</tr>
<tr>
<td>South Carolina</td>
<td>§ 8-13 et seq.</td>
<td>Local elected and appointed officials, and employees</td>
</tr>
<tr>
<td>Washington</td>
<td>§ 42. 23 et seq.</td>
<td>Local elected and appointed officials, and employees*</td>
</tr>
<tr>
<td>West Virginia</td>
<td>§6b-1-1 et seq.</td>
<td>Local elected and appointed officials, and employees</td>
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</tbody>
</table>
any person, partnership, trust, business trust, corporation or association in which the employee or his immediate family owns or controls more than 10%. “Ministerial functions” means actions or functions performed by an individual under a given state of facts in a prescribed manner in accordance with a mandate of legal authority, without regard to, or without the exercise of, such individual's own judgment as to the propriety of the action being taken.

*A statewide board or commission enforces the code unless otherwise indicated.

California's Fair Practices Commission has local enforcement divisions.

In Kansas, failure to disclose substantial conflicts of interest with the county elections official is a Class B misdemeanor.

Massachusetts' code violations are criminal acts. Complaints may be filed with the statewide commission, district attorney, or the city.

In Montana, the county attorney or a 3-member panel that municipalities have the authority to establish enforces the code.

In Washington, code violations by local officials or employees are enforced by the effected municipality.
You asked several questions on the allowable contents of municipal ethics legislation. We address each of your questions separately below.

**Can Municipal Ethics Legislation Establish Different Ethics Codes For Municipalities Based Solely On Population?**

Yes. In fact, under current law municipalities may adopt their own codes of ethics. These codes vary by municipality. It is conceivable that these codes could differ based on population.

The law currently makes numerous distinctions between municipalities based on population. For example, state reimbursed property tax for enterprise zones (CGS § 32-70 (c); grants to public libraries (CGS § 11-24b); and duties of municipalities to appoint school medical advisors (CGS §10-205), hold voter registration sessions (CGS § 9-17), and post voter registry lists (CGS § 9-36).

In another example, HB 5894 authorized municipalities with populations of 100,000 or less to recall municipal elected officials serving four-year terms under certain circumstances. Under the bill, municipalities with populations in excess of 100,000 could not recall their elected officials. HB 5894 died in the Appropriations Committee after a House referral.

**Can Municipal Ethics Legislation Provide For Stiffer Penalties Than Municipal Ethics Agencies May Currently Impose?**

Yes. Under current law, municipalities may adopt a code of ethical conduct and establish a board, commission, council, committee, or other agency to investigate complaints. Municipal agencies can impose fines of up to $250 for ethical violations. “Municipalities” are towns, cities, boroughs, consolidated towns and cities, and consolidated towns and boroughs (CGS §§ 7-148 (a); 7-148 (c) (10) (A) and (B); and 7-148h).
To increase the cap on penalties and impose other stiffer penalties, any proposed municipal ethics legislation would amend CGS § 7-148 (c) (10) (A), which imposes the cap, by increasing the cap (or eliminating it) and adding the other penalties.

Past municipal ethics bills included stiffer penalties. For example, in 2005 HB 6616 authorized local ethics agencies to censure violators, or order them to (1) cease and desist the violation; (2) file any required information, including any report or statement; and (3) pay a fine of up to $2,000. The agency could have also reported its determination to the chief state’s attorney. In 2006, HB 5055 permitted municipal ethics agencies to impose the same nonfinancial penalties as HB 6616. With respect to financial penalties, it authorized local agencies to require violators to pay a civil fine in accordance with a penalty structure that the Office of State Ethics (OSE) was required to prescribe. The bill required OSE to adopt regulations establishing a penalty structure but did not specify a deadline for it to do so.

Neither HB 6616 nor HB 5055 became law.

**Can a State Agency Review Municipal or Regional Ethics Determinations?**

Yes. There are several examples of state agencies reviewing determinations by local agencies. For example, the State Commission on Human Rights and Opportunities (CHRO) hears appeals from people aggrieved by a local order regarding discriminatory practices. By law, towns, cities, and boroughs may establish or designate a board, commission, council, committee, or other agency to investigate allegations of discriminatory practices. Among other things, these entities have the power to hold hearings, make probable cause determinations, and issue appropriate orders, including cease and desist orders and orders to take affirmative action to effectuate the purpose of state anti-discrimination statutes.

People aggrieved by a local order may appeal to CHRO within 30 days after the date the local order was mailed. Any action taken by CHRO on the appeal supersedes the action brought by the local agency, except CHRO may admit into evidence the results of the local investigation or the local agency’s decision and weigh it appropriately under the facts and circumstances of the case (CGS §§7-148i through 7-148n).

Past municipal ethics bills have sometimes provided for appeals from local ethics agencies to the state ethics agency.

**2007 Municipal Ethics Bill**

HB 7000 permitted any person aggrieved by a decision of a local ethics board, commission, council, committee or other agency to file an appeal with OSE. It
required the OSE to conduct an investigation and review in the same way as it does complaints against state public officials and employees. However, OSE could refuse to investigate or review any matter that failed to adequately allege an ethics violation as provided in the bill. HB 7000 did not become law.

2006 Municipal Ethics Bill

HB 5055 permitted people aggrieved by a municipal ethics agency’s final decision to appeal to OSE. It required OSE to adopt regulations that set forth appeal procedures. However, the procedures could not permit OSE to substitute its judgment for that of the agency regarding the weight of the evidence on questions of fact. OSE had to also limit its review to the record that was before the municipal agency.

The bill required OSE to affirm a municipal ethics agency’s determination unless OSE found that the substantive rights of the appellant were prejudiced because the local agency’s finding, inference, conclusion, or decision (1) violated the constitution, state statutes, or the local code of ethics; (2) exceeded the body’s statutory authority; (3) was made based on an unlawful procedure; (4) was affected by another error of law; (5) was clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; (6) was arbitrary or capricious; or (7) was an abuse, or a clearly unwarranted exercise, of discretion.

If OSE found such prejudice, it was required to sustain the appeal and, if appropriate, modify the local agency’s decision or remand the matter for further proceedings. OSE was required to award a respondent reasonable attorney’s fees if it found that the appeal was frivolous.

2005 Municipal Ethics Bill

HB 6616 permitted people to appeal to the State Ethics Commission (which was later reconstituted as the Office of State Ethics) if they were aggrieved by, or disagreed with, (1) a final determination by a local ethics agency, (2) the agency’s failure to make a final determination within 90 days after any allegation of unethical conduct is made, or (3) a municipality’s or district’s failure to designate or establish an ethics agency by July 1, 2006. The bill required the state commission to adopt regulations setting forth appeal procedures.

When deciding an appeal, the bill required the State Ethics Commission to uphold a local ethics agency’s determination unless the commission found that the agency’s finding, inference, conclusion, or decision, or the municipality’s or district’s ethics code: (1) violated the constitution, state statutes, or the local code of ethics; (2) exceeded the body’s statutory authority; (3) was made based on an unlawful procedure; (4) was affected by another error of law; (5) was
clearly erroneous in view of the reliable, probative, and substantial evidence on
the whole record; (6) was inadequate to, or in excess of, the “purpose of an
ethics code”; (7) was arbitrary or capricious; or (8) was an abuse, or a clearly
unwarranted exercise, of discretion.

If the commission found that the (1) local agency’s determination was flawed,
(2) agency failed to make a final determination on an allegation of unethical
conduct within 90 days after it was made, or (3) municipality or district failed to
designate or establish an ethics agency by July 1, 2006, the commission had
to sustain the appeal and, if appropriate, enter a judgment modifying the
agency determination, substitute its own determination, or remand the matter
for further proceedings.

What Designation Does the Law Give Special Taxing Districts, Fire
Districts, Water Authorities, and Other Specialized Political Subdivisions?

There is no general “designation” for these entities in law. “Municipalities” and
“political subdivisions” are defined differently for different purposes, sometimes
including these entities and other times not. For example, the law on municipal
powers defines “municipality” as any town, city, borough, consolidated town
and city, and consolidated town and borough (CGS § 7-148 (a)). In the
Municipal Bond Refunding Trust Act, “municipality” means any political
subdivision of the state having the power to make appropriations or to levy
taxes, including any town, city or borough, whether consolidated or
unconsolidated, any village, school, sewer, fire or lighting, metropolitan district,
beach or improvement association, and any other metropolitan tax district or
association, or other municipal corporation having the power to issue bonds
(CGS § 3-76c (c)). Under the municipal indemnity statute (CGS § 7-101a),
“municipality” means any town, city, borough, consolidated town and city,
consolidated town and borough, district, district department of health, or
authority established by the general statutes, a special act or local law,
ordinance, or charter or any public agency.

In 2006 and 2007, proposed municipal ethics legislation was applicable to
towns, cities, boroughs, and any fire district; sewer district; fire and sewer
district; lighting district; village, beach, or improvement association; and any
other district or association, except a school district, wholly within a town and
having the power to make appropriations or to levy taxes (see HB 5055 in 2006
and HB 7000 in 2007).
Purpose of Code of Ethics, United Nations Habitat, Human Settlements Programme

Introduction

Codes of ethics are a necessary element of good governance. Municipal codes of ethics not only provide ethical guidelines for municipal officials and employees, they are critical in restoring public trust in government. Such codes ought to affirm transparent conduct and government practices, by mandating that elected officials and executive-level personnel file financial disclosure forms disclosing assets and liabilities in excess of a certain value threshold.

Similarly, codes of ethics for NGOs, professional associations and the media, must also lay down the principles of expected behaviour from the other pillars of society. Such codes can act as one of the most effective tools for bringing about positive changes within civil society organizations and the constituencies they serve. Codes of ethics for these organizations must be developed and applied through active participation of all concerned stakeholders.

Purpose of municipal Code of Ethics

- To establish transparent frameworks for government officials with respect to voting and other decision-making processes.
- To ensure transparency and ethical conduct by government employees and officials.
- To restore or foster public trust and citizen confidence in the administration of government.
- To demonstrate a formal and codified commitment to ethical behaviour by government officials.

Purpose of code of ethics for civil society

- To provide a framework for self-governance of the civil society organizations and institutions through a set of statements of principles and values that inform and improve decision-making.

Linkage to transparency

All Codes of Ethics, whether for municipal officials, civil society organizations, the media or professional associations, must include certain basic principles of professional conduct. These could comprise (but need not be restricted to) the following

- Impartiality, objectivity, discrimination
- Confidentiality
- Due diligence/duty of care
- Fidelity to professional responsibilities
- Avoiding potential or apparent conflict of interest
Legality (respect for the rule of law)
Integrity and honesty
Transparency and openness;
Efficiency;
Equality;
Justice; and
Responsibility, i.e., maintaining one’s reputation and responsibility for faults.

There is no single method for constructing an ethics infrastructure in public service. Rather, a combination of incentives and sanctions is needed to encourage professional standards of conduct. This is also prudent counsel to those who are taking on the responsibility of drafting, adopting, and implementing codes of ethics.

Codes of Ethics, when combined with other tools such as Conflict of Interest Laws (see 2.15) and Disclosure Laws (see 2.16), promote openness and transparency by establishing processes that support the application of the latter.

How It Works – Municipal Code of Ethics

**Creation.** The process of producing a code of ethics must itself be an exercise in ethics. It must intentionally involve all members of the social group that it will include and represent. This necessitates a system or process of setting out "from top to bottom", from the sundry to the specific, and constitutes progressive agreements in such a way that the final result is recognised as representative of all the moral and ethical character of the group. Governments, for instance, can begin by conducting surveys to determine the core values and concerns of the community and government employees, and the most pressing problems.

**Determining jurisdiction.** This is critical for municipal bodies. What governmental entity or independent agency will have authority to interpret and enforce the code? Municipalities need to designate individuals responsible for establishing enforcement guidelines and advisory procedures, and subsequently, including named entity within the code of ethics.

**Disseminating the Code of Ethics.** Municipal employees and officials must understand the rules, obligations and expectations of standards to which they must abide. An important consideration at this stage is determining how the code of ethics will be produced and made readily available to the public. Generally, printing brochures or creating "plain language" informational guides has been a useful tool. The codes also need to be made available via the Internet (See also 2.22 - Ethics Training.)

**Co-ordinating inter-government support.** Here, the relevant municipal stakeholders need to strategise enforcement, communication and administrative support. The various activities involved might entail, for instance, delegating responsibility for the collection and review of financial disclosure statements; maintenance of lobbyist registration and reporting requirements, post employment forms and distribution of the printed Code of Ethics.
**Identifying gaps and loopholes.** Generally, codes of ethics are works in progress. Weaknesses and loopholes in such codes emerge during the process of interpretation and application. There must be a process for continual review of the codes to determine what provisions, for example, need to be clarified, rewritten or eliminated.

**Establishing a library of decisions and opinions.** The transparent element of a code of ethics is best effectuated through cogent opinions and decisions interpreting the various laws and provisions. Understanding the application of the code is an important element for transparent municipal governance. Therefore, under this component, local governments should consider an on-line library of opinions so that employees, officials and the public can view who is requesting opinions and access the nature of those requests.

**How It Works – Code of Ethics for various professional and civil society organizations**

The components of an ethics infrastructure for professional and civil society organizations can be categorised into three functions: guidance, management, and control.

**Guidance**

- **Political Commitment:** Without sustained commitment and support from the political leadership of the organization or institution to ethical standards of conduct, most efforts will be in vain. The leadership of the association needs to demonstrate by its actions a sustained commitment to enforcing the code. In the politics of association management, it’s a political commitment.

- **Workable Codes of Conduct:** These codes define in varying degrees of detail the expected standards of behaviour in the workplace. These will be recognized as formally adopted statements of applied ethics or what is expected in practice from those individuals who operate within an organization that has formally declared its operating values and principles. Most codes of conduct describe, in preamble-like statements, the principles and values their organization aspires to. Many of these, while primarily espousing principles and values, also feature the prohibition of specific behaviours or actions on the part of those covered by the code. The ICMA Code of Ethics (see Boxes 46- ICMA Code of Ethics - Central to the City Management Profession, 50-The Code of Ethics for City Managers' Association, Gujarat (CMAG)) fits this hybrid model.

- **Professional Socialisation Mechanisms:** These are the ways organization members learn about and take on the norms and standards of conduct that are expected of them. Training, role models, and recognition of exemplary service that highlights accepted behaviour are some of the socialising tools available to the organization.

**Management**

- **Creation of an ethics coordinating body:** In the case of a local government, this might be a specially created working group representing elected leadership,
organization employees, and the public with oversight responsibilities on issues of ethics within the organization and its working environment.

- **Supportive public service conditions:** This refers to the provision of acceptable working conditions within public service employment that, when absent, can often tempt employees to undertake unethical actions. For example, low pay, discrimination in the workplace, promotions based on personal connections rather than merit – these practices and many others can foster unethical behaviour on the part of employees.

**Control**

- **An effective legal framework** that defines the outside boundaries of acceptable conduct and penalties for stepping over them.
- **Efficient accountability mechanisms** for tracking and reporting ethics-related activities.
- **An active civil society** with rigorous expectations about the norms and standards of public service.

Professional codes of ethics are only as effective as the actions that result from those who live by them. The results can be measured in two ways. First, have they had a positive effect on the overall credibility and performance of the profession and its membership association? This will depend in large measure on the association’s ability and commitment to manage the implementation and enforcement of the code.

The second measure of effectiveness is more difficult to either qualify or quantify. It’s not just the unblemished track record of the professionals who comply with the code, although this is important. It is also the leadership they bring to their organizations and communities to establish the ethics infrastructure and integrity systems. Professional city managers and finance officers, for example, are valuable assets in providing guidance within their own organizations, and their leadership roles are enhanced when backed by their professions’ stand on ethics as defined in a formal code *(See Box 46)*.

At the very heart of managing a code are two challenges: one proactive, the other reactive. Managing a code of ethics proactively is about constant learning and yearning – helping members to live within the values and principles of such codes more effectively through constant dialogue and learning opportunities *(See also 2.22 - Ethics Training)* and helping them yearn to set the standard for exemplary performance within their respective work places. At times, the profession will need to react to member indiscretions to assure that the code is complied with in a fair and judicious manner.

**City/Country Examples**

- **ICMA Code of Ethics - Central to the City Management Profession,**
Section 4: Model Codes

To: Connecticut Municipal Ethics Task Force

From: Office of State Ethics

Subject: Update of 1995 Model Code of Ethics for Municipalities and Special Districts

Date: March 6, 2009

At the February 20, 2009 meeting of the Municipal Ethics Task Force, the task force requested the Office of State Ethics to update the 1995 Model Code of Ethics for Municipalities and Special Districts ("1995 Model Code") developed, pursuant to Public Act 94-172, by the former State Ethics Commission.

Enclosed for your review is the updated version of the 1995 Model Code. Many of the provisions contained in the 1995 version had been based on those contained in the State Code of Ethics as it existed in 1995. Therefore, a substantial number of updates made in the current (2009) version reflect subsequent changes made to the State Code of Ethics, particularly in 2005.

Just as it was noted in the August 21, 1995 memorandum from Rachel Rubin, supervising attorney of the former State Ethics Commission, attached to the 1995 Model Code, some of the provisions (see nos. 1-4, infra) now being recommended in this 2009 update continue to be inconsistent with the current state law applicable to municipalities and cannot be implemented by a locality without legislative amendment of the underlying state statutes. Specifically, please note the following:

1. Conflicts Of Interests

   Connecticut General Statutes §7-148h(b) provides that an elected municipal official in a town which has adopted an ethics board "has an interest that is in substantial conflict with the proper discharge of the official's duties or employment in the public interest and of the official's responsibilities as prescribed by the laws of this state, if the official has reason to believe or expect that the official, the official's spouse or dependent child, or a business with which he is associated, as defined in section 1-79, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official's official activity. Any such elected official does not have an interest that is in substantial conflict with the proper discharge of the official's duties in the public interest and of the official's responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to the official, the official's spouse or dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group. Any such elected official who has a substantial conflict may not take official action on the matter."
The Model Code, however, establishes a stricter conflict of interest standard (see §1-7(c)) and would prohibit official action which benefits the individual, his or her immediate family, or business as a member of a profession, occupation or group. Thus, for example, under state law the spouse of a teacher serving on the town board of education would be able to vote on the municipal teachers' contract, since all teachers would be similarly affected as a group. The Model Code, however, would prohibit such action because the board member's immediate family had a financial interest in the decision. Only when the matter "...involves a determination of general policy and the interest is shared with a substantial segment of the population of the municipality" would such official action be allowed.

2. Penalty Section

At present, Connecticut General Statutes §7-148(b)(10)(A) authorizes municipalities to impose civil penalties for ethics violations not to exceed two hundred fifty dollars. The Model Code, however, would allow for fines of up to $1,000 per violation. The penalty section (§1-6) also provides for other sanctions which may require both amendment of state statute and, possibly, modification of municipal labor agreements (e.g., dismissal from employment).

3. Appeals

As a concomitant provision to the above penalty section, the Model Code proposes that final decisions of municipal ethics commission be appealable to Superior Court. In essence, state law will not permit municipalities to impose significant administrative sanctions, unless the affected person has the right to seek appellate review.

4. Procedures

Pursuant to Connecticut General Statutes §7-148h(a), any municipality which has an ethics commission must comply with provisions of Connecticut General Statutes §1-82a when investigating allegations of misconduct. Section 1-82a requires, in part, that the entire matter be kept confidential until there has been a finding of probable cause. This provision contemplates that (as at the State level) there will be a two-stage process for complaints: 1. a probable cause hearing; 2. followed by a public hearing to determine whether or not a violation has occurred. The Model Code, however, contains a simplified, one-stage hearing procedure. It does, nonetheless, maintain the strict confidentiality standard embodied in §1-82a and, as a consequence, requires that the entire matter be confidential until there has been a finding of a violation.

Additionally, we wish to bring to your attention two other aspects of the model law:

5. Statements Of Financial Interests

A provision in the Model Code (§1-10) requires the filing of annual statements of financial interests by public officials and designated employees. The updated Model Code reflects the suggestions of the Municipal Ethics Task Force to streamline the information requested of required filers. It is anticipated that each municipality will determine whether these statements
are, in fact, necessary. For example, smaller towns and special districts may not find the administration of this filing requirement to be a cost-effective use of resources; however, larger towns and cities may find the collection of this information to be beneficial.

6. Special Districts

The drafters of the Model Code have concluded that the State's special districts do not, in general, have the resources to administer separate ethics commissions and enforce separate ethics codes. We recommend, therefore, that each special district work with the municipality in which it is located to establish an ethics commission and code and, thereafter, operate under this municipal jurisdiction.
Statement of Purpose.

Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of the municipality, and it must be based on honest and fair deliberations and decisions. This process must be free from threats, favoritism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By enacting this Code, this municipality seeks to avoid any loss of trust and to maintain and increase the confidence of our citizens in the integrity and fairness of their government.

Section 1-1. Definitions.

(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 is associated" means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public employee or public official or member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class, provided, a public employee or public official, or member of his immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the public employee or public official or member of his immediate family is an unpaid director or officer of the not for profit entity. "Officer" refers only to the president, executive or senior vice president or treasurer of such business.

(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) "Commission" means the municipal ethics commission established in section 1-2.

(e) "Financial interest" means any interest with a monetary value of $100 or more or which generates a financial gain or loss of $100 or more per person 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 (10) of subsection (b) of section 9-601a;

(2) services provided by persons volunteering their time, if provided to aid or promote the success or defeat of any political party, any candidate or candidates for public office or the position of convention delegate or town committee member or any referendum question;

(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 (A) an individual's spouse, fiance or fiancee, (b) the parent, brother or sister of such spouse or such individual, or (C) the child of such individual or the spouse of such child;

(5) goods or services which are provided to the municipality and facilitate governmental action or functions;

(6) a certificate, plaque or other ceremonial award costing less than one hundred dollars;

(7) a rebate, discount or promotional item available to the general public;

(8) printed or recorded informational material germane to governmental actions or functions;

(9) an honorary degree bestowed upon a public official or public employee by a public or private university or college;

(10) a meal provided at an event and/or the registration or entrance fee to attend such an event, in which the public employee or public official participates in his official capacity;

(11) a meal provided in the home by an individual who resides in the municipality;

(12) a gift, including but not limited to, food or beverage or both, provided by an individual for the celebration of a major life event such as the birth or adoption of a child, a wedding, a confirmation or bar/bat mitzvah, and a funeral, provided any such gift provided by an individual who is not a member of the family of the recipient shall not exceed two hundred fifty dollars. Major life event shall not include any event which occurs on an annual basis such as an anniversary; except that personal gifts of up to twenty-five dollars per occasion, aggregating no more than fifty dollars per recipient in a calendar year, shall be permitted to a minor incident to a birthday or other traditional gift-giving occasion, e.g., Christmas or Chanukah.

(13) anything of value provided by an employer of (A) a public official, (B) a public employee, or (C) a spouse of a public official or public employee, to such official, employee or spouse, provided such benefits are customarily and ordinarily provided to others in similar circumstances;
Section 1-2. Municipal ethics commission. Members; appointment; qualifications; vacancies; political activity.
(a) There shall be a municipal ethics commission consisting of five members. The members shall be appointed by unanimous vote of the Board of Selectmen/Mayor (Town/City Council) for a term of three (3) years, except that, of the initially appointed members, one (1) shall serve for one (1) year, two (2) for two (2) years, two (2) for three (3) years. No individual shall be appointed to more than one three-year term, provided that members may continue in office until a successor has been appointed. No more than three shall be members of the same political party.

(b) All members shall be electors of the municipality. No member shall (1) hold or campaign for any public office; (2) have held public office or have been a candidate for public office for a two-year period prior to appointment; (3) hold office in any political party or political committee; or (4) serve as a member of any other municipal agency.

(c)(1) Although any member or employee of the commission shall have an unrestricted right to vote, make political contributions, attend fundraising or other political events, no member or employee shall publicly support any candidate for any municipal office subject to the commission’s jurisdiction. An individual would be publicly supporting a candidate by, for example, volunteering as a campaign worker, giving a speech at a political event or formally endorsing a candidate. (2) No candidate for political office may disseminate information which indicates that a commission member or employee supports his or her candidacy.

(d) The 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.

(e) No member of the commission may represent any business or person, other than himself or herself, before the commission for a period of one year following the end of such member's service on the commission. No business or person that appears before the commission shall employ or otherwise engage the services of a former member of the commission for a period of one year following the end of such former member's service on the commission.

(f) No member of the commission may hold any other position in municipal employment subject to the commission's jurisdiction for a period of one year following the end of such member's service on the commission.

(g) The members and employees of the commission shall adhere to the following code of ethics under which the members and employees shall: (1) Observe high standards of conduct so that the integrity and independence of the commission may be preserved; (2) respect and comply with the law and conduct themselves at all times in a manner which promotes public confidence in the integrity and impartiality of the commission; (3) be faithful to the law and maintain professional competence in the law; (4) be unswayed by partisan interests, public clamor or fear of criticism; (5) maintain order and decorum in proceedings of the commission; (6) be patient, dignified and courteous to all persons who appear in commission proceedings and with other persons with whom the members and employees deal in their official capacities; (7) refrain from making any statement outside of a commission proceeding, which would have a likelihood of prejudicing a commission proceeding; (8) 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; (9) preserve confidences of complainants and respondents; (10) exercise independent professional judgment on behalf of the commission; and (11) represent the commission competently.

Section 1-3. Duties of commission re reports, advisory opinions, memoranda, and regulations. Employment of necessary staff.

(a) The commission shall: (1) 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; (2) issue advisory opinions with regard to the requirements of this code upon the request of any person. 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; (3) report annually on or before February 1 to the [Board of Selectmen/Mayor or Town/City Council or Special district board] summarizing the activities of the commission.

(b) The commission may adopt, after a public hearing, rules and regulations not inconsistent with this Code for the administration and implementation of the Code.

(c) The commission may employ necessary staff or outside counsel within available appropriations.


(a)(1) Upon the complaint of any person on a form prescribed by the commission, signed under penalty of false statement, or upon its own complaint, the commission shall investigate any alleged violation of this code. (2) Not later than ten (10) 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) If the complaint has been filed by any person other than the commission, the commission shall review the complaint to determine whether or not the allegations contained therein constitute a violation of any provision of the Code. If the commission determines that the complaint does not allege sufficient acts to constitute a violation, the commission shall dismiss the complaint and duly notify the complainant and respondent by registered or certified mail. (4) If the commission determines that the complaint alleges sufficient acts to constitute a violation, then within thirty (30) days after so determining, the commission shall fix a date for the commencement of the hearing on the allegation contained therein. The hearing date regarding any complaint shall be not more than sixty (60) days after the filing of the complaint.
In the conduct of its investigation of an alleged violation of this 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 books, papers and electronic records which the commission deems relevant in any matter under investigation or in question. In the exercise of such powers, the commission may use the services of the municipal police, who shall provide the same upon the commission's request. (2) The respondent shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses.

(c) 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.

(d) Any hearing conducted by the commission shall be governed by the administrative rules of evidence.

(e) No complaint may be made under this code except within five years next after the violation alleged in the complaint has been committed.

(f) No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the commission under the provisions of this code. After receipt of information from an individual, the commission shall not disclose the identity of such individual without consent unless the commission determines that such disclosure is unavoidable during the course of an investigation.

Section 1-5. Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings.

(a) Prior to the filing of its own complaint, the commission may conduct a preliminary investigation to determine whether the filing of a complaint is warranted. When the commission undertakes a preliminary investigation of a possible violation of any part of the Code prior to the filing of its own complaint, the subject of the preliminary investigation shall be notified not later than ten (10) days after the commission's first contact with a third party concerning the matter. This preliminary investigation shall be confidential except upon the request of the subject of such preliminary investigation. If the preliminary investigation is confidential, any allegations and any information supplied to or received from the commission shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or commission or staff member.

(b) Unless the commission makes a finding of a violation, a complaint alleging a violation shall be confidential except upon the request of the respondent.

(c) An investigation conducted upon filing of a complaint and prior to a finding of a violation shall be confidential except upon the request of the respondent. If such investigation is confidential, any allegations that are the basis of the complaint and any information supplied to or received from the commission shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or commission or staff member.
If the commission makes a finding of no violation, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No complainant, respondent, witness, designated party, or commission or staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. The commission shall inform the complainant and the respondent of its finding by registered or certified mail not later than three business days after termination of the hearing or investigation.

The commission shall make public a finding of a violation not later than five business days after the termination of the hearing. At such time, the entire record of the investigation shall become public. The commission shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making such a finding by registered or certified mail not later than thirty business days after termination of the hearing.

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 1-6. Penalties.

(a) Violation of any provision of this Code shall constitute grounds for removal or dismissal from office or position, and may be punished by (1) public censure and reprimand; (2) a civil penalty of not more than $1,000 per violation; and (3) restitution of any pecuniary benefits received because of the violations committed.

Section 1-7. Conflicts of interest.

(a) No public employee or public official shall engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of his official responsibilities in the public interest or which would tend to impair his independent judgment or action in the performance of his official responsibilities.

(b)(l) No public employee or public official shall solicit or accept any gift from any person who to his knowledge is interested in any pending matter within such individual's official responsibility. (2) If a prohibited gift is offered, he must refuse it, return it, pay the donor the market value of the gift, or donate it to a non-profit organization provided he does not take the corresponding tax write-off. Alternatively, it may be considered a gift to the municipality provided it remains in the municipality's possession permanently.

(c)(l) A public employee or public official shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if he, a business with which he is associated, an individual with which he is associated, or a member of his immediate family, has a financial or personal interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to the municipality. (2) If such participation is within
the scope of the public employee's or public official's official responsibility, he shall be required
to provide written disclosure, which sets forth in detail the nature and extent of such interest, to
the commission. (3) Notwithstanding the prohibition in subsection (d)(l), a public employee or
public official may vote or otherwise participate in a matter if it involves a determination of
general policy and the interest is shared with a substantial segment of the population of the municipality.

(d)(l) Except for a public official who receives no compensation for his service to the
municipality other than per diem payments and reimbursement of expenses, no public employee
or public official shall appear on behalf of private interests before any board agency, or
committee of the municipality. (2) Except for a public official who receives no compensation
for his service to the municipality other than per diem payments and reimbursement of expenses,
no public employee or public official shall represent private interests against the interest of the
municipality in any litigation to which the municipality is a party.

(e) Nothing contained in this code shall prohibit or restrict a public employee or public official
from appearing before any board or commission of the municipality on his own behalf, or from
being a party in any action, proceeding or litigation brought by or against the public employee or
public official to which the municipality is a party.

(f) No public employee or public official shall disclose confidential information concerning
municipal affairs, nor shall he use such information for the financial interests of himself or
others.

(g) No public employee or public official shall request or permit the use of municipal-owned
vehicles, equipment, facilities, materials or property for personal convenience or profit, except
when such are available to the public generally or are provided as municipal policy for the use of
such public employee or public official in the conduct of official business.

(h) No public employee or public official, or a business with which he is associated, or member
of his immediate family shall enter into a contract with the municipality unless it is awarded
through a process of public notice and competitive bidding.

(i) No public employee or public official shall use his position or office for the financial benefit
of himself, a business with which he is associated, an individual with which he is associated, or a
member of his immediate family.

G) No public employee or public official shall accept a fee or honorarium for an article,
appearance or speech, or for participation at an event, in his official capacity.

(k) No public employee or public official, or member of such individual's immediate family or
business with which he is associated, shall solicit or accept anything of value, including but not
limited to, a gift, loan, political contribution, reward or promise of future employment based on
any understanding that the vote, official action or judgment of the public employee or public
official would be or had been influenced thereby.

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(1) No person shall offer or give to a public employee or public official or member of such individual’s immediate family or business with which he is associated, anything of value, including, but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.

(m)(l) No public employee or public official or member of the immediate family of a public employee or public official shall knowingly accept, directly or indirectly, any gift costing one hundred dollars or more in any calendar year from a public employee or public official who is under the supervision of such public employee or public official. (2) No public employee or public official or member of the immediate family of a public employee or public official shall knowingly accept, directly or indirectly, any gift costing one hundred dollars or more in any calendar year from a public employee or public official who is a supervisor of such public employee or public official. (3) No public employee or public official shall knowingly give, directly or indirectly, any gift in violation of subdivision (1) or (2) of this subsection.

(n) No public employee or public official shall knowingly counsel, authorize or otherwise sanction action that violates any provision of this code.

Section 1-8. Paid consultants of the municipality.

(a)(l) No paid consultant of the municipality shall represent a private interest in any action or proceeding against the interest of the municipality which is in conflict with the performance of his duties as a consultant. (2) No paid consultant may represent anyone other than the municipality concerning any matter in which he participated personally and substantially as a consultant to the municipality. (3) No paid consultant shall disclose confidential information learned while performing his duties for the municipality nor shall he use such information for the financial interests of himself or others.

Section 1-9. Former public employees/officials.

(a) No former public employee or public official shall appear for compensation before any municipal board or agency in which he was formerly employed at any time within a period of one year after termination of his service with the municipality.

(b) No former public employee or public official shall represent anyone other than the municipality concerning any particular matter in which he participated personally and substantially while in municipal service.

(c) No former public employee or public official shall disclose or use confidential information acquired in the course of and by reason of his official duties, for financial gain for himself or others.

(d) No former public employee or public official who participated substantially in the negotiation or award of a municipal contract obliging the municipality to pay an amount of $25,000 or more, or who supervised the negotiation or award of such contract shall accept
employment with a party to the contract other than the municipality for a period of one year after such contract is signed.

Section 1-10. Statements of financial interests. Filing requirements.

(a)(1) All public officials and such public employees as the Mayor [First Selectman] shall designate shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the commission on or before the May first next in any year in which he holds such a position. However, an individual assuming such a position after March thirty-first of any year shall file for the preceding year within thirty days of assuming his or her position. Any such individual who leaves his office or position shall file a statement of financial interests covering that portion of the year during which he held his office or position. The commission shall notify such individuals of the requirements of this subsection within thirty days after their departure from such office or position. Such individuals shall file such statement within sixty days after receipt of the notification.

(b) The statement of financial interests shall include the following information for the preceding calendar year in regard to the individual required to file the statement and his spouse and dependent children residing in the individual's household: (1) The names of all businesses with which associated; (2) the names of all individuals with which associated; (3) the names of all employers; (4) all real property located with the municipality whether owned by such individual, spouse or dependent children or held in the name of a corporation, partnership or trust for the benefit of such individual, spouse or dependent children; and (5) any leases or contracts with the municipality held or entered into by the individual or a business with which he was associated.

(c) The statement of financial interests filed pursuant to this section shall be a matter of public information.

(d) Any individual who is unable to provide information required under the provisions of subsection (b) of this section by reason of impossibility may petition the commission for a waiver of the requirements.

Section 1-11. Distribution of Code.

The Town/City Clerk shall cause a copy of a plain-language guide to the Code of Ethics produced by commission to be distributed to every public employee and public official within 60 days after enactment of this code. Each public employee and public official shall be furnished a copy upon commencing the duties of his office or employment. A signed receipt for all copies shall be returned to the town/city clerk and retained on file.
Model Code of Ethics for Local Governments

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS section 806 of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district¹ to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS section 806 of the General Municipal Law also authorizes the governing body of any other municipality to adopt such a code of ethics, and

WHEREAS, a code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

NOW, THEREFORE, be it resolved that the [insert name of governing body] of the [insert name of municipality] hereby adopts a code of ethics to read as follows:

Code of Ethics of the [insert name of municipality]

Section 1. Purpose.

Officers and employees of the [insert name of municipality] hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The [insert name of municipal governing body] recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Section 2. Definitions.

(a) “Board” means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

(b) “Code” means this code of ethics.

¹ This model code of ethics is for use by municipalities other than fire districts. The State Comptroller has promulgated a separate model code of ethics for fire districts.
(c) “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.

(d) “Municipality” means [insert name of municipality]. The word “municipal” refers to the municipality.

(e) “Municipal officer or employee” means a paid or unpaid officer or employee of the [insert name of municipality], including, but not limited to, the members of any municipal board.

(f) “Relative” means a spouse, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

Section 3. Applicability.

This code of ethics applies to the officers and employees of the [insert name of municipality], and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the [insert name of municipality].

Section 4. Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Section 5. Disclosure of interest in legislation and other matters.

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person’s supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person’s position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

Section 6. Recusal and abstention.

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) This code’s prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:

(1) adoption of the municipality’s annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality; or
(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(1) which comes before a board when a majority of the board’s total membership would otherwise be prohibited from acting by section 6 of this code;

(2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

Section 8. Investments in conflict with official duties.

(a) No municipal officer or employee may acquire the following investments:

(1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or

(2) investments that would otherwise impair the person’s independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

(1) real property located within the municipality and used as his or her personal residence;

(2) less than five percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

(a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;

(b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;

(c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or
(d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Section 10. Future employment.

(a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

(b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.

(c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

Section 11. Personal representations and claims permitted.

This code shall not be construed as prohibiting a municipal officer or employee from:

   (a) representing himself or herself, or his or her spouse or minor children before the municipality; or

   (b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 12. Use of municipal resources

(a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality’s money, vehicles, equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

   (1) any use of municipal resources authorized by law or municipal policy;

   (2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule. (c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 13. Interests in Contracts.

(a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.


Except as otherwise required by law:

(a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.

(b) No municipal officer or employee may supervise a relative in the performance of the relative’s official powers or duties.

Section 15. Political Solicitations.

(a) No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

Section 16. Confidential Information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.
Section 17. Gifts.

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

(1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift, including:

(1) gifts made to the municipality;

(2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift.
(3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or

(6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 18. Board of Ethics.

(a) There is hereby established a board of ethics for the municipality. The board of ethics shall consist of [insert three, five …] members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such board of ethics shall be appointed by the [insert name of municipal governing body], serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the board of ethics.

(b) The board of ethics shall render advisory opinions to the officers and employees of the [insert name of municipality] with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the municipality’s legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the [insert name of municipal governing body].

Section 19. Posting and distribution.

(a) The [insert title of municipal chief executive officer] must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality’s control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.

2 In the case of a county operating under an optional or alternative form of county government or county charter, insert the “county executive” or “county manager,” as the case may be, “subject to confirmation by the [insert name of county governing body].”
(b) The [insert title of municipal chief executive officer] must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the [insert name of municipality].

(c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the [insert “clerk of the municipality” or, if there is no clerk, insert “secretary”] who must maintain such acknowledgments as a public record.

(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 20. Enforcement.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

Section 21. Effective date.

This code takes effect on [insert date on which code of ethics takes effect].
SECTION 5: CONNECTICUT MUNICIPAL ETHICS ORDINANCES

Bridgeport

• Chapter 2.38 - CODE OF ETHICS

Sections:

• 2.38.010 - Purpose of chapter.

A. The code of ethics and commission on ethics ordinance codified in this chapter is adopted for the city and is established with the purpose of setting forth ethical standards of conduct and prohibited activities which will be consistent with the best interests of the city.

B. This ordinance is intended to prevent city officials and employees from using their public position or authority for personal, financial benefit.

C. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people in accordance with their oath of office. They shall hold their offices for the benefit of the public and shall faithfully discharge their duties, placing the good of the city above any personal or partisan consideration. Public office must not be used for personal gain.

D. It is advisable that all city officials and employees should avoid any conduct having the appearance of violating any of the standards set forth in 2.38.030 of this ordinance.

(Ord. dated 6/3/91 (part))
(Ord. dated 1/3/12)

• 2.38.020 - Definitions.

For the purposes of this chapter:
"Benefit": advantage; profit; gain; interest; the receiving of this benefit as the exchange for a promise of some performance or forbearance, which the promisee was not, previously entitled to receive.
"City personnel" means officials and employees of the city of Bridgeport.
"Commission" means the city's commission on ethics.
"Employee" means any employee of the city including any teacher, whether or not in the classified service, except: elected officials; board, agency and commission members; department heads; members of the city's unclassified service; and persons appointed pursuant to Section 24(b) or 27.1 of the City Charter.
"Financial interest" means any interest, other than an interest of a de minimis nature, that is not distinct from that of the general public, which shall yield a monetary or other material benefit to the official or employee or to any person employing or retaining the services of the official or employee.
"Gift" means a payment, a subscription, advance, forbearance, rendering of services, deposit of money or anything of value unless consideration of equal or greater value is received. A gift shall not include a political contribution otherwise reported as required by law; services provided without compensation by persons volunteering their time; a commercially reasonable loan made...
on terms not more favorable than loans made in the ordinary course of business; a gift received from an individual's spouse or parent, brother or sister of such spouse, or such individual's child or spouse of such child; or food or beverage or both, consumed on a single occasion, the cost of which is less than fifty dollars ($50.00) per person.

"Official" means any elected officer in the executive or legislative branch of city government; any member of any city agency, board or commission; any department head; and any person appointed to any office in the city government by the mayor, by any other elected official or officer or by any agency, board or commission with or without the consent of the common council, and who is not categorized an "employee" as that term is defined in this section.

"Person" means business, individual, corporation, union association, firm, partnership, committee, club or other organization or group of persons.

"Personal interest" means any interest arising from blood or marriage relationships or marriage-type relationships whether or not any financial interest is involved.

"Substantial conflict" means deriving a substantial benefit or avoiding a substantial detriment as a result of one's official or employment activity. For purposes herein, substantial means having real worth or importance; actually existing; not speculative.

(Ord. dated 8/4/03: Ord. dated 6/3/91 § 1: prior code § 2-348)

(Ord. dated 1/3/12)

• 2.38.030 - Standards of conduct.

A. General Prohibition. No official or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business employment, transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his/her duties or employment in the public interest and of his/her responsibilities as prescribed in the provisions of this chapter.

B. Specific Conflicts. No official or employee shall:

1. Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence him/her in the performance of his/her duties or employment in the public interest. Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaigns;

2. Knowingly have or acquire any financial interest or any personal interest, direct or indirect, in any contract or purchase order for any real estate, supplies, materials, equipment or contractual services furnished to, or used by, the city in connection with any project, matter or thing which comes within his/her jurisdiction or the jurisdiction of the board, commission or committee of which he/she is a member or the department or agency by which he/she is employed;

3. Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of his/her duties or employment in the public interest or which may impair his/her independence of judgment in the performance of such duties or employment;

4. Without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city, nor shall he/she use such information to advance his/her financial or personal interest;
5. Vote upon or otherwise participate in any transaction, contract or sale with the city or in the
sale of real estate, materials, supplies or services to the city or from the city, if he/she has a
personal or financial interest therein;
6. Use or permit the use of city-owned vehicles, equipment, materials or property for personal
convenience or profit, except as authorized by the proper authority.
7. Provide false information on an official form provided to the city;
8. Use their official position to retaliate against any person who files an ethics complaint.

C. Contracting. No official or employee or any business with which he/she is associated shall
enter into any contract (other than a contract of employment not otherwise prohibited by, or in
conflict with, the provisions of this chapter) or engage in any business transaction or activity
with the city, or have a personal or financial interest, direct or indirect, in such transaction, unless
the contract has been awarded or the transaction conducted through an open and public process,
including prior public offer and public disclosure of all proposals considered and the contract
awarded.

D. Fair and Equal Treatment. No official or employee shall use his/her position to secure or to
grant special consideration, treatment, advantage, privilege or exemption to himself/herself or
any person beyond that which is available to every other person; except that nothing herein is
intended to, or shall void, affect, restrict or limit in any way the power or authority of any officer
to exercise that discretionary authority granted him/her pursuant to his/her position.

E. Penalties. The failure to comply with, or any violations of, the standards of conduct
established by this chapter may upon determination by the proper authority, following proper
proceedings and hearings, constitute a cause for disciplinary action or other appropriate
penalties. Nothing in this chapter is intended to, or shall deprive any official or employee of all
those rights and remedies granted him/her by any relevant and applicable contract, collective
bargaining agreement, ordinance, Charter provision, statute, constitution or other legal authority.
Any and all contracts, agreements, undertakings, commitments, purchases and obligations made,
entered into, procured or agreed to in violation of this chapter shall be null and void.
(Ord. dated 6/3/91 § 2: prior code § 2-349)
(Ord. dated 1/3/12)

• 2.38.040 - Commission on ethics.

A. Establishment and Membership. There is established a commission on ethics, consisting of
seven members, all of whom shall be resident electors of the city, to be nominated by the mayor
and confirmed by the city council. Of the seven members, no more than four shall be of the same
political party. No member of the commission shall: (1) hold or campaign for any public office
or any office in any political party or political committee or be a member of any organization or
association organized primarily for the purpose of influencing legislation or decisions of public
agencies and (2) have held or have been a candidate for public office or office in any political
party or political committee or have been a member of any organization or association organized
primarily for the purpose of influencing legislation or decisions of public agencies for a two-year
period prior to appointment.
B. Terms. All appointments will be made for terms of two years to expire on December 31. Initial appointments will consist of four appointees whose terms will expire on December 31, 2014 and three whose terms will expire on December 31, 2015.

C. Commission Staff. The commission shall be assisted and supported in the conduct of its duties and responsibilities by the city attorney's office. The city attorney shall provide the commission with whatever legal assistance is reasonably necessary for the proper carrying out of their functions. The city attorney's office shall be provided with reasonable and necessary secretarial/administrative support services, subject to city council funding authorization.

D. Powers and Duties. Upon the complaint of any person on a form prescribed by the commission, signed under penalty of false statement, or upon the affirmative vote of three members of the commission regarding an allegation known to a member of the commission, the commission shall investigate any alleged violation of this chapter. The filing of any complaint and any investigation to determine whether or not there is probable cause to believe a violation of this chapter has occurred shall be confidential and no person shall disclose his/her knowledge of such investigation to a third party. The commission, not later than fifteen (15) days after receipt of such complaint, shall notify, by registered or certified mail or any manner by which service of process may be made, any respondent official against whom such complaint is filed. A copy of such complaint shall accompany such notice. The commission shall also notify the complainant of its receipt of such complaint not later than fifteen (15) days thereafter. The commission shall determine if the allegations in the complaint fall within the jurisdiction of the ethics commission. If they do the commission shall hold a probable cause investigation and hearing as necessary. The commission shall make no finding that there is probable cause to believe the respondent is in violation of any provision of this chapter except upon concurring vote of four of its members. The commission shall, not later than ten days after the determining whether probable cause exists, notify the complainant and the respondent that the investigation has been terminated and the results thereof, thereafter make a decision and forthwith transmit the same to the complainant and the respondent. If a preliminary investigation indicates that probable cause exists to believe that a violation of this chapter has occurred, the commission shall initiate hearings within thirty (30) days to determine whether there has been a violation of this chapter. No hearing shall be conducted with less than four members in attendance. At the hearing, the accused shall be afforded the protection of due process consistent with that established for state agencies under the Connecticut Uniform Administrative Procedure Act, including, but not limited to, the right to be represented by legal counsel, the right to call and examine witnesses, the right to introduce exhibits and the right to cross-examine opposing witnesses and the complainant. The commission may administer oaths and issue subpoenas executed and issued by the office of the city attorney to compel the attendance of witnesses and the production of books, documents, records and papers and may utilize the services of the city police department who shall provide such services upon request. The complainant's attendance at such hearing is at the discretion of the commission; provided, however, that such attendance shall be required when so requested by any person accused under the provision of this chapter. The commission shall make and keep a record of all proceedings pursuant to this chapter. No complaint may be made under this section except within two years next after the violation alleged in the complaint has been committed. The commission shall find no official or employee in violation of any provision of this chapter except upon the concurring vote of four of its members. The commission shall not later than fifteen (15) days after the close of the hearing file
its findings as to a violation of this chapter, together with a memorandum of its reasons therefore with the city clerk, and publishes a notice thereof in a newspaper circulated in the city. The commission shall have no authority to discipline any official or employee and nothing in this chapter is intended to, and should not be construed so as to deprive any official or employee of any right, privilege or remedy granted him/her by any relevant and applicable contract, collective bargaining agreement, ordinance, Charter provision, statute, constitution or other legal authority. The commission may recommend to the appropriate appointing authority disciplinary action or sanctions to be imposed as against officials, which recommendations may include, but are not limited to, reprimand, censure and removal from office.

E. Advisory Opinions. Any official or employee who questions the applicability of this chapter to a pending or potential act, vote, bid, discussion, receipt of anything of value or the like, may request an opinion from the commission. If he or she so requests, the person making the request shall be given a prompt opportunity to explain his or her position and the interpretation of the code of ethics before the commission. Opinions of the commission shall be advisory, and such requests shall be confidential unless the person making the request authorizes the commission in writing to disclose the same. Any advisory opinion concerning the official or employee who requested the opinion, and who acted in reliance thereon in good faith, shall be binding on the commission.

F. Review Disclosure Forms for People Nominated for Appointment to Agencies, Boards, and Commissions. The ethics commission shall review nominee disclosure forms for boards and commissions in accordance with Ordinance Section 2.56.050 paragraph B.

G. Regulations. The commission shall develop written rules of procedure and forms necessary to carry out the intent of this chapter which shall be approved by the common council. The rules and any amendments thereto shall be filed in the office of the city clerk and available for public inspection. The commission shall report annually to the mayor, in writing, summarizing the activities of the commission. The commission may make recommendations to the common council with respect to amendments of this chapter.

H. Quorum and Chairperson. The commission shall elect a chairperson who shall preside at meetings of the commission and a vice-chairperson. Four members of the commission shall constitute a quorum. Except as provided in subsection D of this section, a majority vote of the quorum shall be required for action of the commission. The chairperson or any four members may call a meeting provided that advance notice of the meeting is given in accordance with the Connecticut Freedom of Information Act. Members of the commission shall not be compensated, but shall receive reimbursement for their actual reasonable and necessary expenses.

I. Confidentiality. The powers and duties of the commission, the rules of procedure of the commission and the term "confidential" as set forth in this chapter are expressly subject to the provisions of the Connecticut Freedom of Information Act.

J. Precedence of Criminal Investigation. If a investigation is commenced and/or charges are brought by the office of the state's attorney or by the Office of the United States Attorney against a person, or persons or entity under investigation by the commission for violation of the ethics
code, the commission's investigation shall cease until such time as the criminal investigation is concluded without criminal charges being filed or charges have been fully adjudicated by a court of competent jurisdiction.

K. Training of Personnel. The commission working with the office of the city attorney and the appropriate city department shall prepare training materials for the training of city personnel. City employees and officials shall be trained on an annual basis on the requirements of the code of ethics as set forth in this chapter. The training material may include a plain language summary (citizen's guide) of the code of ethics to assist the city in its training responsibilities. The training material shall be reviewed by the office of the city attorney before it is issued in final form and forwarded to the office of the mayor, on an annual basis, a minimum of sixty (60) days before the annual training shall commence based on a schedule authorized by the office of the mayor. All new employees, persons appointed to boards and commissions, and elected to city positions shall receive a copy of the training material.

L. The ethics commission is responsible for those duties defined for it in Ordinance [Chapter] 2.39 Code of Ethics for Lobbyists. In cases of conflict the Ethics Ordinance [Chapter] 2.38 takes precedence over [Chapter] 2.39.

(Ord. dated 8/4/03; Ord. dated 6/3/91 § 3: Ord. dated 9/6/88; prior code § 2-350)
(Ord. dated 1/3/12)
Bristol

• ARTICLE V. - CODE OF ETHICS AND ETHICS BOARD

FOOTNOTE(S):

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Editor's note— An ordinance adopted June 13, 2006, amended Art. V by changing the title from "Code of Ethics and Board of Ethics" to "Code of Ethics and Ethics Board".

Editor's note— Ord. of Oct. 4, 1977, specifically amended the Code by adding Art. V, §§ 2-124—2-136. Subsequent amendments have been included as indicated in history notes following affected sections.

• Sec. 2-124. - Declaration of policy.
The proper operation of democratic government requires that public officers and employees be independent, impartial, and responsible to the people of Bristol; that government decisions and policy be made in the proper channels of government structure; that public office not be used for personal or private gain; and that the public have confidence in the integrity of government. In recognition of these goals, a code of ethics is hereby established for officials and employees of the City of Bristol, as are hereinafter defined. The purpose of this code is to establish ethical standards of conduct by setting forth those actions that are in conflict with the best interest of the city, and by directing disclosure of any financial or personal interest in matters affecting the city as set forth in this article.
(Ord. of 10-4-77; Amend. of 5-11-87; Ord. of 6-13-06)

• Sec. 2-125. - Application.
The code of ethics of the City of Bristol shall govern any elected or appointed official or an employee of the City of Bristol herein after referred to as "officials".
(Ord. of 10-4-77)

• Sec. 2-126. - Responsibilities of public office.
(a) It shall be the responsibility of officials to carry out their duties to the best of their abilities and with the highest moral and ethical standards, regardless of personal consideration. Their conduct should at all times be for the public good and within the bounds of the law, should be above reproach, and should avoid a conflict between public and private interests and responsibilities.

(b) Any person convicted of a crime classified as a felony shall no longer serve as a member of a city board or commission. The procedure for removal will follow section 15 of the Charter.

(c) It shall be the responsibility of each official to obtain and read a copy of the code of ethics of the City of Bristol and to keep informed of any changes or interpretations as to its applicability.
(Ord. of 10-4-77; Ord. of 10-4-83; Amend. of 5-11-87; Amend. of 9-8-98)
Cross reference—Members required to attend meetings of boards, commissions, etc., § 2-9)

• Sec. 2-127. - Fair and equal treatment.
No official shall grant or accept any special consideration, treatment, favor or advantage beyond that which is generally available to all residents and/or taxpayers of the city.
(Ord. of 10-4-77)

• Sec. 2-128. - Political influence.
No official shall promise an appointment or the use of his influence to obtain an appointment to any municipal position as a reward for any political activity.
(Ord. of 10-4-77)

• Sec. 2-129. - Conflict of interest.
(a) No official shall act or vote as a result of having accepted from any person or his representative anything of value whatsoever, or the promise of any future reward. Whenever any person appears before any board or commission who has actively participated in appointing or recommending any member of said board or commission and such member is aware of such participation, such member must:
   (1) Disclose such participation for the purpose of the record of such board or commission;
   (2) Then make a decision as to whether or not he or she can sit impartially, and so state for the purpose of the record.
(b) No official shall accept or solicit anything of value whether in the form of a gift or promise of a gift from any person. For the purposes of this section a person shall mean an individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons. A gift shall include the receipt of any payment, subscription, rendering of service, deposit of money or anything of value unless the amount paid by the official is that normally charged to the general public for like goods, services or loans. This section shall not apply to the receipt of any food or beverage or both, consumed on a single occasion. This section further shall not apply to campaign contributions.
(c) No official who has a financial or personal interest, either individually or as a member of a group that has a financial or personal interest, direct or indirect, in any transaction or contract with the city, or decision of any board, body, or commission, or in the sale of real estate, material, supplies, or services to the city, on which he may be called to act upon in his official capacity, shall vote upon or otherwise participate in the transaction, contract, or decision and shall excuse himself from the proceedings in accordance with Section 55 of the Charter of the City of Bristol.
(Ord. of 10-4-77; Amend. of 9-8-98; Ord. of 6-13-06)

• Sec. 2-130. - Advisory opinions of the ethics board.
(a) Any official who questions the applicability of this code to a pending or potential act, vote, bid, discussion, receipt of anything of value and the like may request an opinion from the ethics board. If he or she so requests, the official shall be given a prompt opportunity to explain his or her position and interpretation of the code of ethics before the ethics board. Opinions of the ethics board shall be advisory, and such requests shall be public.
(b) This code shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory or charter provision.
• **Sec. 2-131. - Sanctions.**
Violations of any provisions of this code should raise conscientious questions for the official concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the city. Violation may, upon determination by the city council, constitute a cause for censure, suspension, removal from office or other appropriate legal proceedings.

(Ord. of 10-4-77)

• **Sec. 2-132. - Terms and definitions.**
The following terms, when used in this code of ethics and in Section 55 of the Charter of the City of Bristol, shall have the following meanings unless the context otherwise requires:

*Business with which he is associated* means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the official or member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five (5) percent or more of the total outstanding stock of any class, provided, the official or member of his immediate family shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the official or member of his immediate family is an unpaid director or officer of the not for profit entity. "Officer" refers only to the president, executive or senior vice president or treasurer of such business.

*Financial interest* means any interest that is in substantial conflict with the proper discharge of the official's duties or employment in the public interest and of the official's responsibilities as prescribed by the laws of this state and city, if the official has reason to believe or expect that the official, the official's spouse or dependent child, or a business with which he is associated, as defined herein, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official's official activity. Any such official does not have an interest that is in substantial conflict with the proper discharge of the official's duties in the public interest and of the official's responsibilities as prescribed by the laws of this state and city, if any benefit or detriment accrues to the official, the official's spouse or dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group.

*Immediate family* means any spouse, children or dependent relatives who reside in the individual's household.

*Member of a group* means a trustee, officer, director, member of a limited liability company, or partner of any organization or other entity and includes, but is not limited to a trust, corporation, limited liability company, union, association, firm, partnership, committee, club, or other organization.

*Personal interest* means either an interest in the subject matter or a relationship with the parties before the official or board, body, or commission of which the official is a member, impairing the impartiality expected to characterize said official. A personal interest can take the form of
favoritism toward one party or hostility toward the opposing party; it is a personal bias or prejudice which imperils the open-mindedness and sense of fairness which a city official is required to possess.

(Ord. of 10-4-77; Amend. of 9-8-98; Ord. of 6-13-06)

- Sec. 2-133. - Confidentiality of complaint and investigation; records opened upon finding of probable cause; waiver of confidentiality.
  (a) Unless the board makes a finding of probable cause, any complaint of an alleged violation of the code of ethics and all materials submitted in support thereof shall be kept confidential unless the respondent waives his or her right of confidentiality.
  (b) Unless the board makes a finding of probable cause, any investigation of the complaint and all materials related thereto, including minutes, records of testimony and all other documents shall be kept confidential unless the respondent waives his or her right of confidentiality.
  (c) Unless the board makes a finding of probable cause or the respondent has waived his or her right of confidentiality, no complainant, respondent, witness, designated party, board member or staff member of the city shall disclose or discuss a complaint, its investigation, or any other aspect to or with any third party.
  (d) Upon a finding of probable cause by the board or waiver of confidentiality by the respondent, the complaint and the record of its investigation is deemed to be open, and all aspects of the complaint, the investigation of probable cause, and all documents and records of testimony related thereto, shall be available for public inspection.
  (e) No provision of this section shall prevent the board from reporting the possible commission of a crime to the state's attorney or other prosecutorial authority. The board may adopt rules of procedure and regulations it deems necessary to carry out the provisions of this section and to protect the right of confidentiality of the respondent.

(Ord. of 10-4-77; Ord. of 1-1-01)

- Sec. 2-134. - Procedure for receiving and investigating complaints; decision regarding probable cause; hearing after finding of probable cause.
  (a) The board shall receive a complaint from any person of any alleged violation of the code of ethics. A complaint is deemed to have been received by the board upon its delivery to the city clerk. Any individual making a complaint shall do so on a form prescribed and adopted by the board. Copies of the complaint form shall be delivered to and kept by the city clerk, who shall make them available to the public upon request. Complaints made against multiple officials (respondents), even if arising out of the same facts and circumstances shall be separated and processed on one (1) complaint form for each official. The board shall maintain separate files for each complaint in case there is a waiver of confidentiality by fewer than all of the respondents or no probable cause is found against some of the respondents. These provisions shall not prohibit the board to join proceedings and hearings in those circumstances where the right of confidentiality can be maintained. Said complaint shall require as a minimum the following:
  (1) Name and position (e.g. elected or appointed office or employee) of the city official (respondent).
  (2) Section of the code allegedly violated.
  (3) Date, time and place the matters complained of occurred.
  (4) Names and addresses of any witnesses or persons involved.
  (5) A short statement of the facts and circumstances alleged to constitute the violation.
(6) Name, address and telephone number of the complainant.
(7) A signed statement by the complainant certifying the truth of the facts stated under penalty of false statement.

(b) Upon receipt by the city clerk of a complaint of an alleged violation of the code by an official, the city clerk shall notify the official (respondent) and each member of the ethics board. Such notice shall be in writing and indicate the date on which the complaint was received. The notice shall also include a copy of the complaint and any exhibits attached thereto. Such notice shall be sent via certified mail, return receipt requested, within fifteen (15) business days of the receipt of the complaint.

(c) Within fifteen (15) business days of the receipt of the complaint by the city clerk, the board or a committee of the board appointed by the chairman containing no fewer than three (3) members shall schedule a meeting to conduct a probable cause investigation. Said meeting shall be convened within thirty (30) business days of the receipt of the complaint. The investigation may be continued to additional meetings provided that all such meetings shall occur within ninety (90) business days of the receipt of the complaint. The probable cause investigation will be conducted to determine each of the following:

1. Whether the respondent is an "official" as defined in this Code.
2. Whether the acts alleged in the complaint, if proven, would constitute a violation of the Code.
3. Whether there exists evidence that substantiates the complaint sufficiently to warrant further proceedings.
4. Whether the official, and the circumstances complained of, are governed by a collective bargaining agreement, personal employment contract, or other agreement or policy, the provisions of which would take precedence over this article.

(d) If the probable cause investigation is conducted by the board pursuant to subparagraph (c) above, within fifteen (15) business days of the conclusion of any probable cause investigation, a decision as to probable cause shall be made by the board. If the probable cause investigation is conducted by a committee of the board appointed by the chairman pursuant to subparagraph (c) above, within fifteen (15) business days of the conclusion of any probable cause investigation, a recommendation as to probable cause shall be made by the committee, and said committee shall notify the board within five (5) business days as to its recommendation. The final decision on said question shall be made at a meeting of the ethics board. The members of the committee who conducted the investigation shall give a majority and minority report, if any, for those members who were not part of the committee. In making a decision as to probable cause, the board shall take one (1) of the following actions:

1. Dismiss the complaint if it finds that any one (1) of the requirements of probable cause numbered (1), (2), or (3) in subparagraph (c) above have not been met.
2. Find that the requirements of probable cause number (1), (2) and (3) in subparagraph (c) above have been met.

(Ord. of 10-4-77; Amend. of 5-11-87; Amend. of 9-8-98; Ord. of 1-1-01; Ord. of 6-13-06)

- Sec. 2-134.1. - Finding of probable cause; files, hearing to be public.

(a) After a vote that the requirements of probable cause have been met, all further action taken shall require the presence of at least five (5) members and at least four (4) affirmative votes. Thereafter, all records shall be open to the public as provided above.

(b) The board shall schedule a hearing on any complaint found to have probable cause within thirty (30) business days unless it finds that the circumstances complained of are subject to a
collective bargaining agreement, personal employment contract or other agreement or policy applicable to the official (respondent). If the board finds that a collective bargaining agreement, personal employment contract, or other agreement or policy is applicable to the official (respondent), the board shall transmit certified copies of the complaint, all records and documents pertaining thereto, and its finding of probable cause to the appropriate forum having jurisdiction. In addition, the board shall take one (1) of the following actions:
(1) Retain jurisdiction, but defer any further action until the appropriate forum has rendered a decision.
(2) Relinquish jurisdiction to the appropriate forum and close the file.
(c) If requested by the respondent, the board may proceed directly to a hearing without need of a probable cause investigation. In such cases the complaint, record, and all documents pertaining to the complaint shall be available to the public as though probable cause has been found.
(d) Hearings on any complaint upon a finding of probable cause or request by the respondent shall require the presence of at least five (5) members of the board. The respondent shall have the right to counsel, to confront and cross-examine all witnesses against him, and to present evidence on his behalf.
(Ord. of 1-1-01; Ord. of 6-13-06)

- Sec. 2-134.2. - Finding of no probable cause; files to remain confidential.
If the board makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party or board or staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the board may, after consultation with the respondent if the respondent is not the source of the disclosure, publish its findings and a summary of its reasons therefor.
(Ord. of 1-1-01)

- Sec. 2-135. - Report to city council.
(a) In all matters wherein the ethics board makes a finding of no probable cause or makes a finding of no violation, the decision of the ethics board shall be final. Upon making a finding of violation, the board shall report its findings, and recommendations as to disposition concerning the complaint, to the city council within ten (10) business days of its decision. The report shall include an itemized response to each of the charges made in the complaint, including a summary of the issues presented by the complaint, and response to each accordingly, along with rationale for the findings.
(b) The city council shall consider the findings and recommendations as to disposition of the board in executive session, unless an open hearing is requested by the respondent. The city council may:
(1) Accept the findings and recommendations as presented, or
(2) Not accept the findings, in which case the city council shall conduct a hearing de novo on the complaint, in accordance with the procedures set out in section 2-134(d), or
(3) Accept the findings of the board, but not accept the recommendations as to disposition, in which case the council shall dispose of the matter as it sees fit.
(Ord. of 10-4-77; Amend. of 5-11-87; Amend. of 9-8-98; Amend. of 7-11-06)
• Sec. 2-136. - Notice of hearings.
All notices required under this article shall be sent by registered or certified mail, or by any
manner which service of process may be made.
(a) In the event a hearing is held, the board shall render a decision within ten (10) business days
of the final day of said hearing.
(b) Reserved.
(Ord. of 10-4-77; Amend. of 5-11-87; Ord. of 6-13-06)

• Sec. 2-137. - Statute of limitations.
Any complaint of an alleged violation of this chapter must be received by the city clerk within
one (1) year from the date of occurrence of the alleged violation.
(Ammend. of 9-8-98)

• Sec. 2-137.1. - Severability.
If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article, or
any part thereof, is for any reason held to be unconstitutional or invalid, or ineffective by any
court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
remaining portions of this article or any part thereof.
(Ord. of 10-4-77)
Enfield

- DIVISION 4. - ETHICS COMMISSION; CODE OF ETHICS

- Sec. 2-121. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Close relative** means the parents, grandparents, brother, sister (including in-laws), spouse, child, grandchild, step-child, son-in-law, daughter-in-law, and also any relation who is domiciled in the employee's household.

**Commission** means the ethics commission.

**Conflict of interest** means a public official or municipal employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest if he has reason to believe or expect that he or a close relative of his will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. A public official or municipal employee does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest if any benefit or detriment accrues to him as a member of a business, profession, occupation or group to no greater extent than any other member of such business, profession, occupation or group. Conflict of interest exists if:

1. A public official or municipal employee or a close relative of such official or employee has a financial or personal interest in the outcome of any matter under consideration before him in his official capacity within or before his department or a board or commission of which he is a member.

2. A public official or municipal employee accepts employment which will either impair his independence or judgment with regard to his official duties or require him to disclose confidential information acquired by him in the course of his public duties.

**Criminal misconduct** means a violation of the law as defined in G.S. title 53.

**Financial interest** means any interest in the result of a discretionary public action in which an individual derives or expects that he will derive economic and/or pecuniary gain or loss to himself or a close relative of the individual or to any organization in which said individual and his close relatives hold a five percent or more ownership interest.

**Gift** means a payment, subscription, advance, forbearance, rendering of service, deposit of money, or anything of value unless consideration of equal or greater value is transferred in its place. The term "gift" shall not include a political contribution otherwise reported as required by law; services provided to support a political candidate or political party without compensation by persons volunteering their time; a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; anything of value received because
of a family or other close personal relationship with the donor; food or beverage or both, consumed on a single occasion, the cost of which is less than $50.00 per person; an occasional nonpecuniary gift, insignificant in value; an award publicly presented in recognition of public service or any gift which would have been offered or given to him if he were not a public official or municipal employee.

**Municipal employee** means an individual working for salary or wages from the town, including board of education employees, whether on a part-time or full-time basis and whether a member of the classified or unclassified service but does not include the town manager or the town attorney. The services performed by this individual are controlled by the town not only as to result to be accomplished by work but also as to details and means by which result is accomplished.

**Person** means an individual, a business, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

**Public official** means any elected town officer and any individual, including the town manager and the town attorney, appointed to any town office, commission, board or department by the town council, board of education or the town manager.

(Code 1967, § 2-9(a)—(e), (g), (i), (k))

- **Sec. 2-122. - Declaration of policy and purpose.**
  (a) The proper operation of the municipal government of the town requires that all public officials and municipal employees, whether elected or appointed, paid or unpaid, shall be impartial and responsive to the public interest; that public office and employment should not be used for personal gain or advantage; and that the public have confidence in the integrity of municipal government. Public office is a trust conferred by public authority for a public purpose. Public officials and municipal employees should not place themselves in positions where private interests conflict with public duty. The administration of legislative or quasijudicial power demands the highest public confidence. Anything which tends to weaken such confidence and to undermine the sense of security of individual rights which the citizen is entitled to feel is against public policy.
  (b) In recognition of these principles and pursuant to G.S. §§ 7-148(c)(10)(B) and 7-148h there is hereby established a code of ethics for all public officials and employees, paid or unpaid, of the town.

(Code 1967, § 2-7)

- **Sec. 2-123. - Establishment of ethics commission.**
  (a) **Commission created; general powers.** In accordance with the provisions of G.S. § 7-148h there is hereby created an ethics commission. This commission is empowered to investigate allegations of unethical conduct, corrupting influence, illegal activities or other behavior that would reflect adversely against the town levied against any municipal official, officer or employee. Allegations of criminal misconduct or violations of the state penal code will be referred to the division of police or state attorney's office upon receipt by the commission. This commission may issue subpoenas or subpoenas duces tecum, enforceable upon application to the
superior court, to compel the attendance of persons at hearings and the production of books, documents, records and papers.

(b) Composition. The commission shall be comprised of seven resident electors, none of whom shall serve the town in any other capacity, either as an elected or appointed member of a commission or board or be town employees or employees of the town board of education. Two of the appointed members will be designated as alternates by the town council. All members shall be appointed by majority vote of the town council. Of the five regular members, no more than two shall be of the same political party.

(c) Appointments. All appointments to the commission shall be for overlapping terms of two years. Any regular member having served three consecutive two-year terms shall be ineligible for reappointment to the board for a period of two years. For individuals filling a vacancy, consecutive years of service shall commence with the beginning of the next appointment term. The two alternate members may fully participate in all hearings and discussions but may not vote unless a regular member steps aside or is not present at the time of the vote. No more than five members shall ever vote on any decision of the commission and, to be eligible to vote, the members must have been in attendance at all meetings at which relevant testimony was presented. A person will not be disqualified from serving on the commission if he has a member of his immediate family employed by the town or the town board of education; however, if an accused person is a family member or family member's supervisor or employed in the same department as a member of his family the commission member will be disqualified from voting and participating in the probable cause and formal hearing process on that particular matter. No member of the commission shall (i) hold or seek any public office or any office in a political party or political committee or be a paid lobbyist or salaried employee of any organization or association organized primarily for the purpose of influencing legislation or decisions of public agencies, nor (ii) shall have been so employed or engaged for a one-year period prior to his appointment.

(Code 1967, § 2-8)
(6) An attorney admitted to the bar of this state, he shall be in violation of this section. If the person intentionally makes a false written statement under oath or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable, which he does not believe to be true and which statement is intended to mislead a public servant in the performance of his official function, he shall be in violation of this section.

(b) Notices and investigations. Upon receiving a complaint of an alleged violation of the code of ethics, the commission shall, within ten business days (excluding weekends and holidays), notify in writing the person about whom said complaint has been filed, advising the concerned person of the specific nature of the complaint made and being investigated by the commission, and enclosing therewith a copy of the complaint. The commission shall make a probable cause investigation of the validity of the complaint including interviews or discussions with the complainant, town personnel or members of other public or private agencies. This probable cause investigation shall be held in compliance with G.S. § 7-148h. Not later than three business days after termination of the investigation, the commission shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making the finding. At any time after the receipt of a complaint, the commission may dismiss the complaint after finding there is no justification for such complaint; such notice of dismissal outlining its finding and summary of its reasons for making that finding, shall be given, in writing, to the complainant and the respondent. The commission by an affirmative vote of at least four members shall determine within 30 days after the mailing of the notice of such complaint whether a hearing is required. All hearings shall commence within 37 days after the receipt of the complaint by the commission.

(c) Hearings. In the event a hearing is held, the person against whom such complaint is filed shall have the right to counsel, to confrontation of all witnesses, to cross examination and to present evidence on his behalf. The hearing will be held in open session. The hearing shall be conducted with no less than four members of the commission in attendance.

(d) Enforcement officer and hearing officer. The ethics commission may retain an ethics code enforcement officer, who shall be an attorney licensed to practice law in the state and who shall be selected by the town attorney. Such enforcement officer shall be available to assist the ethics commission by investigating complaints. In the event that a hearing is held after a finding of probable cause, the commission may retain a hearing officer, who, as in the case of the enforcement officer, shall be an attorney licensed to practice law in the state and who shall be selected by the town attorney. Such hearing officer shall attend the hearing and rule on all matters concerning the application of the commission's rules of procedure and the scope of the inquiry, as well as such other questions as may arise during the course of the hearing. Both the enforcement officer and the hearing officer shall be compensated on a per diem, case by case, basis. Neither of the above described officers shall have a vote in any decision of the commission.

(Code 1967, § 2-8.2)

• Sec. 2-126. - Report of recommendations to town council.
  (a) If an elected official or a council-appointed individual is the subject of the hearing, the commission shall report to the town council its findings as to a violation of the code of ethics, together with recommendations as to the disposition to be made.
  (b) If a municipal employee under the supervision of the town manager or a manager-appointed official is the subject of the hearing, the commission shall report in writing to the town manager
its findings as to a violation of the code of ethics, together with recommendations as to disposition to be made.

(c) If an employee or public official under the supervision of the board of education is the subject of the hearing, the commission shall report in writing to the board of education its findings as to a violation of the code of ethics, together with recommendations as to disposition to be made.

(d) The town council, town manager or board of education shall meet with the commission to consider such findings in open session. The council, town manager or board of education shall then determine what disposition shall be made; such decision shall be made within 30 days of the issuance date of the ethics commission's findings and recommendations. Violation of any provisions of this division should raise conscientious questions for the council member or other public official or municipal employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the town.

(e) Violations by members of the classified service constitute a cause for suspension, removal from office or employment or other disciplinary action by the town manager. Sanctions shall include, but not be limited to, suspension, censure, recommendations to the town manager of dismissal of an employee, removal of an appointed official by the appointing authority and public recommendation to an elected official that he resign from office. Notification of such disposition shall be given orally immediately to the person about whom said complaint has been filed and in writing by certified mail, to said person within 30 days after receipt of the report by the town council, town manager or board of education from the commission.

(Code 1967, § 2-8.3)

- Sec. 2-127. - Notice.
  (a) All notices required under this division shall be sent by registered or certified mail, return receipt requested.
  (b) The mailing address of the ethics commission shall be P.O. Box 419, Enfield, CT 06083-0419. Correspondence may be opened only by the commission chair or his designee.

(Code 1967, § 2-8.4)

- Sec. 2-128. - Conflicts of interest.
  Any public official or municipal employee who, in the discharge of his official duties, would be required to take an action that would affect a financial interest of himself or a close relative of his or a business in which he and his close relatives have an ownership interest of five percent or more, shall be excused from voting or deliberating or taking action on the matter if he so requests, but if he does not make such request, he shall, if he is a member of a legislative body, town commission or board, prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict and explaining why, despite the potential conflict, he is able to vote and otherwise participate fairly, objectively and in the public interest and deliver the original written statement to the town manager who will forward it to the ethics commission and enter a copy of the statement in the minutes of the body, commission or board of which he is a member. If he is not a member of a legislative body or board or commission, he shall prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict and deliver a copy of the statement to his immediate superior who shall assign the matter to the ethics commission.

(Code 1967, § 2-9(c))
Sec. 2-129. - Code of ethics.

(a) Generally. The requirements herein set forth shall constitute a code of ethics establishing reasonable standards and guidelines for the ethical conduct of public officials and municipal employees. Such ethical conduct may separately involve the effect of a particular action and the intent of the parties involved, with the commission investigating and reporting on both. The following enumeration of certain activities does not eliminate unethical activities not listed in this division. Allegations of unethical conduct, corrupting influence or illegal activities levied against any municipal official, officer or employee except as hereinafter mentioned will be investigated by the commission. All professional employees and officials of the town including, but not limited to, accountants, attorneys, engineers and school teachers, shall also be required to conform to the canons or code of ethics of their profession. Allegations or complaints concerning sworn police officers and animal control officers, excluding all officers above the rank of lieutenant, received by the commission will be referred to the director of public safety for investigation and disposition in accordance with the procedures authorized in the Enfield Police Manual and Chapter V, Section 10 of the Town Charter. A record of such referrals will be maintained by the commission. The chief of police will notify the director of public safety and the commission of the results of such investigation and final disposition of the matter.

(b) Interest in contract or transaction. No public official or municipal employee having the power or duty to perform an official act or action related to a contract or transaction which is or may be the subject of an official act or action of the town shall:

1. Have or thereafter acquire an interest in such contract or transaction;
2. Have a financial interest in any business entity representing, advising or appearing on behalf of any person involved in such contract or transaction;
3. Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction;
4. Have solicited, accepted or granted a present or future gift, favor, service or thing of value from or to a person involved in such contract or transaction; or
5. Have encouraged, made or accepted any ex parte or unilateral application or communication where a determination is to be made after a public hearing and such public official or municipal employee fails to make the contents of the communication a part of the record.

(c) Preacquisition of interest. No public official or municipal employee with respect to any contract or transaction which is or may be the subject of an official act or action of the town shall acquire an interest in or affected by such contract or transaction at a time when the public official or municipal employee believes or has reasons to believe that it will directly or indirectly be affected by an official act or action of the town.

(d) Disclosure of information. No public official or municipal employee with respect to any contract or transaction which is or may be the subject of an official act or action of the town, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the town, or use such information to advance the financial or other private interest of himself or others. All matters discussed in executive session shall be confidential information.

(e) Incompatible service. No public official or municipal employee shall engage in or accept private employment or render service, for 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, unless otherwise permitted by law.
(f) **Appearances.** No public official or municipal employee shall appear on behalf of any private person, other than himself, his spouse, parents or minor children before any town agency, board or commission except, in the case of municipal employees, with the written approval of the town manager when the manager deems such appearance to be in accordance with the employee's employment responsibility and in accordance with established town council policies. However, a member of the town council may appear before town agencies, boards or commissions on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. Neither the town manager nor any municipal employee shall use his position in behalf of any political party.

(g) **Public contracts.** No public official or municipal employee who, in his capacity as such official or employee, participates in the making of a contract in which he has a financial interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter into any contract with the town unless:

1. The contract is awarded through a process of public notice and competitive bidding; or
2. The town manager waives the requirement of this section after determining that it is in the best interest of the town to do so and immediately notifies the town council of said waiver.

(h) **Public property.** No public official or municipal employee shall request or permit the unauthorized use of town owned vehicles, equipment, materials or property for personal convenience or profit.

(i) **Special treatment.** No public official or municipal employee shall seek or grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No member of the classified service shall seek any special consideration regarding his employment from a member of the town council.

(j) **Later case interest.** No public official or municipal employee shall, for a period of two years, after the termination of service or employment with the town, appear before any board, commission, committee or agency of the town in relation to any case, proceeding or application in which he personally participated during the period of his service or employment, or which was under his active consideration.

(k) **Disclosure of interest in legislative action.** Any member of the town council or other town board or commission who has a financial interest or personal interest in any proposal before the council or a town board or commission shall disclose on the record of the council, board or commission the nature and extent of such interest. Any other public official or municipal employee who has a financial or personal interest in any proposed legislative action of the council or the commission and who participates in discussion with or gives an official opinion or recommendation to the council or the commission, shall disclose on the record of the council or the commission the nature and extent of such interest.

(l) **New public official and employees to receive copy of this division.** Prior to any public official taking office or municipal employee beginning employment he shall receive from the town clerk, and give written receipt for, a copy of this division and he shall immediately read and otherwise familiarize himself with the terms of this division. Where any public official or municipal employee has a doubt as to the applicability of any provisions of this division to a particular situation or as to the definition of terms used herein, he may apply, in writing, to the town's ethics commission for an advisory opinion. Such opinion until amended or revoked shall be binding on the town, public officials and municipal employees in any subsequent actions concerning the public official or municipal employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory
opinion. Any advisory opinion issued by the ethics commission shall be made publicly where such disclosure will not violate the law.

(m) *Town manager to establish procedure.* The town manager shall cause to be established a procedure to familiarize elected and appointed officials with the duties and responsibilities of their positions. The town manager shall prepare a written report outlining such activities for the prior year and plans for the coming year and submit said report to the town council during the month of January each year.

(Code 1967, § 2-10)
CHAPTER 38 ETHICS, CODE OF

[HISTORY: Adopted by the Representative Town Meeting of the Town of Branford 10-8-1997; Editor's Note: This ordinance also repealed former Ch. 38, Ethics, Code of, adopted 9-8-1982. amended in its entirety 3-11-2008. Subsequent amendments noted where applicable.]

§ 38-1 Establishment; declaration of policy.

A.A.

A Code of Ethics is hereby established for officials and employees of the Town of Branford, as are hereinafter defined. The purpose of this code is to establish clear ethical standards of conduct for all who serve the Town, whether in a paid or volunteer capacity, without discouraging participation in Town government by the talented and committed individuals on whose service the Town relies.

B.B.

To this end, the code sets forth those actions that are in conflict with the best interests of the Town, and requires disclosure of any financial or personal beneficial interest in matters affecting Branford. This code seeks to deter conduct that is incompatible with the proper discharge of duties in the public interest or that would impair independence of judgment or action in the performance of those duties as set forth herein, and to establish procedures for determining whether such conduct has occurred or would occur.

§ 38-2 Definitions.

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

BOARD
The Branford Board of Ethics.

BUSINESS
Any entity through which business for profit or not for profit is conducted, including, but not limited to a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, limited liability company, limited partnership, or self-employed individuals.

BUSINESS WITH WHICH HE/SHE IS ASSOCIATED
A business of which the person or a member of his/her immediate family is a director, officer, owner, employee, member, compensated agent, or holder of stock which constitutes 5% or more of the total outstanding stock of any class. In determining said 5%, the interest of the person shall be aggregated with that of his immediate family.

COMPLAINANT
A person who files a complaint alleging a violation of the Code of Ethics.

CONFIDENTIAL INFORMATION
Information, whether transmitted orally, in writing or by any other means, that 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.

FINANCIAL INTEREST
Any interest with a monetary value to the public employee, public official or his/her immediate family, and which is not common to the interests of the other citizens of the Town, of $100 or
more, or which generates a financial gain or loss of or confers any benefit with a value of $100 or more in a calendar year.

**Gift**

Anything of value, including but not limited to 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:

**A.**

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 9-601a of the Connecticut General Statutes;

**B.**

Services provided by persons volunteering their time;

**C.**

A commercially reasonable loan made on terms not more favorable than loans made at arm's length in the ordinary course of business;

**D.**

A gift received from:

1. An immediate family member;

2. The parent, brother or sister of such immediate family member; or

3. The child of such immediate family member or the spouse of such child;

**E.**

Goods or services that are provided to the Town and facilitate governmental action or functions;

**F.**

A certificate, plaque or other ceremonial award costing less than $100;

**G.**

A rebate or discount on the price of anything of value made at arm's length in the ordinary course of business without regard to that person's status;
H. Printed or recorded informational material germane to governmental action or functions;

I. Items of nominal value, not to exceed $10, containing or displaying promotional material;

J. An honorary degree bestowed upon a public official or public employee by a public or private university or college, or other school of learning;

K. A meal provided in the home of an individual; or a meal provided at an event and/or the registration or entrance fee to attend such an event, in which the public official or public employee participates in his/her official capacity; gifts in-kind of nominal value, specifically excluding gifts of cash, not to exceed $50, tendered on gift-giving occasions generally recognized by the public, including Christmas, Hannukah, birthdays, the birth or adoption of a child, weddings, confirmations or bar/bat mitzvahs, provided the total value of such gifts received from any one source, person or entity in any calendar year does not exceed $250.

IMMEDIATE FAMILY
Spouse, civil union partner, child, parent, sibling or their spouses/civil union partners.

INDIVIDUAL
A natural person.

INDIVIDUAL WITH WHOM HE/SHE IS ASSOCIATED
An individual with whom the person or a member of his/her immediate family mutually has an interest in any business with which he/she is associated.

OFFICIAL RESPONSIBILITY
The direct administrative or operating authority, whether intermediate or final and whether exercisable personally or through subordinates, to approve, disapprove, or otherwise direct governmental action.

PERSON
An individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

PERSONAL INTEREST
An interest in any action taken by the Town in which an individual will derive a nonfinancial benefit or detriment but which will result in the expenditure of municipal funds.

PUBLIC EMPLOYEE
A person employed, whether part-time or full-time, by the Town of Branford, or any of its boards, commissions, agencies, or other entities.

PUBLIC OFFICIAL
An elected or appointed official, whether paid or unpaid or full- or part-time, of the Town of Branford, or any of its boards, commissions, agencies, or other entities, including candidates for office.

RESPONDENT
A person who is alleged, in a complaint filed with the Board of Ethics, to have committed a violation of the Code of Ethics.

TOWN
The Town of Branford.

§ 38-3 Gifts; disclosure of interest; conflicts of interest.
A.
Gifts prohibited. No public official or public employee, or any member of his/her immediate family, shall accept any gift, as defined herein, that might tend to influence the performance or nonperformance of his/her duties or otherwise create an appearance of impropriety.

B.B.
Disclosure of interest. Within 30 days after the end of each fiscal year (June 30), each public official or public employee having a financial interest in one or more transactions with the Town totaling $500 or more in the year shall file a written statement disclosing his/her position as a Town officer, the nature of his/her interest in each transaction and the total amount received from such transactions during each year. Disclosure of any such known interests of the immediate family shall also be prepared. Such statements shall be signed under oath and in a form prescribed by the Board of Ethics and shall be filed in the office of the Town Clerk and reviewed by the Board of Ethics.

C.C.
Conflicts of interest.

(1)
No public employee or public official shall engage in or participate in any business or transaction, including outside employment with a private business, or have any financial interest, direct or indirect, or engage in any transaction or professional activity or incur any obligation of any nature that is in conflict with the proper discharge of his/her official responsibilities in the public interest, or which would tend to impair his/her independent judgment or action in the performance of his official duties or responsibilities.

(2)
Solicitation or acceptance of gifts.

(a)
No public employee or public official shall solicit or accept any gift from any individual who or entity that to his knowledge has a personal interest or financial interest in any pending matter within such public employee's or public official's official responsibility.

(b)
If a gift is offered, he/she must refuse it, return it, or pay the donor the full value of the gift, or donate it to a nonprofit organization, provided he/she does not take any corresponding tax write-off. Alternatively, it may be considered a gift to the Town, provided that it remains in the Town's possession and use permanently and is available for the enjoyment and benefit of the Town and its residents.

(3)
No public official or business with which he/she is associated shall appear or act in any material capacity on behalf of private interests before any board on which he or she serves, or represent any such interests in litigation involving an action of that board. Disclosure and recusal will not suffice to cure a violation of this provision. Nothing contained herein shall prevent a public official from appearing in his or her own behalf on a matter before the Town or a board, provided he or she abstains from deliberating, deciding or acting with respect to the matter.
Nothing contained in this code shall prohibit or restrict a public employee or public official from appearing before any board or commission of the Town on his/her own behalf, or from being a party in any action, proceeding or litigation brought by or against the public employee or public official to which the Town is a party.

No public employee or public official shall disclose confidential information concerning Town affairs, nor shall he/she use such information for the financial interests of himself/herself or others.

No public employee or public official shall request or permit the use of Town-owned vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such are available to the public generally or are provided as municipal policy for the use of such public employee or public official in the conduct of official business.

No public employee or public official, or a business with which he/she is associated, or member of his/her immediate family shall enter into a contract with the Town unless it is awarded through a process of public notice and competitive bidding.

No public employee or public official may use his/her position or office for the financial benefit of himself/herself, a business with which he/she is associated, an individual with whom he/she is associated, or a member of his/her immediate family, if such benefit is not common to the interests of the other citizens of the Town.

No public employee or public official shall accept a fee or honorarium for an article, appearance, or speech, or for participation in an event, in his/her official capacity, unless the fee or honorarium is donated to the Town or to a nonprofit charity.

No public employee or public official, or member of such individual's immediate family or business with which he/she is associated, shall solicit or accept anything of value, including, but not limited to, a gift, loan, political contribution, reward, employment or the promise of future employment, based on any understanding that the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.

§ 38-4 Establishment of Board of Ethics; composition; meetings; rules and regulations.

There is hereby established a Branford Board of Ethics for the purpose of receiving, investigating and acting upon complaints alleging violations of the Code of Ethics, making recommended rulings regarding
complaints and advisory opinions regarding the enforcement of the Code of Ethics, and making recommendations with respect to the drafting and adoption of amendments and revisions to the Code of Ethics.

B.B.

The Board of Ethics shall consist of five regular members, electors of the Town, who are known for their personal integrity. The members shall be appointed by unanimous vote of the Board of Selectmen for terms of five years, except that, of the initially appointed members, one shall serve for one year, one for two years, one for three years, one for four years and one for five years. Three members shall constitute a quorum sufficient to conduct the ordinary business of the Board at a meeting, for any action by the Board with respect to any action on any complaint alleging a violation of the Code of Ethics, or for any advisory opinions. In the event that two or more members of the Board recuse themselves from participating in any actions with respect to a complaint alleging a violation of the Code of Ethics or an advisory opinion, a majority of a quorum shall be sufficient for such action by the Board.

C.C.

The Board shall elect a Chairperson and a Secretary and shall establish its own rules of procedure. It shall keep records of its meetings and shall hold meetings at the call of the Chairman and at such times as the Board may determine.

D.D.

The Board may adopt, after a public hearing, reasonable rules and regulations not inconsistent with the Code of Ethics for the administration of the Code of Ethics.

§ 38-5 Issuance of advisory opinions.

A.A.

The Board shall render advisory opinions with regard to the requirements of the Code of Ethics or possible ethical conflicts or other issues thereunder upon the written request of a public official or public employee concerning the requirements of this Code as applied to him or her. The request shall be made in writing and be sent in a sealed envelope addressed to the Board in care of the Town Clerk. The request shall state the name and address of the person making the request and all facts relevant to the matter in question.

B.B.

The Board may request further information from the person making the request. It shall issue its advisory opinion as soon as practicable. The opinion shall be in writing and shall be mailed to the person making the request. Advisory opinions shall be recorded in the minutes of the Board of Ethics and shall be available to the public except as prohibited by law.

C.C.

A person requesting an advisory opinion may rely on that opinion, provided the person has disclosed all relevant facts and acts in good faith consistent with those facts.

§ 38-6 Complaints.

A.
Making a complaint. Any Town resident who has a good faith belief that there has been a violation of this code, may file a complaint as follows:

(1) Form of complaint. It must be:

(a) In writing.

(b) Signed (original signature required).

(c) Acknowledged under oath, by a notary public or Commissioner of the Superior Court, under penalties of false statement.

(d) Filed with the Board in a sealed envelope addressed to the Board and marked "confidential." It shall be delivered to the Town Clerk either by hand or by certified mail, return receipt requested. The complaint shall be deemed to have been filed on the date of its receipt by the Town Clerk and shall be treated by the Town Clerk as a confidential document. The Town Clerk shall forward all correspondence to the Board.

(2) Substance of complaint. It must:

(a) Identify the name of the person or persons who are alleged to have committed the alleged violation.

(b) Specify the act or acts that are claimed to constitute the alleged violation and identify the section(s) of the Code of Ethics, to the extent possible, that the act or acts allegedly violate.

(c) Specify the facts that should be considered by the Board of Ethics.

(d) Concern acts that have occurred within five years of the date of the complaint.
Board of Ethics procedure upon receipt of complaints.

(1)

Upon the receipt of a complaint, properly submitted, the Board shall investigate any alleged violation of this code. The Board shall have no authority to present matters for inquiry or investigation on its own initiative.

(a) In the conduct of an investigation of an alleged violation of this code, the Board 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 Board of any books and papers that the Board deems relevant in any matter under investigation or in question. In the exercise of such powers, the Board may use the services of the Town police, who shall provide the same upon the Board's request. The respondent and complainant shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses. All witnesses will be sworn.

(b) Until such time, if any, that the Board makes a determination of probable cause relative to the allegations of a complaint, any allegations and information supplied to or received from the Board shall not be disclosed to any third party by a complainant, witness or Board member, except upon the written request of the respondent unless such information is required to be disclosed pursuant to the Connecticut Freedom of Information Act.

Editor's Note: See C.G.S. § 1-200 et seq.

(2)

Not later than 15 days after the receipt of a complaint, the Board shall provide notice of receipt and a copy of the complaint, by registered or certified mail, to any respondent(s) against whom such complaint is filed, and the Board shall provide notice of receipt of such complaint to the complainant(s) in the same manner.

(3)

Within 30 days of receipt of a complaint, as set forth above, the Board shall meet and review the complaint to determine whether or not the allegations contained therein, if proved, would constitute a violation of the code. If the Board determines that the complaint does not contain sufficient facts to constitute a violation, the Board shall dismiss the complaint and duly notify the complainant and respondent by registered or certified mail. All records of said complaint shall remain confidential except upon the written request of the respondent unless such information is required to be disclosed pursuant to the Connecticut Freedom of Information Act.

(4)

If the Board determines that the complaint alleges sufficient facts to constitute a violation, the Board shall retain the complaint for further investigation and duly notify the complainant and respondent by registered or certified mail within three business days; and then within 30 days after so determining, the Board shall commence a preliminary investigation on the allegations contained therein for the purpose of determining probable cause as set forth below.
If the Board determines that the complaint alleges sufficient facts to constitute a violation, the Board shall investigate the complaint to determine whether probable cause exists for further proceedings. Any investigation conducted prior to a probable cause finding shall be confidential unless confidentiality is waived in writing by the respondent. The respondent may submit a preliminary written reply to the Board within 10 days after receiving notice that the complaint has been retained for further investigation and before a probable cause finding issues.

(6)

If the Board finds that the complaint does not warrant further investigation because of its lack of factual basis, its de minimis nature, or otherwise, it shall issue a finding of no probable cause dismissing the complaint. The finding and the complaint shall remain confidential unless confidentiality is waived in writing by the respondent. A finding of no probable cause shall be final. The Board shall forward copies of the finding to the complainant and respondent by certified mail, return receipt requested, within three business days thereafter.

(7)

If the Board finds that there is probable cause, the Board shall forward copies of the finding to the complainant and respondent by certified mail, return receipt requested, within three business days thereafter. Upon a finding of probable cause, the complaint, the finding, and the information gathered during the investigation, if any, shall be made available to the public, and all filings and proceedings that follow shall be public except as required by law; provided, however, that deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act.

Editor's Note: See C.G.S. § 1-200 et seq.

(8)

The respondent shall have 30 days after his or her notification of a finding of probable cause to file a response with the Board. The Board may, upon reasonable grounds, extend this deadline for filing.

(9)

The Board shall hold a hearing on any complaint as to which it has found probable cause unless the Respondent waives a hearing in writing and the Board decides not to hold one. The hearing shall be held on written notice of no less than 30 days to the complainant and respondent sent by the Board by certified mail, return receipt requested. The Board may, upon reasonable grounds, extend the date of the hearing at the request of the respondent.

(10)

If a hearing is held, the complainant and respondent shall have the opportunity to be represented by legal counsel, to present evidence, and to examine and cross-examine witnesses including the complainant. For purposes of its investigation and at the hearing, the Board is empowered to administer oaths or affirmations and may compel the attendance of witnesses by issuance of subpoenas. It may also require the production of documents, whether in hard copy or electronic format, by issuance of subpoenas for their production. The Board shall give effect to the rules of privilege recognized by the law. The Board may examine any witness who appears before it, including the complainant and respondent. The Board may limit the number of witnesses and the scope of testimony to matters it believes relevant, material, not unduly repetitious, and necessary to reach a reasoned determination.

(11)
Following the hearing, the Board shall issue a determination as soon as practicable and shall mail copies to the complainant and respondent within three business days thereafter. No member may vote on a determination unless he or she has attended the entire hearing, if any, and participated in all deliberations. Deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act. A determination of violation requires a majority vote of members eligible to vote. In the event of a tie vote, the determination shall be that there is no violation.

(12)

A determination of no violation of this code shall be final.

(13)

If a violation is found, the Board may, but need not, also recommend in its determination sanctions which may include, but need not be limited to, censure, required recusal, disclosure of conflicts, and removal from appointive office or employment. Any sanctions imposed under this code shall be separate from, and not in limitation of, any other actions that may be taken against the respondent in any proceedings outside this code.

(14)

A determination of violation of this code shall be submitted by the Board within three business days to the Board of Selectmen and Representative Town Meeting for such action as they deem appropriate.

(15)

The receipt of evidence at any contested public hearing conducted by the Board shall be governed by the Uniform Administrative Procedures Act as set forth in Section 4-178 of the Connecticut General Statutes, as amended.

C.

Board of Ethics confidentiality of complaints and procedures in investigation, hearings and determinations:

(1)

In accordance with Sections 1-82a(a) through (b) and 7-148h(a) of the Connecticut General Statutes, as amended, until and unless there is a finding of probable cause, the allegations in a complaint and any information supplied to or received from the Board of Ethics shall not be disclosed during the investigation to any third party by a complainant, respondent, witness or Board member except at the request of a respondent, unless such information is required to be disclosed pursuant to the Connecticut Freedom of Information Act.

Editor's Note: See C.G.S. § 1-200 et seq.

(2)

No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the Board under the provisions of this code. Such retaliatory actions will be considered a violation of the code. After receipt of information from an individual, the Board shall not disclose the identity of such individual without his consent unless the Board determines that such disclosure is unavoidable during the course of the investigation.
Upon the request of either the complainant or the respondent, 14 days prior to the start of the hearing, and at the expense of the party requesting it, the Board shall cause the hearings to be recorded and also a transcription to be made.

If the Board makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent unless such information is required to be disclosed pursuant to the Connecticut Freedom of Information Act. No complainant, respondent, witness, designated party, or Board member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known.

If the Board makes a finding of probable cause, the entire record of the investigation and hearing shall become public.

§ 38-7 Penalty for false complaints.

The complainant is hereby advised and provided notice that if he or she intentionally makes a false statement, he/she may be subject to fines of up to $1,000 and penalties of up to one year of imprisonment under the provisions of Section 53a-157b of the Connecticut General Statutes, as amended, a Class A misdemeanor.

§ 38-8 Penalties for offenses.

Violation of any provision of the code may be punished by public censure and reprimand. The Board of Ethics may recommend to the Board of Selectmen and/or the Representative Town Meeting or other appropriate body (in the case of a public employee) dismissal or suspension from employment, restitution of any pecuniary benefits received, or other appropriate recommendations based on the violation committed.

§ 38-9 Expenses and compensation; special counsel.

A.A.

The members of the Board shall serve without compensation for their services. In the performance of its duties and in the exercise of its powers, the Board shall not incur any expenses in excess of the funds appropriated by the legislative body for such purpose.

B.B.

The Board shall have access to Town Counsel and to special legal counsel of the Board's choosing if Town Counsel is disqualified from assisting the Board or recuses, or if the Board deems it inadvisable to proceed with advice from Town Counsel in the circumstances. If special counsel is retained, the Town's Finance Director or his or her designee shall negotiate terms of engagement for special counsel.

§ 38-10 Distribution.
The Town Clerk shall cause a copy of this Code of Ethics to be available to every public employee and public official within 60 days after enactment of this code. Each public employee and public official shall read a copy before entering upon the duties of his/her office or employment. A signed statement certifying that he/she has done so shall be returned to the Town clerk and retained on file. The code will be available on the Branford web site, or by hard copy if requested.

038a Ethics Complaint Form 038b Certification
Canton

§ 32-3 Code of Ethics.

A. Applicability. All officials, employees and consultants shall be bound by this code.
B. Use of Town assets restricted. No official, employee or consultant shall use or permit the use of Town funds, services, property, 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 for the use of such officials or employees.
C. Fair and equal treatment. No official, employee or consultant shall grant or accept any special consideration, treatment or advantage to or from any person, beyond that which is available to every other person, from any individual or entity who or which, to the official's, employee's or consultant's knowledge, has an interest in matters pending before the Town.
D. Conflict of interest.
   (1) A conflict of interest exists when:
      (a) An official, employee or consultant participates in any contract, transaction, decision, employment or rendering of service that is incompatible with the proper discharge of his or her official responsibilities or would tend to impair his/her independent judgment in the performance of his/her official responsibilities;
      (b) An official, employee or consultant or any member of his/her immediate family has a financial interest or personal interest in the outcome of any matter under consideration before such official, employee or consultant in his or her official capacity;
      (c) An official, employee or consultant accepts employment which will either impair such individual's independence of judgment with regard to such individual's official duties or require such individual to disclose confidential information acquired in the course of public duties; or
      (d) An official, employee or consultant discloses or uses confidential information for the purposes of advancing a financial or personal gain for himself or herself or for an immediate family member.
   (2) An official, employee or consultant does not have a conflict of interest if the matter involves a determination of general policy and the interest is shared with a substantial segment of the population of the municipality.
   (3) Disclosure.
      (a) No official, employee or consultant shall appear on behalf of any private person or party before any Town agency in connection with any cause, proceeding, application or other matter in which he/she has a financial interest or personal interest without first disclosing such interest to the agency, which shall record such disclosure in the record of the agency's proceeding.
      (b) Any official, employee or consultant who has a conflict of interest or believes he/she may have a conflict of interest shall disclose the conflict of interest in writing. Such individual shall submit such written, signed disclosure as soon as practicable, but in no circumstances later than 10 days, as follows:
         [1] For an official who is a member of an elective or appointive agency: to the particular agency of which such official is a member.
         [2] For officials and employees appointed by the Board of Selectmen or the Chief Administrative Officer: to the Board of Selectmen.
For Board of Education employees: to the Superintendent of Schools.

For the Board of Selectmen: to the Board of Ethics.

For a consultant: to the agent executing the contract on behalf of the Town or the Board of Education.

(c) In addition to the disclosure requirements contained above, each elected official or member of an appointive agency recusing himself/herself shall, within 10 days of such recusal, notify the Board of Ethics in writing or by e-mail of such recusal.

(4) Disqualification. Any official, employee or consultant who has a conflict of interest or who believes he or she may have a conflict of interest shall recuse himself or herself from participating in any matter, transaction or decision. Once an official, employee or consultant has been recused, the individual shall leave the room and/or area where any discussions are occurring regarding such matter that created the conflict of interest.

E. Gifts and favors.

(1) No official, employee or consultant or any member of his/her immediate family shall solicit or accept from any one source during any one-year period a gift from any person or entity that, to the recipient's knowledge, is interested directly or indirectly, in any manner whatsoever, in any business transactions or matters pending, or anticipated to become pending, before the Town.

(2) No official, employee or consultant or any member of his/her immediate family shall request or accept any special favor, consideration or treatment or advantage, beyond that which is available to every other person, from any person or entity that, to the recipient's knowledge, is interested directly or indirectly, in any manner whatsoever, in any business transactions or matters pending, or anticipated to become pending, that are within the purview of such prospective recipient's official duties and responsibilities.

(3) For purposes of this section, "matters pending, or anticipated to become pending" include, but are not limited to, applications to an agency, bids for work to be performed, applications for employment, and bids for the furnishing of supplies, equipment or other items.

(4) If it is impossible or inappropriate for the official, employee or consultant to refuse a gift, he/she shall promptly turn the gift over to an appropriate public or charitable institution without claiming a charitable deduction on his/her tax returns.

F. Use of influence. No official, employee or consultant shall use his/her position to seek, demand or influence a financial interest or personal interest in his/her favor or in favor of any other person or entity.

G. Equal treatment. Officials, employees and consultants shall treat each member of the public professionally, courteously, impartially and fairly. No official, employee or consultant shall grant any special favor, consideration, treatment or advantage to any person beyond that which is available to every other citizen of the Town.

H. Representation of private interests. No official, employee or consultant or an agent or employee of such consultant, whether paid or unpaid, shall represent or advise a private person or entity with respect to a matter that is pending or is expected to be pending in the future before a Town agency, or in any action or proceeding against the Town's interest, when to do so could reasonably be deemed to conflict with or impair the official's, employee's or consultant's judgment in the performance of his/her official duties. This prohibition shall continue for a period of one year following the end of service as an official, employee or consultant.

I.Appearances before a Town agency. No official or employee, whether paid or unpaid, shall represent or appear on behalf of any private individual or entity, other than himself/herself, a spouse, domestic partner or minor children, before a Town agency, or take any appellate
proceedings from any action of such agency, either personally or through an associate or partner, unless there is first a full disclosure in accordance with Subsection D(3) above and unless, further, the matter or transaction for which he/she is appearing is sufficiently remote from his/her official duties that no conflict of interest exists and the official or employee is not in a position to exert improper influence.

J. Fee or honorarium. No official, employee or consultant shall accept a fee or honorarium for an article, appearance, or speech, or for participation at an event, in his or her official capacity.

K. Competitive bidding. No official, employee or consultant or business with which such individual is associated, or member of his/her immediate family, shall enter into a contract with the Town unless it is awarded through a process of public notice and competitive bidding.

L. Multiple positions. No official, employee or consultant shall hold two or more positions in Town government, whether paid or unpaid, which have a conflict of interest or have the appearance of a conflict of interest.

M. Distribution of code. Every official, employee and consultant shall be furnished a copy of the code within 60 days of the effective date of this chapter, and each such official, employee and consultant shall sign and file with the Board of Selectmen an acknowledgment/commitment form. Any official, employee or consultant upon entering the duties of his or her office or employment shall be furnished a copy of the code, and each such official, employee and consultant shall sign and file with the Board of Selectmen an acknowledgment/commitment form. All officials, employees, and consultant shall annually sign an acknowledgement form stating that they do not currently have a conflict. The code will be redistributed to all officials, employees, and consultants biannually.

[Amended 12-14-2011]

N. Duty to disclose. All officials, employees and consultants who have knowledge of or believe there to be violations of any provisions of the code are duty bound to report those violations to the Board. Such reports shall be in good faith, and the Town in turn guarantees that no reprisals against a reporter of such violations will be taken, provided that such charges are not later proven to have been both malicious and false. All persons against whom such charges have been made will have full access to all the due process protections as established by this chapter. Appropriate sanctions may also be given by the Board against any person who is found to have falsely and maliciously charged another with a violation of the code.

O. Employees who serve on agency. No employee serving on an agency shall participate or vote on any matter involving the Town department or program employing such employee unless the Town Charter permits such employee to participate or vote.

§ 32-4 Board of Ethics.

A. Establishment.

(1) There is hereby established a Board of Ethics consisting of five members, no more than two of whom shall be of the same political party. In addition to the regular members, the Board of Selectmen shall appoint two alternate members who shall not be of the same party. It shall require a minimum of three affirmative votes by the Board of Selectmen to approve an appointment to the Board. The two alternate members shall serve in the absence of a regular member on a rotational basis with the same powers and authority as a regular member. The members shall be appointed by the Board of Selectmen and shall serve for a term of four years, except that at the first appointment made by the Board of Selectmen three regular members and
one alternate member shall be appointed for two-year terms, with the remaining appointments being made for four-year terms. No member, regular or alternate, shall serve as a member of any other Town agency, be an employee or consultant or have a contractual relationship with the Town.

(2) No candidate for political office may disseminate information which indicates that a Board member supports his or her candidacy except for legally required disclosures.

(3) Regular and alternate members shall be subject to Town Charter § 6.05G related to removal for cause. In addition to the attendance requirements of Town Charter § 6.05G(1), "for cause" means the member's neglect of duty, misconduct in office, or inability to discharge powers and duties.

B. Organization and procedure. The Board shall elect a Chairman, Vice Chairman and a Secretary and shall establish its own rules and procedures, which shall be available to the public upon request. The Vice Chairman shall act as Chair in the absence of the Chairman. The first rules and procedures shall be established within four months of the effective date of this chapter. The need to maintain confidentiality in order to protect the privacy of public officials and employees and citizens shall be considered when establishing the rules and procedures. The Board shall keep records of its meetings and shall hold meetings at the call of the Chairman and at such other times as it may determine.

C. Powers and duties.

(1) Pursuant to a written request on a form prescribed by the Board and signed by an official, employee or consultant, or upon its own initiative, the Board shall render advisory opinions with respect to the applicability of the code to specific situations. Such official, employee or consultant shall have an opportunity to present his or her interpretation of the facts at issue and the applicable provision or provisions of the code, as requested by him/her, before such advisory opinion is made. The Board may require additional information.

(2) The Board shall meet within 15 days of receipt of all information and shall render its written opinion within 30 days of the meeting, which written opinion shall be sent to the one requesting it and filed with the Town Clerk pursuant to Subsection C(5) of this section.

(3) The Board of Ethics may also issue guidelines. Such advisory opinions and guidelines, until amended or revoked, shall be binding on the Board of Ethics.

(4) An official, employee, or consultant who in good faith relies on an advisory opinion or guideline shall not be disciplined if such proposed action is thereafter found to be a violation of the code.

(5) All advisory opinions shall be filed with the Town Clerk, but no such opinion shall be so filed or otherwise made public until deletions as may be necessary have been made to prevent disclosure of the identity of the official, employee or consultant involved, so as to protect the personal privacy of that individual [as defined in General Statutes § 1-210(b)(2) by the Connecticut Freedom of Information Commission and the courts].

(6) No advisory opinion shall be made except upon the affirmative vote of three Board members.

D. Initiation of complaints; form; investigation of complaints; process; enforcement.

(1) No complaint may be made under the code except within two years after the violation alleged in the complaint has been committed.

(2) The Board shall establish procedures by which the public may initiate complaints alleging a violation of the code.

(3) The Board shall have the power to hold hearings concerning the application of the code and its violation, and the Board may administer oaths and compel the attendance of witnesses by
subpoena. As required by General Statutes § 7-148h(a), the provisions of General Statutes § 1-82a(a) through (e) shall apply to all investigations and hearings before the Board.

[Amended 12-14-2011]

(4) Upon the complaint of any Town resident or upon the majority vote of the Board, the Board shall investigate any alleged violation of the code to determine whether or not there is probable cause to believe that a violation has occurred.

(5) Any Town resident (complainant) may file a complaint with the Board on a form prescribed by the Board. The complaint shall be signed under penalty of false statement and shall state the name of the person accused (respondent) and the specific acts alleged to constitute the claimed violation(s). Specific acts alleged to constitute the violation(s) of the code must be stated or the Board will dismiss the complaint. The complainant must sign an acknowledgement, on a form prescribed by the Board, that the complaint and its contents are confidential unless and until the Board makes a finding of probable cause or the respondent requests that they be made public.

(6) The Board shall send written acknowledgement of receipt of the complaint to the complainant within 15 days of receipt of the complaint. Not later than 15 days after its receipt of the complaint, the Board shall notify, by registered or certified mail or any manner by which service of process may be made, any respondent against whom such complaint is filed. Upon receipt the respondent may either request a hearing or may submit a written statement as to whether the complaint states a violation. The Board shall set the time for response, which time shall be not less than seven days nor more than 30 days.

(7) If after investigation the Board determines that the complaint does not allege facts sufficient to constitute a violation of the code, it shall dismiss the complaint. Within three days after the end of its investigation the Board must notify the complainant and respondent of its findings and provide a summary of those findings. The Board shall not be obliged to consider a similar complaint if it determines that such complaint is based upon substantially the same evidence and there has been no material change in circumstances.

(8) If the Board determines that the complaint alleges sufficient facts to state a violation, the Board shall fix a date for the commencement of a hearing on the complaint, which shall not be more than 60 days from the finding of probable cause. The Board shall make public such a finding of probable cause not later than five business days after termination of the investigation. At such time the entire record of the investigation shall become public. The Board shall give notice of the date fixed for the hearing at least 14 days before the date of the hearing. The hearing may be continued from time to time at the Board's discretion. The hearing shall be open to the public.

(9) At such hearing oral evidence shall be taken under oath. The complainant and the respondent shall have the right to:

(a) Be represented by legal counsel;
(b) Present evidence; and
(c) Examine and cross-examine witnesses.

(10) The hearing shall be recorded by a stenographer or a recording device provided by the Board. If the Board does not provide a stenographer, the complainant or respondent may employ a stenographer at his or her own expense. If a transcript is made, a copy shall be supplied to the Board and another made available to the other party upon payment of 1/2 of the cost of obtaining the transcript (or, if there is more than one other party, upon payment of the proportionate share of the cost of obtaining the transcript).
(11) No finding of a violation of the code shall be made except upon the affirmative vote of three Board members.

(12) The Board shall render its findings and memorandum of decision in writing within 30 days after the conclusion of the hearing on the complaint. The Board shall send the complainant and respondent a copy of the findings and memorandum of decision. The Board shall also send a copy to the Board of Selectmen, except with respect to individuals under the jurisdiction of the Board of Education, in which cases the findings and memorandum of decision shall be filed with the Board of Education. In the case of a consultant, the findings and memorandum of decision shall also be filed with the agency retaining the consultant. The Board shall also publish notice of its findings and memorandum of decision on the Town website and with the Town Clerk.

(13) Such findings and memorandum of decision shall constitute the Board's final decision and shall be subject to appeal to the Superior Court in accordance with the provisions of General Statutes § 4-183.

E. Penalties.

(1) If the Board determines the respondent has, in fact, violated the provisions of this code, it shall file a memorandum of decision which shall include a recommendation for action with the Board of Selectmen and the appropriate agency, if any. The authority affected will report back within 30 days to the Board the action taken or lack of action and the reasons therefor. In the case of a consultant, it shall also be filed with the contracting agency. The recommended action may include:

(a) Reprimand and public censure.
(b) Termination, suspension of compensation for elected positions, or suspension of employment for not more than 90 days without pay.
(c) Termination of contractual status and/or debarment or suspension from being a contractor or subcontractor under Town contracts.
(d) A civil penalty of not more than $1,000 per violation.
(e) Restitution of any pecuniary benefits received because of the violation committed.

(2) No action may be recommended which would violate the provisions of state or federal law. In the case of union employees, such recommended action does not constitute a unilateral change in conditions of employment. No such recommendation shall limit the authority of the Board of Selectmen under the Charter of the Town or under any ordinance, statute, or any other law.

(3) Any person who knowingly files a false statement under this code is subject to criminal prosecution for perjury under the laws of Connecticut.
Town of Franklin
Ordinance to Establish A
Code of Ethics

Public Office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of the municipality, and it must be based on honest and fair deliberations and decisions. This process must be free from threats, undue influence, and all forms of impropriety, so that the confidence of the public is not eroded. By enacting this Code of Ethics, the Town of Franklin seeks to avoid any loss of trust and to maintain and increase the confidence of our citizens in the integrity and fairness of their government.

SECTION 1-1: APPLICABILITY
1) This Code shall apply to all Town officials, officers, and employees, whether elected and/or appointed, paid or unpaid. The terms of this Code shall apply to all Town Personnel, including, but not limited to, the Office of Selectmen, the Board of Education, Town employees, Town officers, and Town departments in the service of the Town and all other personnel elected and/or appointed to boards and commissions.
2) All of the above shall be referred to hereinafter as “persons governed by this Code.”

SECTION 1-2: DEFINITIONS
1) BUSINESS: 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.
2) BUSINESS WITH WHICH S/HE IS ASSOCIATED: a business of which the person or a member of his/her immediate family is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding class of any class.
3) CONFIDENTIAL INFORMATION: 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.
4) COMMISSION: the Town Ethics Commission established in Section 1-4 of this Ordinance.
5) FINANCIAL INTEREST: any interest with a monetary value of $100.00 or more, or which generates a financial gain or loss of $100.00 or more in a calendar year.
6) GIFT: 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 by the giver from the public official or public employee. A gift does not include:
   A) 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 9-333b;
   B) services provided by persons volunteering their time;
   C) a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;
   D) a gift received from an individual's spouse, fiance, and fiancee; or from the parent, brother or sister of spouse or fiance or fiancee; or from the child or child's spouse of such an individual;
   E) goods and services which are provided to the Town and facilitate governmental action or functions;
   F) a certificate, plaque or other ceremonial award costing less than $100.00;
   G) a rebate or discount on the price of anything of value made in the ordinary course of business without regard to that person's status;
   H) printed or recorded informational material germane to governmental action or functions;
I) items of nominal value, not to exceed $10.00, containing or displaying promotional material;
J) an honorary degree bestowed upon a public official or public employee by a public or private university or college;
K) a meal provided at an event and/or the registration or entrance fee to attend such an event, in which the public employee or public official participates in his official capacity;
L) a meal provided in the home by an individual who resides in the Town;
M) gifts in-kind of nominal value not to exceed $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 mitzvahs, provided the total value of such gifts in any calendar year do not exceed $50.00;
7) IMMEDIATE FAMILY: any parent, spouse, child or dependent relative
8) INDIVIDUAL: a natural person
9) INDIVIDUAL WITH WHOM ONE IS ASSOCIATED: an individual with whom the person or a member of his immediate family mutually has an interest in any business.
10) OFFICIAL RESPONSIBILITY: 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.
11) PERSON: an individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club, or other organization or group of persons.
12) PERSONAL INTEREST: an interest in any action taken by the Town in which the individual will derive a non-financial benefit or detriment, but which will result in the expenditure of municipal funds.
13) PROBABLE CAUSE: determining whether the facts would warrant a reasonable person to believe that a Town official, officer, or employee violated this Code, the belief should be more than a mere suspicion, but less than proof beyond a reasonable doubt.
14) PUBLIC EMPLOYEE: a person employed, whether part-time or full-time, by the Town or a political subdivision thereof.
15) PUBLIC OFFICIAL: an elected or appointed official, whether paid or unpaid, or full-time or part-time, of the Town or political subdivision thereof, including candidates for the office; and shall also include a district officer elected pursuant to Section 7-327 of the Connecticut General Statutes.

SECTION 1-3: CONFLICTS OF INTEREST
1) Persons governed by this Code shall not engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of his/her official responsibilities in the public interest, or which would tend to impair his/her independent judgement or action in the performance of his/her official responsibilities.
2) Persons governed by this Code shall not solicit or accept any gift from any person which to his/her knowledge is interested in any pending matter within such individual's official responsibility.
3) Persons governed by this Code shall not engage in discussion, voting, or action on any matter brought before him/her or a board that s/he is a member of, that would result in a financial gain or loss to that public official or public employee or his/her immediate family member or business with which s/he is associated

A) If a prohibited gift is offered, s/he must refuse it, return it, pay the donor the full value of the gift, or donate it to a non-profit organization, provided s/he does not take the corresponding tax write-off. Alternatively, it may be considered a gift to the Town provided it remains in the Town's possession permanently.

B) If such participation is within the scope of the public official or public employee's official responsibility, s/he shall be required to disclose on the record, or provide written disclosure, which sets forth in detail the nature and extent of such interest, to the Ethics Commission.
C) Notwithstanding the prohibition in Subsection 3A, a public official or public employee may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the group or population.

D) If the above requirements conflict with Section 7-148h of the Connecticut General Statutes, then the latter statute will govern the situation.

4) Except for a public official who receives no compensation for his/her service to the Town, other than per diem payments and reimbursements of expenses, no public official or public employee shall:
   A) appear on behalf of private interests before any Town agency, board, or commission; or
   B) represent private interests against the interest of the Town in any litigation to which the Town is a party.

5) Nothing contained in this Code shall prohibit or restrict a public official or public employee from appearing before any board or commission of the Town on his/her own behalf, or from being a party in any action, proceeding, or litigation brought by or against the public official or public employee to which the Town is a party.

6) Persons governed by this Code shall not disclose confidential information concerning the Town’s affairs, nor shall s/he use such information for the financial interest of himself/herself or others.

7) Persons governed by this Code shall not request or permit the use of Town vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such are available to the public generally, or are provided as Town policy for the use of such public official or public employee in the conduct of official business.

8) Persons governed by this Code, or business, with which s/he is associated, or member of his/her immediate family, shall not enter into a contract with the Town unless it is awarded through a process of public notice and competitive bidding.

9) Persons governed by this Code may not use his/her position or office for the financial benefit of himself/herself, a business with which s/he is associated, an individual with which s/he is associated, or a member of his/her immediate family.

10 Persons governed by this Code shall not accept a fee or honorarium for an article, appearance, speech, or participation at an event, in his/her official capacity.

SECTION 1-4: ETHICS COMMISSION’S MEMBERSHIP, APPOINTMENT, QUALIFICATIONS, VACANCIES AND POLITICAL ACTIVITIES

1) There shall be a Town of Franklin Ethics Commission consisting of five members. The members shall be appointed by unanimous vote of the Board of Selectmen for a term of three years, except that, of the initially appointed members, one shall serve for one year, two for two years, and two for three years. Members may continue in office until a successor has been appointed. No more than four shall be members of the same political party.

2) All members shall be electors and residents, or non-resident elector taxpayers, of the Town. No member shall:
   A) hold or campaign for any public office;
   B) have held public office or have been a candidate for public office for a two-year period prior to appointment;
   C) hold office in any political party or political committee; or
   D) serve as a member of any other municipal agency.

3) Although any member or employee of the Ethics Commission shall have the unrestricted right to vote, make political contributions, and attend fund-raising or other political events, no member or employee shall publicly support any candidate for any municipal office subject to the Commission’s jurisdiction. An individual would be publicly supporting a candidate by, for example, volunteering as a campaign worker, giving a speech at a political event or formally endorsing a candidate.

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

SECTION 1-5: DUTIES OF COMMISSION
1) The Ethics Commission shall:
   A) compile and maintain a record of all reports, advisory opinions, statements, and memorandums 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 this Code upon the request of any person; advisory opinions rendered by the Commission, until amended or revoked, shall be binding on the Commission and shall be deemed to be the final decision of the Commission, and 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; and
   C) report annually on or before February 1st to the Board of Selectmen summarizing the activities of the Commission for the previous calendar year.

2) The Commission may adopt rules and regulations not inconsistent with this Code for the administration and implementation of the Code.

3) The Commission may employ necessary staff or outside counsel within available appropriations.

SECTION 1-6: COMPLAINTS, PROCEDURES, HEARINGS & DAMAGES
1) Complaints
   A) Upon the complaint of any person on a form proscribed by the Commission, signed under penalty of false statement, the Commission shall conduct an inquiry on any alleged violation of this Code.
   B) Complaints shall include the name of the person accused (Respondent), the specific acts alleged to constitute the violation, the dates the acts occurred, and whether or not these allegations have been presented to other administrative or judicial authorities.
   C) All information supplied to or received from the Commission during the evaluation and inquiry shall remain confidential, as specified by provisions of Section 1-82a of the Connecticut General Statutes.
   D) No complaint may be made under this Code except within two years after the violation alleged in the complaint has been committed.
   E) After receipt of information from an individual, the Commission shall not disclose the identify of such individual.
   F) No person shall take, or threaten to take, official action against an individual for such individual’s disclosure of information to the Commission under the provisions of this Code. After receipt of information from an individual without his consent unless the Commission determines that such disclosure is unavoidable during the course of an inquiry.
   G) The Commission shall handle complaints in the following stages (as detailed in sections below):
      1) receipt, evaluation, acknowledgement, notification
      2) confidential preliminary inquiry
      3) inquiry findings
      4) hearings
      5) findings/penalty

2) Receipt, Evaluation, Acknowledgement, Notification
   A) When a complaint is received, the Commission shall review, evaluate, and decide whether the complaint is in proper form, and whether the allegations would constitute a violation. The Commission will decide whether it would be more reasonable to refer the matter to another administrative or judicial authority.
   B) If the complaint is not in proper from, and/or the Commission determines that the allegations, even if true, would not constitute a violation of this Code, the Commission shall dismiss the complaint and duly notify the Complainant of said fact and the reasons therefore, by registered or certified mail.
C) If the Commission determines that the complaint is in proper form, and the allegations, if true, would constitute a violation of this Code, then the Commission shall, not later than ten days after said determination, provide a copy of the complaint by registered or certified mail to all Respondents against whom such complaint is filed, and shall provide notice of the receipt of such complaint to the Complainant. The Commission shall then conduct a confidential preliminary inquiry to determine if probable cause exists.

3) Confidential Preliminary Inquiry

A) If the Commission accepts the complaint, it shall make or cause an inquiry to be made sufficient to decide whether there is probable cause to believe a violation of this Code has occurred.

B) The inquiry shall be conducted within ninety days.

C) In the conduct of its inquiry of an alleged violation of this Code, the Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, and request witnesses as proscribed by Section 7-148h of the Connecticut General Statutes.

D) During the inquiry, the Respondent(s) shall have the right to appear, the right to have counsel appear on his/her/their behalf, and be heard, and offer any information which may tend to clear the Respondent(s) of probable cause to believe that the Respondent has violated any provision of this Code.

E) This preliminary inquiry to determine whether a complaint has probable cause shall be confidential, except upon the request of the Respondent.

F) If the inquiry is confidential, any allegations and any information supplied to or received from the Commission shall not be disclosed during the inquiry to any third party by a Complainant, Respondent, witness, designated party, or Commission or staff member.

4) Inquiry Findings

A) If the Commission finds no probable cause:

1) The Commission shall advise the Complainant and the Respondent of its findings and a summary of the reasons therefore not later than three business days after termination of the inquiry by registered or certified mail.

2) The Commission shall ensure that the complaint and the record of its inquiry shall remain confidential, except upon request of the Respondent.

3) No Complainant, Respondent, witness, designated party, or Commission or staff member shall disclose to any third party any information learned from the inquiry, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known.

B) If the Commission finds probable cause:

1) It must be by the concurring vote of three out of five voting members to find probable cause.

2) The Commission shall advise the Complainant and the Respondent of its findings and a summary of the reasons therefore not later than three business days after the termination of its inquiry and its decision by registered or certified mail.

3) The Commission shall make public its findings not later than five business days after the termination of its inquiry and its decision thereon.

4) At this point, the entire record on the inquiry shall become public, with the exception for postponement of the release of said record for a period not to exceed fourteen days during negotiations for the resolution of the matter by stipulation, agreed settlement, or consent order, and/or as provided for in Section 4-177 of the Connecticut General Statutes. The Commission shall give notice to the Complainant and Respondent of the dates of postponement of release of the record to the public.

5) The Commission shall set the date for a public hearing and notify the Complainant and Respondent by registered or certified mail. Such date shall not be less than thirty days after the finding of probable cause.

5) Hearings

A) All hearings shall be open to the public and recorded in a manner to be determined by the Commission.

B) Hearings shall not be subject to rules of court, except in:

1) the rights of an accused to confront and cross-examine his/her accuser(s);
2) the rights of every witness or party to be represented by an attorney-at-law of his/her choice; and
3) the rights of every witness to decline to answer questions in accordance with the Fifth Amendment to the Constitution of the United States.

C) In all other respects, hearings shall be conducted by the Commission.

D) The Commission may use the advice and assistance of its Counsel, acting through its Chair, in order to facilitate the prompt and fair disposition of the proceedings.

E) While conducting a hearing of an alleged violation of this Code, the Commission shall have the authority to administer oaths, examine witnesses, and receive oral and documentary evidence as proscribed by Section 7-148h of the Connecticut General Statutes.

6) Findings
   A) No finding of violation of this Code shall be made except upon a concurring vote of four out of five voting members of the Commission.
   B) The Chair shall render the finding of the Commission within thirty days after conclusion of the hearing. Copies of the finding shall be sent to the Complainant and to the Respondent.

SECTION 1-7: PENALTIES
1) Violation of any provision of the Code shall constitute grounds for, and may be punished by:
   A) A recommendation to the appropriate appointing or supervisory authority; the affected authority shall report within thirty days to the Commission the action taken, or lack of action, and the reasons therefore.
   B) Restitution of any pecuniary benefits received because of the violation committed.
   C) A civil penalty of not more than $100.00 per violation.

SECTION 1-8: APPEALS
1) Any person aggrieved by any final decision of the Commission may appeal such decision in accordance with the provisions of Section 4-175 or Section 4-183 of the Connecticut General Statutes.

SECTION 1-9: PAID CONSULTANTS OF THE TOWN
1) Paid Consultants
   A) No paid consultant of the Town shall represent a private interest in any action or proceeding against the interest of the Town which are in conflict with the performance of his/her duties as a consultant.
   B) No paid consultant may request anyone other than the Town concerning any matter in which s/he participated personally and substantially as a consultant to the Town.
   C) No paid consultant shall disclose confidential information learned while performing his/her duties for the Town, nor shall s/he use such information for the financial interests of himself/herself or others.

SECTION 1-10: FORMER PUBLIC EMPLOYEES & FORMER PUBLIC OFFICIALS
1) Persons governed by this Code shall not appear for compensation before any Town agency, board or commission in which s/he was formerly at any time within a period of one year after termination of his/her service with the Town.
2) Persons governed by this Code shall not represent anyone other than the Town concerning any particular matter in which s/he participated personally and substantially while in municipal service.
3) Persons governed by this Code shall not disclose or use confidential information acquired in the course of and by reason of his/her past official duties, for financial gain for himself/herself or others.
4) Persons governed by this Code, who participated substantially in the negotiation or award of a Town contract obliging the Town to pay an amount of $100.00 or more, or who supervised the negotiation or award of such a contract, shall not accept employment with a party to the contract other than the Town for a period of one year after such contract is signed.

SECTION 1-11: ADVISORY OPINIONS
1) The Ethics Commission shall provide advisory opinions of ethical questions under the following conditions:
   A) Requests for advisory opinions shall be made in writing, and the opinion shall be rendered as follows:
      1) in writing;
      2) by a quorum of members of the Ethics Commission; and
      3) at a scheduled meeting of the Commission.
   B) Advisory opinions shall be provided based on information presented at the scheduled meeting.
   C) Advisory opinions shall be non-binding on the Requester, the Ethics Commission, and the Town, if information supplied is inaccurate or incomplete at the time the decision was made.
   D) Advisory opinions may be requested by persons defined as Public Employees, Public Officials, or any person under definitions of this Code.

SECTION 1-12: VALIDITY
1) If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this ordinance shall remain in full force and effect.
2) If any part of this Code conflicts with federal law, or the Connecticut General Statutes, the provisions of the federal law or the Connecticut General Statutes shall prevail.

SECTION 1-13: DISTRIBUTION OF CODE
1) The Town Clerk shall cause a copy of this Code of Ethics to be distributed to every Public Official and Public Employee governed by this code within sixty days after enactment of this Code. Each Public Official and Public Employee shall be furnished a copy before entering upon the duties of his office or employment. A signed receipt for all copies shall be returned to the Town Hall and retained on Ethics Commission file.
2) No alteration of any part of the foregoing Code of Ethics, which changes the intent of the Code, shall be made without a written agreement between the Board of Selectmen and members of the Ethics Commission.

SECTION 1-14: EFFECTIVE DATE
This ordinance shall become effective upon passage and after notice as provided by law.

   PUBLICATION DATE: April 25th, 2001
   EFFECTIVE DATE: May 9th, 2001
### Connecticut Municipalities With an Ethics Code

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Population 2010</th>
<th>Do you have an ethics code</th>
<th>(1a) If YES, how was it established?</th>
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<tr>
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MUNICIPAL ETHICS COMMISSIONS

By: Terrance Adams, Associate Analyst

ISSUE

Describe municipal ethics commissions, including (1) how many members serve on a commission, (2) how members are appointed and for how long, and (3) the commissions’ enforcement powers.

SUMMARY

The law allows municipalities to (1) adopt a code of ethical conduct; (2) establish, by charter or ordinance, a board, commission, council, committee, or other agency (“ethics commissions”) to investigate complaints of unethical conduct or illegal activities committed by municipal officials, officers, or employees; and (3) impose fines of up to $250 for violations. “Municipalities” are towns, cities, boroughs, consolidated towns and cities, and consolidated towns and boroughs (CGS §§ 7-148(a); 7-148 (c)(10)(A) and (B); and 7-148h).

According to the 2009 final report of the Task Force on Municipal Ethics, which was the most recent information available, 70 municipalities had formed ethics commissions as of the report’s publication. For this report, we selected a sample of 15 municipalities from different regions of the state that have ordinances establishing ethics commissions: Brookfield, Colchester, Ellington, Enfield, Glastonbury, Greenwich, Griswold, Guilford, Mansfield, Meriden, Norwich, Southington, Tolland, Torrington, and Trumbull.

Twelve of the 15 commissions we sampled have five members, and eight of the 15 have alternates. All of the selected commissions are appointive; boards of selectmen and town councils are the most common appointing authorities. The most common term length for these commissions is three years, with eight of the 15 commissions in our sample having three-year terms. Additionally, seven of the 15 commissions limit the number of years of either (1) overall service or (2)
consecutive service. Ethics commissions must also comply with state law’s minority representation requirement, which prohibits more than a specified proportion of the membership (generally two-thirds) from belonging to the same political party.

In terms of enforcement power, most of the selected commissions are limited to making recommendations to another entity (e.g., the town manager) for disciplinary action. These recommended actions typically include censures or reprimands, suspensions or demotions, termination from employment or removal from office, restitution of pecuniary benefits, or a civil penalty. However, some ordinances allow the commissions themselves to issue reprimands, impose fines, or require payment of restitution.

State law requires municipal ethics commissions to adhere to the same confidentiality requirements as the Office of State Ethics when handling allegations of unethical conduct. Ethics commissions may issue subpoenas to compel the (1) attendance of individuals at hearings and (2) production of books, documents, records, and papers (CGS § 7-148h(a)).

**COMPOSITION**

Table 1 shows, for each commission in our sample, the number of members, their term lengths, and method of appointment. It also identifies those commissions that impose stricter minority representation requirements on their ethics commission than those required by state law (see Minority Representation, below).

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<th>Term Length</th>
<th>Appointing Authority</th>
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<tr>
<td>Brookfield (Charter §§ C7-4, C7-6, Addendum A (III))</td>
<td>3</td>
<td>4 years</td>
<td>Board of Selectmen</td>
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<td>Colchester (Code of Ordinances § 53-3)</td>
<td>5</td>
<td>3 years</td>
<td>Board of Selectmen</td>
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<td>4 years</td>
<td>Board of Selectmen</td>
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Members cannot serve more than two consecutive 3-year terms.
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<td>Enfield (Code of Ordinances § 2-123)</td>
<td>5 (plus 2 alternates)</td>
<td>2 years</td>
<td>Town Council</td>
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<td>No more than 2 regular members can be from same political party</td>
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<td>Regular members cannot serve more than three consecutive 2-year terms</td>
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<td></td>
<td>A regular member who serves three consecutive 2-year terms must wait 2 years before he or she may be reappointed</td>
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<td>Glastonbury (Code of Ordinances § 2-58)</td>
<td>5 (plus 2 alternates)</td>
<td>4 years</td>
<td>Town Council</td>
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<td></td>
<td>No more than 2 regular members and 1 alternate can be from same political party</td>
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<td>(requires at least 7 of 9 votes)</td>
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<td>At least one regular member must be unaffiliated</td>
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<td>Board of Selectmen (must be unanimous vote)</td>
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<td>No more than 2 can be from same political party</td>
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<td>Members cannot serve more than two consecutive 4-year terms</td>
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<td>A member who serves two consecutive 4-year terms must wait at least 1 year before he or she may be reappointed</td>
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<td>Mansfield (Code of Ordinances § 25-5)</td>
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<td>No more than 3 members and 1 alternate can be from same political party</td>
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<td>2 years for alternates</td>
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<td>Meriden (Charter §§ C3-3J, C7-8)</td>
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<td>City council, upon mayor's recommendation (recommendation is deemed approved unless council rejects it)</td>
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<tr>
<th>Municipality (and citation)</th>
<th>Number of Members</th>
<th>Term Length</th>
<th>Appointing Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norwich (Code of Ordinances § 2-55)</td>
<td>5 (plus 4 alternates)</td>
<td>2 years</td>
<td>Members and alternates cannot serve more than three consecutive terms</td>
</tr>
<tr>
<td>Southington (Code of Ordinances § 28-11)</td>
<td>4 (plus 2 alternates)</td>
<td>3 years</td>
<td>A member who serves 6 years in succession cannot be reappointed</td>
</tr>
<tr>
<td>Tolland (Code of Ordinances § 6-9)</td>
<td>3</td>
<td>3 years</td>
<td></td>
</tr>
<tr>
<td>Torrington (Code of Ordinances § 22-16)</td>
<td>5 (plus 3 alternates)</td>
<td>3 years</td>
<td>A member who serves 6 years in succession cannot be reappointed</td>
</tr>
<tr>
<td>Trumbull (Charter Article VII, § 17)</td>
<td>5 (plus 2 alternates)</td>
<td>5 years</td>
<td>2 years for alternates</td>
</tr>
</tbody>
</table>

**Minority Representation**

State law requires minority political party representation on certain governmental bodies of the state, its towns, and other political subdivisions. No more than a specified number of members (generally two-thirds of the total) enrolled in the same political party can serve on a particular body, as shown in Table 2. Municipalities may require a greater degree of minority representation through the adoption of a charter provision that sets a lower maximum number from the same party (CGS § 9-167a).
Eight of the 15 municipalities in our sample impose stricter minority representation requirements on their ethics commission than those imposed by state law, as indicated in Table 1.

INVESTIGATION AND ENFORCEMENT POWER

State Law
The law requires municipal ethics commissions to adhere to the same confidentiality requirements as the Office of State Ethics when handling allegations of unethical conduct (CGS § 7-148h(a)). Thus, a complaint to, and investigation by, an ethics commission must remain confidential unless (1) the respondent requests otherwise or (2) there is a probable cause finding, at which point the entire record of the investigation becomes public. If no probable cause is found, the complaint and investigation can be disclosed only upon the respondent’s request, but the record may be used in subsequent proceedings. The law does not prohibit the commissions from reporting a possible crime to the chief state’s attorney or other prosecutorial authority (CGS § 1-82a).

The law authorizes ethics commissions to issue subpoenas to compel the (1) attendance of individuals at hearings and (2) production of books, documents, records, and papers (CGS § 7-148h(a)).

Municipal Commissions
Table 3 shows (1) the enforcement powers of the selected municipal ethics commissions and (2) their other duties and powers.
Generally, ethics commissions may investigate complaints of unethical conduct based upon a formal complaint or their own initiative. Each of the ordinances we reviewed requires complaints to be in writing, with nine of them requiring that complaints be signed under penalty of false statement. Ten of the 15 ordinances establish a time limit for filing a complaint, ranging from 18 months to five years after the alleged violation.

Eleven of the 15 ordinances allow a violation (and in some instances, probable cause) to be found only by (1) a supermajority of the commission or (2) a majority of all members (as opposed to a majority of the members present). Some ordinances require the commission to use the clear and convincing evidence standard, while others do not specify a standard. In terms of enforcement power, most of the selected commissions are limited to making recommendations to another entity (e.g., the town manager) for disciplinary action; only five of the 15 commissions have powers that extend beyond making recommendations.

Nearly all of the selected ordinances authorize commissions to issue advisory opinions. Some ordinances require a commission to issue an advisory opinion upon a written request; for others, issuing the opinion is permissive.

### Table 3: Municipal Ethics Commissions, Enforcement Power

<table>
<thead>
<tr>
<th>Municipality (and Citation)</th>
<th>Enforcement Power</th>
<th>Other Powers and Duties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Brookfield</strong>&lt;br&gt;(Charter § C10-4)&lt;br&gt;(Code of Ordinances §§ 21-5 to 21-7)</td>
<td>Recommended discipline may include (1) public admonition or reprimand, (2) suspension or demotion, (3) forfeiture of or removal from office, (4) termination of employment, (5) cease and desist orders, or (6) a fine&lt;br&gt;Board of Selectmen must implement Board of Ethics recommendations unless the selectmen, within 30 days after receiving the recommendations, reject them by a two-thirds vote</td>
<td>May retain counsel to enforce its recommendations&lt;br&gt;May issue advisory opinions upon written request</td>
</tr>
<tr>
<td><strong>Colchester</strong>&lt;br&gt;(Code of Ordinances §§ 53-4 to 53-8)</td>
<td>A violation may be found only if at least 4 of 5 members concur&lt;br&gt;Sanctions the commission may impose include (1) public censure and reprimand, (2) a civil penalty of up to $100 per violation, or (3) restitution&lt;br&gt;The commission may recommend to the Board of Selectmen (1) disciplinary action against a town employee as provided in town policy and any applicable collective bargaining agreement or (2) removal from office</td>
<td>Must issue advisory opinions upon request&lt;br&gt;Must file annual report with Board of Selectmen</td>
</tr>
<tr>
<td>Municipality (and Citation)</td>
<td>Enforcement Power</td>
<td>Other Powers and Duties</td>
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<tr>
<td>Ellington (Charter § 825)</td>
<td>A probable cause determination requires at least 3 of 5 affirmative votes</td>
<td>May issue advisory opinions</td>
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<tr>
<td>(Code of Ordinances §§ 67-3, 67-5 to 67-10)</td>
<td>Finding a code violation requires at least 4 affirmative votes</td>
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<td></td>
<td>If the commission finds a violation, it must issue a memorandum of decision with a recommendation for action by the Board of Selectmen or Board of Education, as appropriate</td>
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<td>Recommended action may include (1) reprimand, (2) censure, (3) termination, (4) suspension of compensation or position for up to 90 days, (5) a fine of up to $250 per violation, or (6) restitution</td>
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<td>The applicable board must notify the commission of the action taken or lack of action and its reasons</td>
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<td>The board's decision is final and binding on respondent and commission</td>
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<tr>
<td>Enfield (Code of Ordinances §§ 2-126, 2-129)</td>
<td>Probable cause determination requires affirmative vote of at least 4 of 5 members</td>
<td>Must issue advisory opinion upon request of a public official or municipal employee</td>
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<td>Commission reports findings and recommendations to Town Council, town manager, or Board of Education, as appropriate</td>
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<td>The applicable entity must (1) meet with the commission in open session to consider the findings and recommendations and (2) make a decision within 30 days of the commission's issuance of findings and recommendations</td>
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<td>Recommendations may include (1) suspension, (2) censure, (3) dismissal of an employee, (4) removal of an appointed official, or (5) a public recommendation to an elected official that he or she resign from office</td>
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<td>Allegations against sworn police officers and animal control officers, except allegations against officers above the rank of lieutenant, must be referred to the director of public safety</td>
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<tr>
<td>Glastonbury (Code of Ordinances §§ 2-58, 2-67, 2-69)</td>
<td>At least 4 of 5 votes needed to find (1) probable cause and (2) a violation</td>
<td>May issue advisory opinions on its own initiative or upon the request of anyone subject to the code</td>
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<tr>
<td></td>
<td>Commission files memorandum of decision with (1) Town Council and (2)(a) town manager or (b) superintendent of schools and Board of Education, as appropriate</td>
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<td></td>
<td>Code violations are grounds for the appointing authority to censure, reprimand, suspend, demote, remove, or dismiss officials, employees, or consultants</td>
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<tr>
<td>Greenwich (Code of Ordinances § 2-12, and Board Procedures)</td>
<td>Must publish findings and recommendations, along with reasons supporting them</td>
<td>Must issue advisory opinions upon written request of any town officer</td>
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<td>Findings and recommendations may include, among other things: (1) return of improperly received gifts; (2) censure; (3) resignation, termination, demotion, transfer, or suspension; (4) termination of a contract; or (5) legal action for damages suffered by the town</td>
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<td>Must submit annual report to Board of Selectmen and Representative Town Meeting</td>
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<tr>
<td>Municipality (and Citation)</td>
<td>Enforcement Power</td>
<td>Other Powers and Duties</td>
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<tr>
<td>Griswold (Code of Ordinances §§ 35-6 to 35-9)</td>
<td>At least 4 of 5 votes needed to find (1) probable cause and (2) a violation $100 fine per violation (however, the ordinance also says that fines may be up to the maximum allowed under state law (i.e., $250)) The commission’s sanctions include (1) censure, (2) reprimand, (3) a fine of up to the maximum allowed under state law, (4) restitution, or (5) referral to appropriate authorities for further civil action or criminal prosecution The commission must refer willful violations to the Board of Selectmen; the board’s sanctions include (1) suspension or termination from employment, (2) removal or suspension from appointed office, (3) restitution, (4) termination or revocation of any contract with the town, or (5) debarment from entering into future contracts with the town</td>
<td>Must issue advisory opinions upon request of a person subject to ethics code Must provide training or written updates on the code every two years to town officials, employees, and consultants</td>
</tr>
<tr>
<td>Guilford (Code of Ordinances § 31-6)</td>
<td>At least 3 of 5 votes needed to find probable cause If the board makes a probable cause finding, it must report its findings and recommendations to the Board of Selectmen or Board of Education, as appropriate Probable cause appears to be extent of board’s findings; the ordinance does not articulate any procedures for finding a violation</td>
<td>May issue advisory opinions upon request of a town official</td>
</tr>
<tr>
<td>Mansfield (Code of Ordinances §§ 25-6, 25-8)</td>
<td>At least 4 of 5 votes needed to find a violation, using clear and convincing evidence standard Must submit memorandum of decision to Town Council, town manager, and any other appropriate town agency Recommendations may include (1) recusal, (2) public censure or reprimand, (3) termination or suspension of employment, (4) removal or suspension from appointive office, (5) termination of contractual status, or (6) pursuit of injunctive relief</td>
<td>Must issue advisory opinions upon request of a person or agency subject to the ethics code Must submit annual report to Town Council</td>
</tr>
<tr>
<td>Meriden (Code of Ordinances §§ 21-5, 21-7)</td>
<td>A complaint may be filed by the mayor, city manager, city attorney, any member of the City Council, or five or more electors At least 4 of 5 votes required to find (1) probable cause and (2) a violation Violations require clear and convincing evidence standard Sanctions include (1) public censure and reprimand, (2) a recommendation to an employee’s appointing authority for appropriate personnel action, (3) a civil penalty of up to $100 per violation, or (4) restitution The City Council by resolution may void any contract, transaction, or official act entered into or taken in violation of the city’s code of ethics</td>
<td>Must issue advisory opinion upon written request of any person subject to code Must submit annual report to City Council</td>
</tr>
<tr>
<td>Municipality (and Citation)</td>
<td>Enforcement Power</td>
<td>Other Powers and Duties</td>
</tr>
<tr>
<td>----------------------------</td>
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</tr>
<tr>
<td><strong>Norwich</strong>&lt;br&gt;(Code of Ordinances §§ 2-55, 2-56, and Commission Rules and Procedures)</td>
<td>If probable cause is found, a public hearing is held by 5 members or alternates; finding a violation requires a vote of 3 members of the hearing panel, using the clear and convincing evidence standard. Makes findings and recommendations to the City Council and reports to the entity with removal power; the entity with this power must report the disposition to the commission within 60 days.</td>
<td>May issue advisory opinions upon request of a city officer, official, or employee. Code of ethics does not list possible recommended actions.</td>
</tr>
<tr>
<td><strong>Southington</strong>&lt;br&gt;(Code of Ordinances §§ 28-14, 28-15)</td>
<td>Finding a violation requires 3 of 4 affirmative votes. If the board finds probable cause, it must report findings and recommendations to appointing authority or the applicable elected board or commission; disposition must be made by majority vote, excluding respondent, in open session.</td>
<td>Town attorney, not board, provides advisory opinions. Hearings must be recorded by a duly licensed stenographer. Code of ethics does not list possible recommended actions.</td>
</tr>
<tr>
<td><strong>Tolland</strong>&lt;br&gt;(Code of Ordinances §§ 6-9 and 6-10)</td>
<td>If the commission finds unethical conduct by a town official or employee, it must make a public report to (1) the Town Council or Board of Education, as appropriate, if the person is an elected official or (2) the appointing authority, if the person is an employee. If the commission finds unethical conduct by a paid consultant or business performing work for the town, it can disbar the consultant or business from doing business with the town for up to 10 years.</td>
<td>May appoint a special counsel, who cannot be the town attorney, to investigate complaints, administer oaths, obtain subpoenas, make probable cause determinations, and make recommendations to the commission based on his or her investigation. Code of ethics does not list possible recommended actions.</td>
</tr>
<tr>
<td><strong>Torrington</strong>&lt;br&gt;(Code of Ordinances §§ 22-17 to 22-19)</td>
<td>Must submit recommendations to board, agency, or public official with supervisory or disciplinary authority over respondent. Recommendations may include (1) oral or written reprimand, (2) suspension without pay, (3) a fine of up to $100, or (4) termination of employment or removal from appointed office. Board must refer matters involving criminal conduct to police department. Certain violations involving contracts must be referred to Board of Councilmen, which may void the contract or transaction.</td>
<td>Must submit annual report to mayor and board of councilmen. Must issue advisory opinions upon written request of any person subject to code.</td>
</tr>
<tr>
<td><strong>Trumbull</strong>&lt;br&gt;(Code of Ordinances §§ 2-532, 2-548, 2-552)</td>
<td>Finding a violation and imposing sanctions requires a majority of all members (3 votes). May issue a public reprimand to be filed with town clerk. May recommend to the (1) hiring authority any appropriate disciplinary or removal proceedings and (2) town attorney or state’s attorney that further action be taken in accordance with state law.</td>
<td>May issue advisory opinions.</td>
</tr>
</tbody>
</table>
TASK FORCE ON MUNICIPAL ETHICS

Created Pursuant to
Public Act 07-201

Chairpersons:
Senator Gayle Slossberg
Representative James Spallone

Final Report
**CHARGE**

Section 1 of Public Act 07-201 established an eight member task force consisting of legislative appointees to study the Office of State Ethics' preliminary recommendations concerning the implementation of an ethics code for municipalities of the state. *(See Appendix 1 for Task Force Members/zip).* The act required the study to include the holding of hearings on the Office of State Ethics' preliminary recommendations as contained in such office's October 31, 2006 report to the joint standing committee of the General Assembly having cognizance of matters relating to ethics. *(See Appendix 2 for October 31, 2006 report of the Office of State Ethics).*

The October 31, 2006 report of the Office of State Ethics contained two preliminary recommendations. First, the office recommended that hearings be held to give the public at large an opportunity to contribute to the debate of how to address the issue of municipal ethics. Second, the office recommended that it develop a "best practices" ethics code which municipalities could voluntarily adopt. According to the October 31, 2006 report, the voluntary nature of such an approach would allow local governments to retain autonomy while avoiding a costly administrative impact on the state level.

**METHOD**

The task force met five times (includes one meeting to approve report) and held public hearings in the towns of West Haven, Westbrook and Waterbury. The committee received presentations from the Office of State Ethics, the Office of Legislative Research and the Connecticut Conference of Municipalities. The Office of State Ethics presented information to the committee concerning the components of the state code of ethics, the status of municipal codes of ethics, and options for the office's involvement in enforcing municipal ethics. Additionally, the Office of State Ethics provided the task force with an assessment of the fiscal impact that various legislative proposals concerning the enforcement of municipal ethics would have on the office. *(See Appendix 3 for Information Presented by the Office of State Ethics).* The Office of Legislative Research presented the task force with information from other states on how jurisdiction concerning municipal ethics is delegated and sample approaches to
municipal ethics administration and enforcement in other states. *(See Appendix 4 for Information Presented by the Office of Legislative Research).* The Connecticut Conference of Municipalities presented the task force with information concerning its survey of municipalities on the issue of how municipal ethics is handled. *(See Appendix 5 for Information Presented by the Connecticut Conference of Municipalities).* At the three public hearings, the task force received written and oral testimony from members of the public and municipal officials. The task force obtained samples of municipal codes of ethics which are provided for informational purposes only for members of the General Assembly and others utilizing this report. *(See Appendix 6 for sample municipal ethics codes).*

**FINDINGS**

The task force finds that under the current voluntary law, approximately 124 of 169 towns have adopted some form of an ethics code. Approximately 70 municipalities have formed ethics commissions and another 78 have some other way of resolving ethics complaints. The methods used by such municipalities to hear and dispose of ethics complaints varies widely. In some municipalities there is a permanent board or commission that hears such complaints while other municipalities do not have a formal process for handing complaints.

From the public hearings held by the task force, it is found that, generally, private citizens testified in favor of having some means of submitting municipal ethics complaints and having these complaints resolved. The means favored by these private citizens varied. Some citizens indicated a desire to have such complaints heard and resolved by a board or commission on the town level that would be independent of the respective town officials. Other private citizens indicated a desire to have such complaints heard and resolved by the Office of State Ethics.

Additionally, based on the public hearing testimony by municipal elected officials, the task force finds that there are varying opinions on the need for and potential form of municipal ethics regulation. Generally, chief elected officials from small towns, especially those who testified at the Westbrook field hearing, expressed concern about the cost of municipal ethics regulation and the potential for abuse. Such officials were generally opposed to state-
mandated regulation. Additionally, elected and appointed officials from small towns expressed concern that requiring statements of financial interest from volunteers who serve on local boards and commissions would have a chilling effect on public service, and would make it more difficult than it already is to attract volunteers.

Overall, the task force finds that there is a wide range of opinion regarding structure and functioning of a state-wide municipal ethics system. The opinions received by the task force ranged from those who would make no changes to current law to those who would favor the Office of State Ethics handling all complaints from start to finish.

Accordingly, the task force finds that a one size fits all approach to a municipal code of ethics is not a practical, workable solution. Rather, sufficient flexibility and options must exist for towns in order to reflect the differences amongst the towns in terms of the size of such municipalities and the form of government in each such municipality.

FISCAL CONCERNS

The Task Force is aware that government at all levels is facing a fiscal crisis of historic proportions and that the state and nation are in the midst of a recession. As of the writing of this report, the Office of Fiscal Analysis calculates that the state is carrying a deficit of $1.4 billion for FY 2009 (the current fiscal year), $4 billion for fiscal year 2010 and $4.7 billion for fiscal year 2011. The General Assembly is preparing a budget for FY 2010-2011 in that context. The Office of State Ethics has had $384,000 trimmed from its budget in deficit reduction bills passed and signed into law in November 2008 and January 2009. Under these circumstances, the Task Force understands that new programs at the state level or new requirements at the local level are unlikely to be funded at this time. The Task Force's charge was to come up with recommendations for policy, and it has done so. It remains the task of the General Assembly to determine when such recommendations can be reasonably implemented.

RECOMMENDATIONS

The committee recommends the following concerning the implementation of an ethics code for municipalities of the state:
Municipalities should have the option to do one of the following three things within two years of the passage of the subject enabling legislation by the General Assembly: (1) Adopt a municipal code of ethics that, at a minimum, contains certain provisions listed below. Adoption of such code would require only a vote of the legislative body of such municipality, or in the case in which a town meeting is the legislative body, by the board of selectmen; (2) join a regional group of municipalities that has adopted a municipal code of ethics which includes, at a minimum, such standards; or (3) submit to a municipal code of ethics established and enforced by the Office of State Ethics. If a municipality fails to undertake either of the first two options by such date, the third option should automatically be activated. Such legislation should include a sample, but not a required, code of ethics that could be adopted by a municipality without any additional costs to such municipality.

The minimum provisions contained in any such municipal code of ethics shall include the following: (A) Conflict of interest provisions that prohibit a public official or employee from participating in a matter in which he or she has a personal or financial interest; (B) Disclosure and recusal provisions that require the written disclosure of conflicts of interest by public officials and employees and the recusal from participation in any decision-making concerning the matter at hand; (C) Gift provisions that prohibit public officials and employees from soliciting or accepting anything of value that could reasonably be expected to influence the actions or judgment of such official or employee; (D) Use of Property provisions that prohibit a public official or employee from using town property in any manner that benefits himself or herself to a degree that is greater than a member of the general public when such property is made available to the general public; (E) Representation of Private Interests provisions that prohibit representing a private interest before the board or commission on which such public official serves. Such provision would extend to a period of six months after the official terminated his or her service on such board; and (F) Use of Position provisions that prohibit the use of information acquired through a public official's or employee's position to further such official's or employee's own financial or personal interests.

The task force recommends that any such municipal code of ethics be applicable to all elected or appointed officials and all part-time or full-time employees of such municipality, whether paid or
volunteer. The task force recommends that the General Assembly carefully consider the implications of existing collective bargaining agreements or departmental codes when developing enabling legislation.

The task force makes the following recommendations with regard to the issue of municipal ethics enforcement:

- Municipalities should have options with respect to enforcement. By a date certain, each municipality should have to do one of the following, or a combination thereof: (1) Establish an ethics commission, (2) join a regional ethics commission, or (3) have the Office of State Ethics handle enforcement. If the town fails to enact either of the first two options, the third option should go into effect automatically after such date. The task force is concerned about potential consequences of appeals to the Office of State Ethics in terms of cost, burden and consistency. If the General Assembly provides for such appeals in enabling legislation, the task force suggests that such appeals be made on the record. The task force thinks that it is important to support and not undermine the difficult work of local ethics commissions. The authority of any such commission to levy a fine should be augmented to increase the amount of such permissible fine. However, municipal ethics commissions should not have the authority to remove any public official from office. A municipal ethics commission, following a full hearing on the matter by such commission, should have the ability to recommend to the appropriate authority, as determined by law, that an appointed official or employee or an elected official or employee be removed. A municipal ethics commission should have the authority to refer findings concerning any such recommended removal to the Chief State's Attorney's Office.

- The task force recommends that any municipal ethics enforcement body, municipal or regional, have: (1) Both the power and procedures in place for receipt of citizen complaints and adjudication and resolution of such complaints, and (2) the authority to issue advisory opinions.

- The task force recommends that special districts such as fire or water districts, which are not municipalities, be subject to any such municipal ethics code and enforced by a municipal board of ethics. Additionally, the task force recommends that the General Assembly
evaluate how other political subdivisions of the state, which are not municipalities, be regulated in the area of ethics.

• The task force recommends that the Office of State Ethics send out a reminder to all municipalities on the first anniversary of any such enabling legislation of such legislation's key provisions. On the second anniversary of such legislation, the Office of State Ethics should survey each municipality to determine which municipalities have met the requirements of the legislation. The task force further recommends that any municipality that meets the standards of the enabling legislation as to enforcement not be subject to state enforcement of its code and that any municipality that terminates its code should be subject to state enforcement of its code.
Appendix 1
MEMBER AND APPOINTING AUTHORITY

Representative James F. Spallone, appointed by House Speaker James Amann;

Senator Gayle Slossberg, appointed by Senate President Pro Tempore Donald Williams;

Linda C. Smith-Criddle, appointed by House Speaker James Amann;

Gerald Weiner, appointed by Senate President Pro Tempore Donald Williams;

Stephen Hudspeth, appointed by House Minority Leader Lawrence Cafero;

Robert Valentine, appointed by Senate Minority Leader John McKinney;

Lawrence Kendzior, appointed by House Majority Leader Christopher Donovan.
Appendix 2
Municipal Ethics and State Government:

Four Approaches and Their Application

To Connecticut State Government

October 31, 2006
STATEMENT OF PURPOSE

At present, the Connecticut Office of State Ethics (OSE) does not play a role in the drafting or administration of municipal ethics Codes and Statutes in Connecticut. Nevertheless, the OSE receives complaints about alleged violations of municipal ethics codes at least weekly. The majority of these local-level complaints do not relate to problems that implicate ethics issues. Rather, in many instances, they concern conduct that may be actionable under civil or even criminal laws. In recent Connecticut General Assembly sessions, legislators have proposed that the OSE become involved with municipal ethics. At the request of State Representative Christopher L. Caruso (D-Bridgeport), the OSE examined how some other state governments address municipal ethics. OSE's findings will be reported to the General Assembly.

The methods employed by other states to address ethics on a municipal level generally fall into four categories that are discussed in detail in the following pages. These categories represent four approaches to municipal ethics: (1) state ethics law includes municipalities, (2) partial inclusion of municipal ethics by the state, (3) application of strictest code, and (4) model code.

INTRODUCTION

Current Regulation of Municipal Ethics in Connecticut

Connecticut cities and towns have recently dealt with myriad highly-publicized ethics problems. In response, in 2004, Connecticut Common Cause prepared a municipal ethics survey that looked at all 169 towns in our state. The survey revealed that 107 out of 169 total municipalities in Connecticut (i.e., 59%) have some version of an ethics code in existence for
their officials and employees. The report portion of the Common Cause survey states, "A code of ethics is only as strong as the provisions it contains." Even with such a code in place, these municipalities experienced well-documented ethics troubles involving matters pertaining to school construction, housing appraisals, zoning board and selectman conflicts of interest and gills for, among other things, municipal soccer fields.

Furthermore, there exists great variation among municipal codes regarding regulated conduct, prohibitions, investigations and enforcement. For example, in the Common Cause study cited above, only 10 (6%) of the municipalities with ethics codes were found to require statements of financial interests. Approximately 54 percent of Connecticut municipalities' codes contained gill provisions and also required public officials to disclose conflicts of interest. Only 38 percent of municipal codes prohibited employees subject to such codes from appearing before the city or town for their private interests. Because of the very limited reach of some towns' codes, Common Cause designated 17 of the 107 towns with municipal codes as having only partial codes.

FOUR BASIC APPROACHES TO STATE INVOLVEMENT IN MUNICIPAL ETHICS CODES

Some states have employed oversight by their state-level ethics commission rather than solely rely on local governments to devise, administer and enforce their own ethics codes. There are four primary approaches by which state government has dealt with municipal ethics.
Approach 1: State Ethics Law Includes Municipalities (Alabama)

In the first approach, the state government includes municipal public officials and/or employees in the pool of individuals subject to the state ethics code. Alabama’s Code of Conduct, for example, defines those who are subject to such code as follows:

(24) Any person elected to public office, whether or not that person has taken office, by the vote of the people at state, county or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county or municipal level of government or their instrumentalities, including governmental corporations. For purposes of this chapter, a public official includes the chairs and vice-chairs or the equivalent offices of each state political party as defined in Section 17-16-2

Alabama's Code of Ethics §§ 36-25-1 through 36-25-30 was enacted in 1975 and specifically includes all levels of government in its provisions. The primary advantage of this approach is that enforcement, education and disclosure regulations are applied uniformly across all levels of government. One disadvantage of the unified approach is the cost to the state. Another disadvantage is that applying ethics laws on both the state and local level can result in needless overlap and confusion, because of the unique ethics needs found at different levels of government. Finally, state administration of local ethics laws may cause local citizens to feel that they have little or no power in how their municipal ethics laws are administered.

Approach 2: Partial Inclusion of Municipal Ethics by the State (Massachusetts and Texas)

The Commonwealth of Massachusetts subjects local jurisdictions only partially to the state ethics law. Included in the Massachusetts ethics law are provisions for gifts, post-state employment, financial disclosure, conflicts of interest and outside employment that pertain to
local and state-level public officials and employees. Moreover, some provisions apply only to local governments and not to the state government. Just as in the first approach, although making municipalities subject to the state law ensures a measure of uniformity across the state, it creates an increased financial burden on the state. For example, in Massachusetts there are 351 municipalities. The Massachusetts State Ethics Commission (MASEC) alone interprets and enforces the ethics laws for both state and local compliance.

Another state that uses this partial approach is Texas, although with a slightly different administrative structure. In Texas, violations at the municipal level are handled by the Municipal Affairs section of the Office of the Attorney General, in accordance with the Texas Penal Code. The Texas Ethics Commission, which deals with state level ethics violations, does not get involved with municipalities, except that it has enforcement authority for campaign finance and political advertising issues at both the state and municipal levels. Even though there is an ethics code, the Texas Attorney General's office appears to rely primarily on the Texas Penal Code, Chapter 36, to deal with issues of Bribery, Gift and Honorarium laws, and Chapter 39, covering Misuse of Government Resources.

Approach 3: Application of Strictest Code (Delaware and New Jersey)

A third approach, utilized in Delaware, requires municipalities to follow the state's ethics code only if the city or town has not developed a code of its own that is at least as stringent as the state's law. In 29 Del. C., Chapter 58 this "minimum standard" is clearly stated:

Code of Conduct -Ethical standards for all State Executive branch employees (rank and file), officers (Senior level & Elected officials) and honorary State officials (appointees to State Boards & Commissions). The standards apply to all local governments unless they adopt their own Code of Conduct which this Commission must approve as being at least as stringent as the State law.
By requiring that municipalities with their own codes adhere to a minimum standard (i.e., the slate's code), the slate encourages acceptable local ethics input and policies while minimizing slate-level administration. But in fact, only seven of Delaware's 59 municipalities have drafted their own ethics laws, thus creating a burden on state government. In a conversation with a staff member at the Delaware Public Integrity Commission, a commonly-stated reason for this municipal inaction is the belief at the local level that a state agency will handle issues in a less biased manner than would local appointees.

A potential pitfall with this approach lies in the differences inherent between municipal and state ethics issues. For example, in Delaware, the Public Integrity Commission has had to address an abundance of land-use concerns which fall outside the realm of ethics law. Further, the Public Integrity Commission noted that enforcement often becomes backlogged due to insufficient attorney staffing. Attorney Janet Wright, Public Integrity Commission Counsel, stated that at the state-government level alone, she is responsible for education, compliance and enforcement for 58,000 employees and public officials. Because her staff consists of only one Administrative Assistant, it is unlikely that many (if any) ethical violations on the local level are addressed.

A similar approach is used in New Jersey, where municipalities and counties are addressed in N.J. Stat. § 40A:9-22.4. This separate statute tasks the Local Finance Board in the Division of Local Government Services, Department of Community Affairs, to "govern and guide" local government officers and employees. Here, as in Delaware, there is a caveat stating that the statute applies to: "local government officers and employees . . . who are not otherwise regulated by a county or municipal code of ethics promulgated by a county or municipal ethics board in accordance with the provisions of this act." In practice, only 42 out of 587 jurisdictions
in New Jersey have chosen to promulgate and enforce their own ethics codes. Paul Cantillo, a prominent retired state legislator who also once served on the state's Local Government Finance Board, was quoted as calling the Board "a farce for enforcement." Although it might seem that having a separate agency tasked only to administer municipal ethics codes and issues would result in efficiency and effectiveness, Contillo indicated in a newspaper interview that the opposite has occurred. Since 1991, the state Board has not pursued any complaints to completion relating to improper gifts received by city or town officials in exchange for influence. Echoing the Common Cause survey, Cantillo further states, "The enforcement part of the law is the will. And there is no will on the Local Government Finance Board."

Approach 4: Model Code (Tennessee)

A fourth approach, only slightly different from the third, is being implemented currently in Tennessee. The new Tennessee law mandates that municipalities must adopt the Municipal Technical Advisory Service (MTAS) model code of ethics by July 1, 2007. Otherwise, they must draft a new local ordinance that meets the standards of the model code. The penalty for municipal governing bodies that do not comply is the ouster of local officials from office. The MTAS is a joint project of the University of Tennessee and the Tennessee Municipal League.

This model code gives municipalities substantive guidance without creating significant oversight burdens for the state. However, the mechanics of implementation have given rise to complaints from municipalities about duplication and waste of time and money. This is because municipalities cannot submit their existing codes for approval without significant readjustment to meet the state's standards and to adopt new effective dates." Those localities that opt for accepting the MTAS Model Code must simply send in a written statement that they have adopted
said code and provide the date of adoption. Some municipalities have complained that reworking their existing ethics ordinances to comport with the MTAS Model Code is too onerous and almost "forces" them to choose the quicker, cheaper path of adopting the MTAS Code.

Tennessee's state provisions cover municipalities in two main areas: rules relating to gifts and disclosure of personal interests. On the enforcement side, the Model Code (Section 10) provides for enforcement by the City Attorney of the municipality raising the issue. A concern here is providing smaller jurisdictions with an alternative if they do not have a City Attorney. It should also be noted that the potential for conflicts of interest is great within smaller municipalities.

CONCLUSIONS

In all the states reviewed, as well as in the Common Cause study, citizens' preference appears to strongly favor local government control of the formation and administration of ethics laws. Many local council members have also debated whether jurisdiction concerning ethics matters should rest with an independent regional or local ethics commission. Finally, trying to adopt a workable system to draft statutes, resolve local ethics issues and enforce a statewide code can create expense and confusion when regulators at the state level must take into account the disparities among the ethics concerns of large urban areas, affluent suburbs, and small rural towns.

QUESTIONS THAT MUST BE ANSWERED BY THE GENERAL ASSEMBLY

In dealing with the issue of the involvement of state government in local ethics regulation, the General Assembly must consider the following questions:
1. Would a system controlled by a state agency such as the Office of State Ethics be considered an interference rather than an assistance to municipal governments?

2. Would any state agency intervention or oversight interfere with or diminish already existing municipal ethics ordinances?

3. Who would bear the burden of the costs of municipal ethics administration, which, among others, include:
   a. drafting the statutes;
   b. educating the regulated parties;
   c. administering the regulations; and
   d. enforcement (auditing, investigating, holding hearings and collecting fines).

OSE PRELIMINARY RECOMMENDATIONS

The Office of State Ethics recommends that hearings be held to give the public at large an opportunity to contribute to this debate. Besides the general public, those encouraged to participate in these hearings should include representatives from similarly situated states, such as Massachusetts, experts from the college and university communities, and civic-minded members of the Connecticut bar. In addition, all affected branches of state government should also be consulted – notably the State's Attorney and Attorney General's Offices. We suggest that the hearings be completed by December 31, 2007, so that the best recommendations can be made to the General Assembly. The hearings would serve to develop a workable format for the relationship between state government and municipalities relating to the administration of ethics codes.

Beyond hearings for public comment and debate, it is the opinion of the Office of State Ethics that a workable solution may lie in OSE's development of a "best practices" ethics code, which municipalities may voluntarily adopt. This will provide the guidance towns and municipalities need in order to move towards more transparency and consistency of standards in
municipal government. The voluntary nature of this approach would allow local governments to retain their autonomy while avoiding a costly impact at the state level.

Footnotes

4 "III Case Against Marilyn Gould," VILTON BULLETIN, July 13, 2006. (Second Selectman Gould was found not to have violated the municipality's Code of Ethics.)
6 "Id.
7 "Id.
8 "Id.
9 "Id.

A study from the Council on Governmental Ethics Laws (COGEL) Blue Book 2005 serves as the basis of some of the following information. The COGEL study sample included only those state government agencies that self-reported their direct involvement in municipal ethics. The sample also purposely excluded states whose primary involvement in municipal ethics dealt with campaign finance. The final sample in the COGEL study included 15 states, several of which are selected for discussion below based on their implementation of one or more of the four models of approach considered worthwhile for exploration in Connecticut.

12 Under Public Chapter No. 1 of the Extraordinary Session of the 2006 General Assembly, each municipality must newly adopt an ethics code unless it opts to endorse the MTAS model code.
Appendix 3
June 4, 2008
Presented by the
Carol, Carson, Office of State Ethics
Municipal Task Force

"[N]o responsibility of government is more fundamental than the responsibility for maintaining the highest standards of ethical behavior by those who conduct the public business...This principle must be followed not only in reality, but in appearance. For the basis of effective government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter"

John F. Kennedy
Address to Congress
April 27, 1957


Origins and content

- Proposed Legislation to have OSE become involved in local ethics
- Rep. Caruso asked for Report on other state models
- Legislature created Task Force to consider the OSE's recommendation that an ethics code for municipalities be implemented for voluntary adoption by municipalities and report back to the Legislature
- What I'd like to do is present information on the state of ethics at state level, then the state of ethics at the municipal level and finally some considerations for the task force about approaching the issue of municipal ethics codes

State of State Ethics

OSE Mission
• Provides guidance, advice and education about the Code of Ethics for Public Officials, State Employees and Lobbyists
• Enforces violations of the codes
• Collects and maintains Statements of Financial Interest
• Collects and maintains Lobbyist Registrations and Financial Reports

**Code of Ethics for Public Officials**

• Restrictions in 7 major areas
  o Gifts
  OSelfDealing/Nepotism
  OInside Track/Contracting with Government
  o Switching Sides
  ORevolving Door
  DAbuse of Position
  DConfidential Information

**SFIs**

• Statements of Financial Interest serve two purposes:
  OTransparency - Provide the public with knowledge of public officials' interests and relationships
  DSelf-review - Require public officials to conduct an annual review of their own interests to avoid inadvertent conflicts of interest

**Lobbying**

• A **lobbyist** is any person or entity who is communicating directly or soliciting others to communicate with any official or his/her staff in the legislative or executive branch of government or a quasi-public agency for the purpose of influencing any legislative or administrative action.

  • Such individuals and entities are required to register as lobbyists if they
    o Expend or agree to expend $2,000 or more in a calendar year on lobbying; OR
Receive or agree to receive $2,000 or more in a calendar year for lobbying

- Serve two purposes
  - Transparency - Provide the public with knowledge of who's influencing government action
  - Regulates how lobbyists conduct themselves in influencing government action

**State of Municipal Ethics**

**Connecticut General Statutes on Municipalities**

- Presently, Connecticut municipalities have discretionary authority to
  - adopt a municipal code of ethics
    - No standards for what code should or should not include except
    - Restricts elected municipal officials from taking official action on any matter in which they may have a substantial conflict of interest.
- Establish a board to investigate allegations of unethical conduct, corrupting influence or illegal activities
  - Confidentiality of investigations
  - Authority to issue subpoenas
- Civil penalties of up to $250 for ethics violations (no ability to recoup financial benefits) (State $10,000 + recoupment)

**Model Code Law**

- 1994 Former Commission to develop model code of ethics for any municipality or special district to adopt and accept Commission's jurisdiction; in 1995 law was amended to authorize Commission to draft and distribute model code but not administer or enforce its provisions, leaving that to municipalities

- N.B.: Deals with code for public officials/employees including SFIs but not lobbyists
(Our research indicates Bridgepmi has lobbying code based on state code but our understanding it is not enforced)

**Current state of ethics**

• As of today, while we don’t have much information, we know that Connecticut municipalities
  - D Adopted the 1995 model code
  - D Modeled their code on the 2005 State Code of Ethics and/or modified elements of the State Code to suit the needs of the municipality
  - D Created their own code, which may contain elements of the 1995 or 2005 State code
  - D Do not have a code of ethics in place

**Other States**

• Full Inclusion of Municipalities under State Ethics Boards (AL)
  - D Code of Ethics
  - D Statements of Financial Interest
  - D Lobbyists

• Partial Inclusion of Municipalities under State Ethics Boards
  - o Only Code of Ethics in municipalities - not SF! or Lobbyist (MA)
  - o Other Agencies enforce municipal ethics

• Application of Strictest Code (DE, NJ)
  - o Municipalities follow state code (including enforcement) *unless* they have a code at least as restrictive as state code and it is approved by the Ethics Board

• Model Code (TN)
  - o Adopt state model code or local code that meets state standards - local enforcement
  - o Penalty for failure to adopt is ouster of local officials from office

**Models for Connecticut Municipal Ethics**
• We receive several calls a week from municipalities about ethics issues ranging from:
  • municipal counsel seeking advice about how we would interpret a municipal code - which we have no authority to do
  • complaint not related to ethics (FOI, police conduct, neighbor's dirty yard)
  • complaints that may violate a local ethics code
  • complaints that would be investigated were they about state officials or employees
  • complaints about the local ethics board
    o The process for selecting Board members is not impartial
    o The process for investigating complaints is unfair

• There are a number of alternatives that could strengthen and, perhaps just as important, standardize municipal ethics. Most effective alternatives would include a three-pronged approach that includes:
  • Education
  • Prevention through advice
  • Enforcement

**Municipal-based proposals**

• Any municipal-based ethics program should address: (Bricks and Straws article)

  • Board structure and independence (appointment process, who is appointed, who accountable to)
  • Integrity of process - safeguard from political pressure
  • Accountability of both
  • Confidentiality
  • Fair, clear, consistent advice and enforcement
  • Finally, resources are needed to complete the three pronged approach, i.e., enforceability
• Model Code - Legislation
  o A single model code that is voluntarily adopted and enforced by towns
  o A single model code that is mandated for adoption and enforcement by towns
  o A three layer model code with provisions for large cities, medium sized cities and towns and small towns (based on population)

• Regionalization
  o Cities and towns form regional ethics bodies
    o Decreases financial burden
    o Increases independence

The Role of the OSE in municipal ethics

• Full inclusion
  DOSE enforces current codes at municipal level
  DOSE enforces new codes for municipal officials and state employees and municipal lobbyists

• Partial Inclusion
  DOSE enforces code of ethics but SFI and or lobbying is voluntary and local

• OSE creates model code - 3 layer codes by population size NOT each town adopting its own code if OSE is to enforce

  DOpt out - Towns are subject to enforcement by OSE unless they create code approved by OSE

  DOpt in - Municipalities adopt model code and choose enforcement by OSE

• OSE serves as Board of Appeal for local ethics decisions
  • OSE oversees regional ethics boards
  • OSE travels a regional ethics circuit to avoid the expense/time of all hearings occurring in Hartford
  • Each municipality establishes an ethics liaison position to which the OSE provides education, guidance and resources
Questions to consider

Code of Ethics

• What does municipal ethics mean?
  DCode of Ethics
  DSFI
  DLobbyist

Code of Ethics

  • What should the municipal code of ethics include? - 7 major areas (Gifts, Self-Dealing/Nepotism, Inside Track!Contracting with Government. Switching Sides
  • Revolving Door, Abuse of Position, Confidential Information)

Financial Disclosure and Lobbyist Filings programs

SFIs  • Who should file?
      DAre SFIs of value for elected officials?
      DWhich municipal employees should file?
      DNeeds of Small towns vs. Large cities
      • What should be filed?
        DSame as state or different?

      • How will records be filed and maintained?
        DOnline or paper
        DCentralized at OSE or city and town clerks

Lobbyists  • Who should file?
          ODefinition of municipal lobbyist?
          OS$2,000 threshold?
          DNeeds of Small towns vs. Large cities
          DHow to identify who should file?

      • What should be filed?
        DSame as state or different?
- How will records be filed and maintained?  
  - Online or paper
  - Centralized at OSE or city and town clerks

**Resources**

- State vs. Local impact - who pays?
- Implementation Costs
- Ongoing Costs
- Cost of Prevention vs. Cost of Enforcement

- The OSE is the expert on Government Ethics in CT
  - We are able to provide advice, guidance and education, to enforce the code, to administer the financial interest filing and lobbyist filing
  - We're not clamoring to take on municipal ethics but are willing to do so if it is the will of the legislative process
  - Biggest need, should this task force recommend that the OSE have responsibility for municipal ethics, is resources; depending on the responsibilities and jurisdiction of any new laws, the size of the Office of State Ethics could as much as double from current staff of 21 full-time employees in order to fulfill the mandate for municipal ethics
MEMORANDUM

TO: Municipal Ethics Task Force
FROM: Carol Carson, Executive Director
SUBJECT: Impact of Legislative Proposals on the Office of State Ethics
DATE: December 2, 2008

I. INTRODUCTION

The Legislative Municipal Ethics Task Force has asked the Office of State Ethics (OSE) to outline the impact that various legislative proposals would have on the OSE:

A. a mandate that each community adopt an ethics code which meets certain minimum standards
B. a mandate that each municipality choose between one of three options:
   1. Adopt an ethics code with certain minimum standards and create a local ethics commission which would also have minimum standards mandated by state law regarding its makeup, powers and responsibilities for providing opinions and enforcing the code
   2. Adopt an ethics code with certain minimum standards and participate in a regional ethics commission
   3. Fall under OSE jurisdiction and opt to have the OSE serve as the board of first impression
C. the establishment of the OSE as the appellate review board for all matters reviewed by local or regional commissions or following OSE "first impression" decisions
D. a mandate that municipal public officials and employees attend training on the minimum standards

II. DISCUSSION

A. EACH MUNICIPALITY ADOPTS A CODE

1. Municipal code enforced at municipal or regional level

Presently, under section 7-148 of the Connecticut General Statutes, municipalities have the authority to adopt, in their discretion, a code of ethical conduct. The proposed mandate would require all municipalities to adopt a code that meets minimum legislative standards.¹

¹Such a code could contain different options depending on the size of the population of the municipality. Attachment 2 is a memorandum to Rep. James Spaulding dated October 27, 2008, which outlines such options.
Whether in addition to the mandated adoption of an ethics code, the proposal also includes a requirement that all municipalities establish an ethics advisory and enforcement mechanism through local or regional boards or commissions, such mandate would have no fiscal impact on the OSE.

**ESTIMATED COST:** $0


In 1995, the State Ethics Commission, the predecessor of the OSE, created a model code (Attachment 1) pursuant to P.A. 94-172; amended by P.A. 95-291. The minimum standards in the 1995 model code address:

- disclosure and recusal when a conflict of interest arises
- prohibitions on gifts which might influence the action or judgment of municipal officials or employees
- prohibitions on the use of municipal property for personal or political use
- restrictions on representing private interests before the board or commission on which one serves or by which one is employed while on the board and for a period after leaving such board or commission
- prohibitions on the use of position to advance private interests of oneself or others
- confidentiality restrictions
- prohibitions regarding contracting with the municipality

While the 1995 model code needs some updating, the impact of requiring the OSE to update the model code for adoption by municipalities would be minimal. However, if legislation requires municipalities to adopt a code that meets minimum standards and requires the OSE to review each code to ensure its compliance with such standards, the addition of an attorney to the staff of the Legal Division of the OSE would likely be required to conduct such reviews, particularly if the legislation required regular reviews of the codes by municipalities.

**ESTIMATED COST:** $100,000 or more

B. **EACH MUNICIPALITY TO CHOOSE BETWEEN ONE OF THREE OPTIONS:**

1. Adopt an ethics code with certain minimum standards and create a local ethics commission which would also have minimum standards mandated by state law regarding its makeup, powers and responsibilities for providing opinions and enforcing the code

If municipalities choose to have local ethics boards or commissions there would be no fiscal impact on the OSE.

**ESTIMATED COST:** $0

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2 Please note that an amendment of certain underlying state statutes applicable to municipalities would be required before a municipality could adopt some of the model code provisions. In the 1995 model code, these inconsistent provisions dealt with the disclosure and recusal process involving conflicts of interest, applicable penalties for violations of the ethics code, appeals process, and enforcement procedures.
2. Adopt an ethics code with certain minimum standards and participate in a regional ethics commission

If municipalities choose to have regional ethics boards or commissions there would be no fiscal impact on the OSE. (This assumes that the regional ethics boards would be instrumentalities of the member towns and that the OSE would have no involvement in them. If the OSE were to have responsibility for regional boards, the cost could be very significant and would depend on the number of regional boards and the level of involvement of the OSE.)

**ESTIMATED COST:** $0

3. Fall under OSE jurisdiction and opt to have the OSE serve as the board of first impression

If municipalities that failed to meet the mandate to create a code by a certain were then under the jurisdiction of the OSE and the model code, the OSE would need to expand its staff. Depending on the number of municipalities that choose, or by default fall under, the jurisdiction of the OSE, the OSE would need to add one or more attorneys and related support staff in both the enforcement division, to investigate and prosecute violations of the code, and the legal division to interpret the code and provide advice to officials and employees in those towns regarding the application of the code. Questions to consider include how and when municipalities that fall under OSE jurisdiction could opt to switch to their own code and how funding should be structured if many or few towns opt for OSE jurisdiction.

**ESTIMATED COST:** $250,000 or more

C. **OSE AS THE APPELLATE REVIEW BOARD**

Establishing the OSE as the appellate review board would require additional staff, a minimum of an attorney, a paralegal and an office assistant, to manage the review process. Depending on the requirements of the legislation, the costs for hearings before a judge, trial referee and/or the CEAB would also incur costs. Such factors could include whether the appellate review would be de novo, whether the appellate review would review the merits of the matter being reviewed or, as has been suggested, only the process to determine solely that the local or regional board properly reviewed the matter. Issues involving confidentiality should also be considered.

Note that municipalities would potentially incur costs if the OSE is the appellate review board because each matter would have to have a complete record in order for the OSE to conduct a review.

**ESTIMATED COST:** $200,000 or more

D. **ETHICS TRAINING MANDATE**

Legislation requiring the OSE to provide municipalities with ethics training would require, at a minimum, the addition of a municipal trainer and a support staff position. While many municipalities would require only one or two training a year (one in the day for employees and one at night for board members and volunteers), larger towns and cities could require several trainings...
to reach all municipal employees and public officials. Another factor that could affect costs would be whether each municipality had its own code that required training by the OSE or the training provided by the OSE would be related to the model code or minimum standards. In the latter case, municipalities would have to provide additional training. Other training considerations: Would the OSE provide training on the minimum standards? On the public policies that underlie the mies of the code? On ethical values and ethics-based decision making? Another training model to consider would be the establishment of 'ethics audits' provided to municipalities by the OSE. These audits would review local codes, commission records and other practices related to ethics. Such a model would involve increased costs.

The OSE could, at no additional cost, create and maintain an online training program similar to the state online training program now available at the OSE website and other electronic media, such as DVDs and streaming video could be created at minimal cost.

ESTIMATED COST: $120,000 or more

III. SUMMARY

The Municipal Ethics Task Force has a wide range of options when taking into consideration the fiscal impact on both the OSE and municipalities. If the task force recommends a specific course of action, the OSE is ready to provide assistance to the legislature and all the interested parties in addressing specific legislative proposals regarding municipal ethics and their impact on the OSE.
Statement of Purpose.

Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of the municipality, and it must be based on honest and fair deliberations and decisions. This process must be free from threats, favoritism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By enacting this Code, this municipality seeks to avoid any loss of trust and to maintain and increase the confidence of our citizens in the integrity and fairness of their government.

Section 1-1. Definitions.

(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.

(h) "Business with which he is associated" means a business of which the person or a member of his immediate family is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent 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) "Commission" means the municipal ethics commission established in section 1-2.

(e) "Financial interest" means any interest with a monetary value of $100 or more or which generates a financial gain or loss of $100 or more in a calendar year.

(t) "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 §333b;

(2) services provided by persons volunteering their time;

(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 (A) an individual's spouse, fiance or fiancee, (b) the parent, brother or sister of such spouse or such individual, or (C) the child of such individual or the spouse of such child;

(5) goods or services which are provided to the municipality and facilitate governmental action or functions;

(6) a certificate, plaque or other ceremonial award costing less than one hundred dollars;

(7) a rebate or discount on the price of anything of value made in the ordinary course of business without regard to that person's status;

(8) printed or recorded informational material germane to governmental actions or functions;

(9) items of nominal value, not to exceed ten dollars, 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 and/or the registration or entrance fee to attend such an event, in which the public employee or public official participates in his official capacity;

(12) a meal provided in the home by an individual who resides in the municipality;

(13) gifts in-kind of nominal value not to exceed $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/bat mitzvahs, provided the total value of such gifts in any calendar year do not exceed fifty dollars.

(g) "Immediate family" means any spouse, child or dependent relative who resides in the individual's household.

(h) "Individual" means a natural person.

(i) "Individual with whom one is associated" means an individual with whom the person or a member of his immediate family mutually has an interest in any business.

(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) "Person" means an individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.
"Personal interest" means an interest in any action taken by the municipality in which an individual will derive a nonfinancial benefit or detriment but which will result in the expenditure of municipal funds.

"Public employee" means a person employed, whether part-time or full-time, by the municipality or a political subdivision thereof.

"Public official" means an elected or appointed official, whether paid or unpaid or full or part-time, of a municipality or political subdivision thereof, including candidates for the office; and shall also include a district officer elected pursuant to Conn. Gen. Stat. §7-327.

"Special district" means a district established pursuant to Cmm. Gen. Stat. §7-324.

"Municipality" shall include any special district contained therein.

Section 1-2. Municipal ethics commission. Members; appointment; qualifications; vacancies; political activity.

(a) There shall be a municipal ethics commission consisting of five members. The members shall be appointed by unanimous vote of the Board of Selectmen (Town Council) for a term of three (3) years, except that, of the initially appointed members, one (1) shall serve for one (1) year, two (2) for two (2) years, two (2) for three (3) years. No individual shall be appointed to more than one three-year term, provided that members may continue in office until a successor has been appointed. No more than three shall be members of the same political party.

(b) All members shall be electors of the municipality. No member shall (1) hold or campaign for any public office; (2) have held public office or have been a candidate for public office for a two-year period prior to appointment; (3) hold office in any political party or political committee; or (4) serve as a member of any other municipal agency.

(c) (1) Although any member or employee of the Commission shall have an unrestricted right to vote, make political contributions, attend fundraising or other political events, J:\O member or employee shall publicly support any candidate for any municipal office subject to the Commission's jurisdiction. An individual would be publicly supporting a candidate by, for example, volunteering as a campaign worker, giving a speech at a political event or formally endorsing a candidate. (2) No candidate for political office may disseminate information which indicates that a Commission member or employee supports his or her candidacy.

(d) The 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.

Section 1-3. Duties of commission re reports, advisory opinions, memoranda, and regulations. Employment of necessary staff.
(a) The commission shall: (1) 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; (2) issue advisory opinions with regard to the requirements of this code upon the request of any person. 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; (3) report annually on or before February 1 to the [Board of Selectman or Town Council or Special district board] summarizing the activities of the commission.

(b) The commission may adopt, after a public hearing, rules and regulations not inconsistent with this Code for the administration and implementation of the Code.

(c) The commission may employ necessary staff or outside counsel within available appropriations.


(a)(I) Upon the complaint of any person on a form prescribed by the commission, signed under penalty of false statement, or upon its own complaint, the commission shall investigate any alleged violation of this code. (2) Not later than ten (10) 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) 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 constitute a violation of any provision of the Code. If the commission determines that the complaint does not allege sufficient acts to constitute a violation, the commission shall dismiss the complaint and duly notify the complainant and respondent by registered or certified mail. (4) If the commission determines that the complaint alleges sufficient acts to constitute a violation, then within thirty (30) days after so determining, the commission shall fix a date for the commencement of the hearing on the allegation contained therein. The hearing date regarding any complaint shall be not more than sixty (60) days after the filing of the complaint.

(b)(I) In the conduct of its investigation of an alleged violation of this 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 books and papers which the commission deems relevant in any matter under investigation or in question. In the exercise of such powers, the commission may use the services of the municipal police, who shall provide the same upon the commission's request. (2) The respondent shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses.
(c) 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.

(d) Any hearing conducted by the commission shall be governed by the administrative rules of evidence.

(e) No complaint may be made under this code except within five years next after the violation alleged in the complaint has been committed.

(f) No person shall take or threaten to take official action against an individual for such individual’s disclosure of information to the commission under the provisions of this code. After receipt of information from an individual, the commission shall not disclose the identity of such individual without consent unless the commission determines that such disclosure is unavoidable during the course of an investigation.

Section 1-5, Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings.

(a) Unless the commission makes a finding of a violation, a complaint alleging a violation shall be confidential except upon the request of the respondent.

(b) Prior to the filing of a complaint, the commission may conduct a preliminary investigation to determine whether the filing of a complaint is warranted. This preliminary investigation shall be confidential except upon the request of the respondent. If the investigation is confidential, any allegations and any information supplied to or received from the commission shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or commission or staff member.

(c) If the commission makes a finding of no violation, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No complainant, respondent, witness, designated party, or commission or staff member shall disclose any party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. The commission shall inform the complainant and the respondent of its finding by registered or certified mail not later than three business days after termination of the hearing or investigation.

(d) The commission shall make public a finding of a violation not later than five business days after the termination of the hearing. At such time, the entire record of the investigation shall become public. The commission shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making such a finding by registered or certified mail not later than three business days after termination of the hearing.

(e) 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 1-6. Penalties.

(a) Violation of any provision of this Code shall constitute grounds for, and may be punished by (1) public censure and reprimand; (2) in the case of a public employee, dismissal from employment or suspension from employment for not more than 90 days without pay; (3) a civil penalty of not more than $1,000 per violation; or (4) restitution of any pecuniary benefits received because of the violations committed.

Section 1-7. Conflicts of interest.

(a) No public employee or public official shall engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of his official responsibilities in the public interest or which would tend to impair his independent judgment or action in the performance of his official responsibilities.

(b)(1) No public employee or public official shall solicit or accept any gift from any person which to his knowledge is interested in any pending matter within such individual's official responsibility. (2) If a prohibited gift is offered, he must refuse it, return it, pay the donor the full value of the gift, or donate it to a non-profit organization provided he does not take the corresponding tax write-off. Alternatively, it may be considered a gift to the municipality provided it remains in the municipality's possession permanently.

(c)(1) A public employee or public official shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if he, a business with which he is associated, an individual with which he is associated, or a member of his immediate family, has a financial or personal interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to the municipality. (2) If such participation is within the scope of the public employee's or public official's official responsibility, he shall be required to provide written disclosure, which sets forth in detail the nature and extent of such interest, to the Commission. (3) Notwithstanding the prohibition in subsection (c)(1), a public employee or public official may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the municipality.

(d)(1) Except for a public official who receives no compensation for his service to the municipality other than per diem payments and reimbursement of expenses, no public employee or public official shall appear on behalf of private interests before any board agency, or committee of the municipality. (2) Except for a public official who receives no compensation for his service to the municipality other than per diem payments and reimbursement of expenses, no public employee or public official shall represent private interests against the interest of the municipality in any litigation to which the municipality is a party.

(e) Nothing contained in this code shall prohibit or restrict a public employee or public official from appearing before any board or commission of the municipality on his own behalf, or from
being a party in any action, proceeding or litigation brought by or against the public employee or public official to which the municipality is a party.

(f) No public employee or public official shall disclose confidential information concerning municipal affairs, nor shall he use such information for the financial interests of himself or others.

(g) No public employee or public official shall request or permit the use of municipal-owned vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such are available to the public generally or are provided as municipal policy for the use of such public employee or public official in the conduct of official business.

(h) No public employee or public official, or a business with which he is associated, or member of his immediate family shall enter into a contract with the municipality unless it is awarded through a process of public notice and competitive bidding.

(i) No public employee or public official may use his position or office for the financial benefit of himself, a business with which he is associated, an individual with which he is associated, or a member of his immediate family.

(0) No public employee or public official shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event, in his official capacity.

(k) No public employee or public official, or member of such individual's immediate family or business with which he is associated, shall solicit or accept anything of value, including but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.

Section 1-8. Paid consultants of the municipality.

(a) (1) No paid consultant of the municipality shall represent a private interest in any action or proceeding against the interest of the municipality which is in conflict with the performance of his duties as a consultant. (2) No paid consultant may represent anyone other than the municipality concerning any matter in which he participated personally and substantially as a consultant to the municipality. (3) No paid consultant shall disclose confidential information learned while performing his duties for the municipality nor shall he use such information for the financial interests of himself or others.

Section 1-9. Former public employees/officials.

(a) No former public employee or public official shall appear for compensation before any municipal board or agency in which he was formerly employed at any time within a period of one year after termination of his service with the municipality.
(b) No former public employee or public official shall represent anyone other than the municipality concerning any particular matter in which he participated personally and substantially while in municipal service.

(c) No former public employee or public official shall disclose or use confidential information acquired in the course of and by reason of his official duties, for financial gain for himself or others.

(d) No former public employee or public official who participated substantially in the negotiation or award of a municipal contract obliging the municipality to pay an amount of $100,000 or more, or who supervised the negotiation or award of such contract shall accept employment with a party to the contract other than the municipality for a period of one year after such contract is signed.

Section 1-10. Statements of financial interests. Filing requirements.

(a)(1) All public officials and such public employees as the Mayor [First Selectman] shall designate shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the commission on or before the May first next in any year in which he holds such a position. Any such individual who leaves his office or position shall file a statement of financial interests covering that portion of the year during which he held his office or position. The commission shall notify such individuals of the requirements of this subsection within thirty days after their departure from such office or position. Such individuals shall file such statement within sixty days after receipt of the notification.

(b) The statement of financial interests shall include the following information for the preceding calendar year in regard to the individual required to file the statement and his spouse and dependent children residing in the individual's household: (1) The names of all businesses with which associated; (2) the names of all individuals with which associated; (3) the names of all employers; (4) the names and addresses of specific clients, patients, and customers, except when such information is privileged against disclosure under the law or where the ethical standards of a professional group, society or organization of which the individual is a member, prohibit such disclosure without the consent of the client, patient or customer involved, without the consent of the client, patient or customer involved, who provided more than ten thousand dollars of net income including clients and customers who provided more than ten thousand dollars of net income to any business with which the individual was associated; amounts of income not to be specified; (5) the name of securities in excess of ten thousand dollars at fair market value owned by such individual, spouse or dependent children or held in the name of a corporation, partnership or trust for the benefit of such individual, spouse or dependent children; (6) all real property located with the municipality whether owned by such individual, spouse or dependent children or held in the name of a corporation, partnership or trust for the benefit of such individual, spouse or dependent children; (7) the names and addresses of creditors to whom the individual, his spouse or dependent children, individually, owed debts of more than ten thousand dollars; and (8) any leases or contracts with the municipality held or entered into by the individual or a business with which he was associated.

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(c) The statement of financial interests filed pursuant to this section shall be a matter of public information.

(d) Any individual who is unable to provide information required under the provisions of subsection (b) of this section by reason of impossibility may petition the commission for a waiver of the requirements.

Section 1-11. Distribution of Code.

The Town Clerk shall cause a copy of this Code of Ethics to be distributed to every public employee and public official within 60 days after enactment of this code. Each public employee and public official shall be furnished a copy before entering upon the duties of his office or employment. A signed receipt for all copies shall be returned to the town clerk and retained on file.
Memo

To: Rep. James Sallone
From: Carol Carson, Executive Director
cc: Sen. Gayle Slossberg
Date: December 2, 2008
Re: Municipal Ethics Code

I appreciated meeting with you recently to discuss municipal ethics. As we discussed, a tiered ethics code would create one standard but allow municipalities, based on their size, different mechanisms to achieve compliance. Below is a brief description of a tiered code, as you requested.

Municipal ethics codes seek to protect the interests of government while at the same time attracting qualified citizens to serve the government. Codes generally address these concerns with three types of mechanisms: prohibition, permission from a higher authority, and disclosure. Connecticut has 169 municipalities: 72 have populations of 10,000 or fewer citizens, 80 have populations between 10,000 and 50,000 citizens and 17 have populations greater than 50,000.

A three-tiered code

Currently, under Connecticut General Statutes § 7-148h (b), elected municipal officials who have a substantial conflict with the proper discharge of their official duties or employment may not take official action on a matter. Such a person has a substantial conflict "if he have reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity" unless "any benefit or detriment accrues...to no greater extent than any other member of such profession, occupation or group."

A code of ethics could establish consistent minimum standards for all municipalities but provide for a three-tiered system of addressing the substantial conflicts of interest restrictions through prohibition, permission from a higher authority and disclosure. Under the three-tiered code scheme, the aforementioned prohibition under § 7-148h (b) would remain in place with respect to all elected municipal officials. However, for the remaining town or city officials and employees, whether hired or appointed, paid or unpaid, the following plan could be implemented.

For the 17 large cities, prohibitions would, for the most part, be absolute, as they are in state government for state employees. In the 80 medium-sized municipalities, the prohibitions would exist but the principle of permission from a higher authority would allow non-elected officials to participate provided that they disclose their interest and a higher authority - their appointing authority, often the city council, mayor or board of selectmen or the other members of the board on which they serve - decides whether the prohibition should stand or the non-elected official should be allowed to act. Specifically, in the medium-sized cities, this prohibition would hold, unless the official or employee 1) disclosed in writing the matter and the interest that is in substantial conflict and 2) his or her appointing authority or other members of the board or commission, approved an exception allowing the individual to take official action. The exception would be in writing if it is provided by an appointing authority or by vote if it is from a board or commission. Any written
exceptions relied on at public meetings would become part of the record of the meeting; those not related directly to a public meeting would be filed with the municipal clerk. Alternatively, an official or employee could abstain from the matter; an official or employee who abstains from a matter would not be required to disclose why he or she is abstaining.

In the remaining 72 municipalities with populations of less than 10,000, written disclosures, but no requirement for permission from a higher authority, would be sufficient to comply with the prohibition. In providing a written disclosure, the town official or employee would describe the matter requiring action and the nature of the conflict. Such disclosures would follow the filing protocol described above.

The prohibition standard in the large cities recognizes that their governments are complex operations where the risk of mischief is great. The mechanisms of disclosure and permission bring transparency and a great deal of local control to the medium- and small-sized municipalities.

Similarly, large municipalities could require the filing of statements of financial interests, medium sized municipalities could elect to require such filings and small towns would be exempt, except public officials would have to provide certain disclosures if a matter affected their employee or property, as outlined by the code.

**Other states**

The Massachusetts State Ethics Commission has jurisdiction over municipal officials and employees. It provides tiers based on whether municipal officials and employees, regardless of the size of the municipality, have significant connections and responsibilities to the municipality and, in some instances, provides exceptions based on population.

The New York state ethics code requires financial disclosure in counties, cities, towns, and villages of 50,000 or more and requires additional disclosure in New York City. New York state law also mandates a local ethics code in counties, cities, towns, villages, school districts, and fire districts but not in other municipalities (water districts, etc.), which are nonetheless subject to certain specific provisions (as are counties, cities, towns, villages, school districts, and fire districts).

In Texas, state law requires personal financial disclosure by city council members, city managers, and city attorneys only in cities over 100,000 in population. In Ohio, there is no difference in the application of the law based on the size of municipality but elected city officials who are compensated more than $16,000/year for their public service have a higher level of financial disclosure than elected officials whose compensation falls below that threshold and village officials are specifically exempted from the financial disclosure requirement.

In Maryland, the state ethics law requires that all municipalities have ethics laws that are “substantially similar" to the state’s law except they "may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction." The state also has published two model laws in its regulations—one for larger jurisdictions that is 12 pages long and one for smaller ones that is four pages long. The municipality may choose the appropriate version. The prohibitions in the longer version are significantly more restrictive than in the short version. In addition, the Commission, by statute, may exempt or modify the requirements as to a municipal corporation if the Commission finds that because of the size of the municipality the application would be an unreasonable invasion of privacy; would significantly reduce the availability of qualified individuals for public service; and is not necessary to preserve the purposes of the law. In the past, the Commission looked at the population, authority of the local government, size of municipal budget, and staffing as factors in determining whether a municipality would be totally exempt or partially exempt, e.g. no lobbying registration requirement.
West Virginia and Alabama laws apply to all municipalities and make no distinction based upon the size of the city or town.

Conclusion

As you can see, other states have approached municipal ethics in many different ways. Minimum standards for all municipalities with different mechanisms for compliance based on the size of the town would provide a uniform body of law and address the needs of the various sized municipalities in Connecticut. In a separate memorandum, as requested by Sen. Slossberg, I will address the impact of various proposals on the Office of State Ethics.


'Massachusetts restrictions (place limits on what municipal employees can do on the job, after hours and when they leave public service. The definition of municipal employee is far-reaching and includes any person elected or appointed, paid or unpaid, full-time or part-time and, in some instances, consultants. It also defines a category of "special" municipal employees who face fewer restrictions. Special municipal employees are designated by the municipality's governing board if they meet certain qualifications. They are: unpaid; paid for less than 800 hours over 365 days; or by classification or by terms of contract allowed to do personal and private work during normal working hours. By statute, mayors, city councilors and selectmen in towns with a population greater than 10,000 may not be "special" municipal employees. While municipal employees generally may not represent third parties before the municipality or have a financial interest in contracts with the municipality, special municipal employees may, for example, represent third parties, except before the board they serve, and may have financial interests in contracts with the municipality with similar restrictions. All non-elected municipal employees may participate in matters affecting their or their families' or businesses' financial interests if 1) they disclose in writing and 2) their appointing authority approves in writing their participation. An exception allows any municipal employee to participate in matters of general policy if their interest is shared with a substantial segment of the population of the municipality.

Massachusetts’ restrictions most clearly recognize the size of municipalities in addressing municipal employees holding financial interests in contracts. The general rule is that municipal employees can’t hold such contracts. However, there are numerous exceptions, some of which make the prohibition less restrictive on specials who are not involved with the contracting agency or who receive permission from the selectmen or city council if they are involved with the contracting agency. Contracts include contracts for employment. The law also provides that an employee in a town having a population of less than 3,500 can hold more than one position with approval from the selectmen.

For example, the restriction on taking official action on matters affecting others is different in two respects: first, the scope of the family includes spouse, parent, child, brother or sister in the long version; second, the scope of the business is only "an entity with which they are affiliated" in the short version, but includes "any business in which the public official has a direct financial interest in the short version. In the long version any entity in which the official has a direct financial interest, or an entity that would affect a creditor. A "knowing" element is part of most of the businesses in the long version. Finally, this section goes on to allow participation if a quorum cannot be reached and the disqualified persons disclose the conflict.
You requested a comparison of the State Code of Ethics for public officials (CGS § 1-79 through 1-89a) with a sample of municipal ethics codes. This memo summarizes the state code and ethics codes of Hartford, New London, and Orange.

SUMMARY

The Connecticut General Statutes contain two ethics codes, one for public officials and one for lobbyists. The code for public officials is designed to prevent anyone from using his public position or authority for personal financial gain. It seeks to achieve this by, among other things, restricting the costs of gifts such individuals can receive, regulating their acceptance of outside employment and state contracts, and requiring them to file financial statements. The provisions prohibit officials and employees from engaging in behavior that poses a substantial conflict with their duties.

The code also restricts the types of positions that officials and employees in regulatory agencies can accept after they leave state service. The state code has specific provisions regarding the State treasurer's Office, consultants, and independent contractors. It allows the Ethics Commission to issue advisory opinions and investigate complaints. Code violators are subject to criminal and civil penalties.

In general, the municipal codes that we summarized are less comprehensive than the state code. They generally have less extensive conflict of interest provisions than the state code. None of them restrict the employment of regulatory agency personnel after they leave municipal service. They impose fewer (in some cases no) reporting requirements on affected persons. On the other hand, all three municipal codes allow local ethics bodies to investigate alleged violations and issue advisory opinions.

Each of the municipal codes has provisions that do not have a parallel in the state code. For example, the Hartford code addresses conflicts of personal (i.e. non-financial) interests. The New London code requires officials and employees to conduct themselves with propriety, discharge their duties impartially and fairly, and make continuing efforts toward attaining and maintaining high standards of conduct. The Orange code bars officials and employees from granting any special consideration to one person that is not available to other. All three municipal codes bar the use of official property for other than official purposes.

The municipal codes also include provisions that are found in state statutes apart from the ethics code. For example, the Hartford code bars (1) employees from linking their official position with support for political candidates or issues and (2) employees and officials from compelling others to make or refrain from making political contributions. Orange generally bars one person from holding two offices. Similar provisions are found in the state's civil service and election laws. We have included copies of the city codes that we summarized.
Conflicts of Interest

Gifts/Honoraria. A public official, state employee, political candidate, or such person's family or staff may not knowingly accept gifts from a registered lobbyist (CGS § 1-84(j)). Public officials include statewide elected officials, legislators, people appointed to office by the governor, and heads of quasi-public agencies, among others. State employees include employees of quasi-public agencies, but do not include judges. A "gift" does not include food and drinks that total less than $50 per person per calendar year if consumed while the lobbyist or his employer is present. Nor does it include ceremonial awards costing less than $100 and certain other items (CGS § 1-79(e)).

Additionally, an official or employee may not accept a gift from anyone he knows or has reason to know (1) is doing or trying to do business with his agency or (2) is engaged in activities that are directly regulated by his agency (CGS § 1-84(m)). He may not accept a fee or honorarium for a speech or appearance made, or article written, in his official capacity. But he may be reimbursed for necessary expenses (typically travel and lodging). The code includes a reporting requirement described below (§ 1-84(k)).

Outside Employment. An official or employee may not accept other employment that would impair his independence in his official duties or require or induce him to disclose official, confidential information (CGS § 1-84(b)). He or his employee may not accept employment or anything of value for lobbying before certain regulatory agencies or be in a partnership or professional corporation that does so. He may continue to receive a previously established salary that is not based on the firm's current or anticipated business involving the agencies. A legislator who neither takes a part in any matter involving these agencies nor shares in the compensation of those who do may be in or join a company that lobbies before the regulatory agencies. (CGS § 1-84(d)).

Accepting State Contracts. No official, employee, member of his immediate family, or an associated business may enter into a state contract worth $100 or more unless he or it wins the contract through an open and public process including prior public offer and subsequent disclosure of other proposals and the contract itself (CGS § 1-84(i)).

Substantial Conflict. An official or employee may not have any financial interest in, or engage in, any business, transaction, or professional activity that is in "substantial conflict" with the proper performance of his job (CGS § 1-84(a)). He may not take official action on a matter involving substantial conflict (CGS § 1-85).

A person has a "substantial conflict" if he has reason to think he, his spouse, dependent child, or business with which he is associated will experience a direct financial gain or loss if he takes the action. If his (or their) gain or loss would be no more than the gain or loss to others in his (or their) profession, occupation, or group, it is not a substantial conflict (CGS § 1-85).

A "business with which he is associated" is one in which the person or member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust, or holder of 5% or more of any class of stock. "Officer" includes only president, executive or senior vice-president, and treasurer. The provision does not apply to a person who serves only as an unpaid director or officer of a nonprofit agency. (CGS § 1-79(b)).

Other Conflict of Interest Provisions. An official or employee may not:

1. use his office or confidential information learned through his official duties for financial
gain for himself; an associated business; or his spouse, child, child's spouse, parent, brother or sister (CGS § 1-84(c));

2. solicit or take anything of value, including a promise of future employment, on the understanding that it will influence an official action (CGS § 1-84(g));

3. knowingly interfere with, influence, direct or solicit lobbying contracts, agreements, or business relationships for or on behalf of any person (CGS § 1-84(l)).

The second item also applies to political candidates. In addition, no legislator may be a lobbyist (CGS § 1-86(c)).

Post-employment Restrictions

After leaving office, a former legislator, executive branch official, or state employee may not use or disclose confidential information acquired in office (CGS § 1-84a). If he participated substantially in negotiating or awarding a state contract of $ 50,000 or more, or supervised the negotiations or award, he may not take a job with a party to the contract for a year after he leaves office (CGS § 1-84b(f)). A member or director of a quasi-public agency that engaged in these activities cannot seek or accept employment with a party within one year of the signing of the contract (CGS § 1-84b(g)).

Reporting Requirements

Statement of Financial Interests. All statewide elected officials, legislators, agency heads, and certain other individuals must file a statement of financial interests for the preceding calendar year with the Ethics Commission by May 1. Anyone who leaves office must file a statement covering the part of the year for which he served.

The statement must include detailed information, for the individual filing, his spouse, and dependent children living in his home. Among other things, these include:

1. the names of all associated businesses;

2. the category or type (not amounts) of all sources of income above $ 1,000;

3. all real property and its location owned by the person, a spouse or dependent child, or held in the name of a corporation, partnership, or trust;

4. the names and addresses of creditors to whom the person owed more than $ -10,000; and

5. any state leases or contracts held or entered into by the person or an associated business.

Any person who cannot provide the required information may petition the commission for a waiver. With the exception of the list of creditors, all of the information in the financial statements is open to the public. Creditor information is kept sealed, to be opened at the commission's discretion only after a complaint is filed (CGS § 1-83).

Expense Reimbursements and Honoraria. Officials and employees must disclose to the Commission within 30 days any payment or reimbursement for necessary expenses incurred while giving a speech, making an appearance, or writing an article in their official capacity unless such payment or reimbursement was from the federal government or another state government. The report is required only when the reimbursement or payment is for lodging, out-of-state travel, or
both. Necessary expenses are limited to travel expenses; lodging for the nights before, of, and after
the appearance, speech, or event; meals; and any related conference or seminar registration fees.
The commission does not require itemization of the payment by such items as food, hotel bill, and
entertainment (CGS §§ l-79(q) and l-84(k) and Conn. Agencies Reg. § 1-81-21).

Penalties

Intentional violations of the ethics code are punishable by imprisonment for up to two years, a fine
of up to $2,000, or both (CGS § 1-89). Anyone who knowingly acts in his financial interest in
violation of the code or who knowingly benefits financially from such a violation is also liable for
the damages. The commission can impose a civil penalty of up to $10 per day for each violation of
the code's reporting requirements, up to a maximum of $2,000 (CGS § 1-88).

MUNICIPAL ETHICS CODES

Hartford

The city's code of ethics (§ 2-456 et seq. of Hartford's Municipal Code) applies to all officials and
employees and was adopted in 1993. It has provisions regarding conflicts of interest, disclosure of
confidential information, and representation by officials and employees on behalf of others before
local agencies. It requires officials to file statements of financial interest. It does not have
provisions restricting employment of former officials and employees,

The city's conflict of interest provisions are in some ways less comprehensive than the state code,
for example with regard to the receipt of gifts. On the other hand, unlike the state code, the city
code bars an official or employee from having a "personal interest" that is incompatible with the
proper discharge of his duties in the public interest or that would impair his judgment. The code
deems a personal interest as something that an official or employee or his relatives are involved in
that may provide them with a non-financial advantage or benefit.

Similarly, the code states that a conflict of interest exists if the official, employee, or his relatives
may receive a personal, as well as financial, gain from the outcome of any matter before him. It
requires the employee or official to disclose to the city manager and city council all financial and
personal interests that have the potential for a conflict of interest. The disclosure must be made
whenever the potential for a conflict presents itself. The code states that a conflict of interest
occurs whenever an official or employee engages in an act that advances his personal and financial
interests over the public interest. The state code does not have comparable provisions with regard
to personal interests and has less stringent disclosure requirements.

The city code's provisions regarding the disclosure of confidential information are similar to those
in the state code. Its provision on representing others before a city agency has broader
applicability ban the parallel provision in the state code, in that it covers former city council
members, while his provision of the state code does not cover former state legislators. On the
other hand, while the state code imposes a permanent ban on former executive branch officials and
employees representing others on matters in which they were personally and substantially
involved, the city code restricts such representation for two years in the case of former officials
and one year in the case of former employees. The ban begins to run as soon as the person leaves
city service and applies only if the representation is for compensation. (In the case of people
involved in contract negotiations, the restriction runs for the term of the contract.) The city code
unlike the state code, does not restrict post-service employment of regulatory agency officials and
employees.

Like the state code, the city code requires officials to file statements of financial interests. Unlike the state
code, the city code does not require the reporting of the filer's sources of income,
securities, or creditors. However, the city code requires filers to name their business associates and employers, which the state code does not require.

Another provision contained in the city code that is not found in the state code is the duty to disclose violations. City employees and officials are required to report violations of the code to the city ethics commission. The city cannot retaliate against the reporter unless the report was false and malicious. A person who knows of a violation and fails to report is considered to have condoned the violation.

If the commission finds that there has been a violation, it must recommend disciplinary action to the appropriate authorities. The recommendations can include fines, termination of employment, suspension without pay, or censure.

**New London**

Section 170 of the city's charter requires the appointment of a board of ethics and requires the board to prepare a code of ethics to be adopted by the city council. The council adopted the code in 1984 (Code of Ordinances § 15-201). The code applies to all city officials and employees.

The code was modeled after the state's code and has similar, although less comprehensive, provisions on conflicts of interest, gifts, and disclosure and use of confidential information. In some ways the city code is less stringent than the state code. For example, it allows an official or employee to represent an individual or entity before a city agency if this is not against the city's interest. The employee or official can engage in representation that is against the city's interest if the matter is sufficiently remote from his official duties that no actual conflict of interest exists. The city code also does not have the post-employment restriction and reporting requirements of the state code.

On the other hand, the New London code goes beyond the state code in certain respects. It bars city officials and employees from using their positions to improperly influence another official, employee, or city contractor in the performance of his official duties.

The New London code gives the city Board of Ethics powers similar to those granted to the State Ethics Commission and has similar provisions for investigating complaints.

The board does not have the enforcement powers that the State Ethics Commission has. Instead, if it finds a violation of the city's code, it can recommend to the appropriate appointing or supervisory official that the guilty party be reprimanded, reduced in grade, suspended, dismissed, or subject to other disciplinary actions.

**Orange**

Orange adopted its ethics code in 1973 pursuant to § 6. 80 of the town charter. The code applies to all town officials and employees. Its provisions are substantially less extensive than the state code's. For example, the code bars the receipt of gifts only if it is the donor's intent to influence the judgment of the official or employee. Similarly, it does not explicitly cover situations where the person's exercise of authority would only indirectly affect his financial interests. It does not address outside employment of officials or employees or their employment after leaving town service. It does not impose any reporting requirements. The Board of Ethics cannot impose any penalties for violations of the code, although it can provide its findings and recommendations to the Board of Selectmen.

Orange's code does have some provisions that are not found in the state code. It bars officials and
employees from granting one individual any special consideration, treatment, or advantage that is not provided others. It generally bars officials from holding more than one office.

SUMMARY

The bill requires municipalities and special districts to establish an ethics commission and adopt the code of ethics contained in the bill. Towns (48 listed in the Blue Book) and districts that have exercised their statutory authority to establish a commission do not have to establish another but they may have to adopt the model code if its provisions are stricter than those in their existing code.

The bill extends to municipalities the whistleblower protections and procedures currently applicable to corruption, unethical practices, or law violations by state agencies.

The bill eliminates a requirement for the chief state's attorney or a state's attorney to include in any application for a grand jury to investigate allegations of municipal corruption reasons why (1) other normal investigative procedures that were tried failed or (2) normal procedures are unlikely to succeed or are too dangerous to use. It also eliminates the grand jury panel's duty to find in these cases that other normal investigative procedures have failed, reasonably appear to be likely to fail, or appear too dangerous to try.

Sections 1 and 13. Applicability

Current law allows a town; city; borough; or fire, sewer, or other district to establish a board or commission to investigate allegations against a local public official or employee of unethical conduct, corrupting influence, or illegal activity. It also specifies provisions in the State Ethics Code applicable to allegations and investigations of municipal or district ethics violations. The bill eliminates the application of the State Ethics Code in these cases.

Instead, the bill requires all towns, cities, boroughs, and special districts to create an ethics agency, unless they already have an ethics agency or establishes one before October 1, 2003, the bill's effective date. They must comply with the bill's ethics code provisions, unless they already have or adopt a code that provides greater ethical protections than the bill.

Section 3. Municipal Ethics Commission-Membership

The bill requires each municipality or special district to establish a five-member ethics commission. Two or more municipalities or districts may instead establish a joint commission.

The legislative body of the municipality or district appoints the members by a unanimous vote to serve a three-year term. However the first appointees serve staggered terms of one (one member),
two (two members), and three (two members) years. No more than three members may be from the same political party.

Members cannot serve more than one three-year term, except they can continue in office until a successor is appointed.

Members must be electors of the municipality or special district establishing the commission. But no members can: (1) hold or campaign for public office, (2) have held or been a candidate for public office within the two years immediately prior to appointment, (3) hold office in a political party or political committee, or (4) be a member of any other municipal or district agency. Additionally, commission members and employees are prohibited from publicly supporting any candidate for municipal or special district office under the commission's jurisdiction, including volunteering as a campaign worker, speaking at a political event, or endorsing the candidate. The bill prohibits a candidate for municipal or district office from disseminating information indicating that a commission member or employee supports the candidate's candidacy.

Under the bill, commission members elect a chair who presides at meetings and a vice-chair who presides in the chair's absence. Three members constitute a quorum and the number of votes necessary for commission action. The chair or any three members may call a commission meeting.

Section 4. Municipal Ethics Commission-Duties

The commission must:

1. must compile and keep a record of all reports, advisory opinions, statements, and memoranda filed by or with the commission to facilitate public access;

2. must report annually, by February 1st, a summary of the commission's activities to the legislative body of the municipality or special district;

3. must issue advisory opinions; and

4. must investigate allegations of code violations.

The commission may adopt implementing rules and regulations, after a public hearing, that are not inconsistent with the code; and employ necessary staff or outside counsel within available appropriations.

Advisory opinions are binding on the commission until amended or revoked and must be deemed to be final commission decisions for the purpose of appeal. Any person who requests an advisory opinion and relies on it in good faith can assert his actions as an absolute defense to any alleged code violation.

Sections 5 and 6. Commission-Complaint, Investigation, and Hearing Procedures

Complaints alleging a code violation must be filed within five years after the alleged violation was committed. With respect to such allegations of code violations, the bill requires the commission to:

1. review any complaint filed by a member of the public to determine if it alleges a code violation.

2. investigate complaints made on its own initiative or on the complaint of any person.
Complaints filed with the commission must be on a commission-prescribed form and signed under penalty of false statement.

3. dismiss any complaint that fails to allege a violation and duly notify the complainant and the respondent by registered or certified mail.

4. send the (a) respondent named in the complainant notice and a copy of it by registered or certified mail and (b) complainant notice of receipt of the complaint.

5. schedule a date to hear any complaint within 30 days after determining that it alleges a violation receipt and hear the complaint within 60 days after it is received.

**Investigations.** When investigating an alleged code violation, the bill authorizes the commission to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and request anyone to produce books and papers relevant to the investigation for the commission's examination. The commission may ask local police for help in the exercise of its powers and the police must comply with the request.

The bill prohibits the commission from disclosing the complaint or record of the commission's investigation without the respondent's consent, unless it finds probable cause to believe a violation was committed. It prohibits a complainant, respondent, witness, designated party, or commission or staff member from disclosing to a third party any information learned during a complaint investigation, including knowledge that a complaint exists.

**Hearings.** Respondents have the right to appear, be represented by counsel, and examine and cross-examine witnesses at the hearings, which are governed by the Rules of Evidence. At least four members of the commission must agree to any finding of a code violation.

The commission must inform the complainant and respondent of its findings, including a summary of its reasons, regarding the complaint by registered or certified mail within three business days after the hearing terminates. At this time, the entire record of the investigation is open to public disclosure.

Respondent aggrieved by the commission's decision may file an appeal within 30 days to the Superior Court in the judicial district where the municipality or special district is located.

**Retaliation Against Complainants.** The bill prohibits anyone from taking or threatening to take official action against anyone because he informed the commission of a possible code violation. It prohibits the commission from disclosing the identity of anyone who gives the commission information, unless the person consents or disclosure is unavoidable.

**Section 7. Penalty for Code Violations**

The bill subjects code violators to (1) a civil penalty of up to $5,000 per violation, (2) restitution of my pecuniary benefits resulting from the violation, (3) public censure and reprimand; or (4) up to a 90-day suspension or dismissal from employment if they public employees.

**Section 8. Code-Prohibited Activities**

No public official or employee can:

1. engage or participate in a business or transaction, including outside employment, or have
an interest that is incompatible with or that would tend to impair independent judgment in the proper discharge of the official's or employee's public responsibilities;

2. solicit or accept a gift from anyone he knows is interested in any pending matter within the official's or employee's official responsibility;

3. appear on behalf of private interests before, or represent private interests against, any municipal or special district board, agency, or committee if the official or employee receives compensation for the appearance or representation other than per diem payments;

4. disclose confidential information concerning municipal affairs or use such information for his own financial interests (interests with a monetary value of $100 or more) or those of others;

5. ask or permit municipally-owned vehicles, equipment, facilities, materials, or property to be used for his own personal convenience or profit, except when this property is available to the general public or permitted for the employee's or official's use when conducting official business;

6. contract with the municipality or special district, unless the contract is awarded through a public notice, competitive bidding process;

7. use his position or office for his own financial benefit or that of an immediate family member (spouse, child, or dependent relative living in the household), or associated business;

8. accept a fee or honorarium for an article written, appearance or speech made, or for participation at an event in his official capacity; or

9. solicit or accept anything of value, including a gift, loan, political contribution, reward or contribution, reward or promise of future employment based on any understanding that the official's or employee's vote, official action, or judgment would be or had been influenced thereby.

A "gift" is generally anything of value given for less than its value. The bill contains 13 gift exceptions, including items valued at $10 or less, certificates valued at less than $100, and gifts up to $25 given at gift-giving occasions such as Christmas and Hanukkah. In addition to exceptions to the gift rule, a gift is not received by a public official or employee who refuses it, returns it, pays the donor the full value of it, accepts it on behalf of the municipality or special district (i.e., gift is intended to remain in the permanent possession of the municipality or special district), or donates it to a nonprofit organization. If donated, the official or employee cannot take a tax deduction or credit for it.

The bill also prohibits a public official or employee from voting on or otherwise participating in any matter on behalf of the municipality or special district if he, an associated business, or an immediate family member has a financial or personal interest in the matter greater than any other segment of the population, including the sale of real estate, material, supplies, or services to the municipality or special district. If the participation is within the scope of the official's or employee's official responsibility, he must give the commission a written explanation of the nature and extent of his interest.

Like public officials and employees, the bill prohibits their immediate family and associated businesses from entering into private contractual agreements with the municipality or special district.
The bill does not prohibit or restrict a public official or employee from appearing before any municipal or special district board or commission on his own behalf or from being a party in an action, proceeding, or litigation brought by or against the official or employee to which the municipality or special district is a party.

Section 9. Consultants

The bill prohibits paid consultants of a municipality or special district from:

1. representing a private interest in any action or proceeding against the interest of the municipality or special district that is in conflict with the consultant's performance of his duties;

2. representing anyone, other than the municipality or special district, in any matter in which the consultant participated personally and substantially on behalf of the municipality or special district; or

3. disclosing confidential information gained in his capacity as consultant or using it for his personal interests or those of others.

Section 10. Post-Employment Restrictions

The bill prohibits former public officials or employees from:

1. accepting compensation to appear before any municipal or special district board or agency where he was formerly employed for the first year after terminating his employment;

2. representing anyone, other than the municipality or special district, in any matter in which he participated personally and substantially while in municipal service;

3. disclosing or using confidential information gained in his official position for his own financial gain or those of others; or

4. working for a party to a contract, other than the municipality or special district, for one year after the contract is signed if he participated substantially in the contract negotiations or award and contract obligates the municipality or special district to pay $100,000 or more.

Section 11. Statement of Financial Interests

The bill requires all public officials and any employees designated by the municipality or special district to file with the municipal ethics commission by May 1, annually, a statement of financial interests for the preceding calendar year. The statement must be filed under penalty of false statement.

Anyone who leaves his office or position before the year ends must file the statement for that portion of the year that he held his office or position. The commission must notify affected officials and employees of their duty to file the statement within 30 days after their departure and the person must file the statement within 60 days after receiving the notice.

The statement must include the following information regarding the official or employee, his spouse, and any dependent children living in his household:
1. the names of all business associates;

2. names of all employers;

3. names and addresses of clients, patients, and customers who provided more than $10,000 in net income to the official's or employee's associated business, except when the law or the ethical standards of a professional group, society, or organization prohibit nonconsensual disclosure of the information;

4. all securities in excess of $10,000 at fair market value, including those held in the name of a corporation, partnership, or trust for their benefit or the benefit of their spouse or dependent children;

5. all real property located within the municipality or special district owned by the official or employee, his spouse or dependent children, or held by a corporation, partnership, or trust for their benefit;

6. the names and addresses of creditors owed debts of more than $10,000; or

7. any leases or contracts with the municipality or special district held or entered into by the person or an associated business.

The statement of financial interests is a public record, subject to disclosure under the Freedom of information Act. Anyone who finds it impossible to provide the information required in the statement may ask the commission for a waiver.

Section 12. Copies of the Code

The bill requires each municipal clerk to cause a copy of the code to be distributed to every public official and employee not later than December 1, 2003. Any public official or employee hired after that date must be given a copy of the code before entering office or the position. The officials and employees must sign a receipt for their copy, which the clerk must keep on file.

Section 14. Whistleblower Protections

The bill extends to municipalities the whistleblower protections and procedures currently applicable to corruption, unethical practices, or law violations by state agencies.

Reporting. Anyone who knows of any corruption; unethical practices; violations of state law or regulation, special act, municipal charter, or municipal ordinance; mismanagement; gross waste of funds; abuse of authority; or danger to public safety occurring in any municipal or special district department or agency or large municipal or special district contract may send information to the auditors of public accounts. A large municipal or special district contractor is an entity that enters into at least a $5 million contract with a state or quasi-public agency, other than a contract to construct, alter, or repair a public building or public work.

Investigations. The auditors must review the matter and report their findings and recommendations to the attorney general, who must conduct any investigation he considers proper. The auditors may assist with the investigations.

After his investigation, the attorney general must, when necessary, report his findings to the governor. If the matter involves a crime, he must report it to the chief state's attorney. Neither
the auditors nor the attorney general may reveal the name of their informant without his consent, except where it is unavoidable during the course of the investigation.

**Retaliation.** Municipal, special district, or large contractor officers or employees may not take or threaten to take any negative personnel action against an employee in retaliation for disclosing information to the auditors or the attorney general. Any employee who knowingly or maliciously makes false charges can be disciplined or discharged. The bill creates a rebuttable presumption that any personnel action taken or threatened against an employee who makes a whistleblower complaint is retaliatory if it occurs within one year of the complaint.

The bill gives whistleblowers who believe they are being retaliated against (or threatened with retaliation) for their action the option of filing an appeal in accordance with their collective bargaining contract, where applicable. Employees of large contractors can avail themselves of administrative remedies and, if still unsatisfied, bring a civil cause of action.

Alternatively, the whistleblowers could notify the attorney general, who must conduct an investigation. After the investigation is concluded and apparently regardless of the outcome, the attorney general, employee, or the employee's attorney can file a complaint with the chief human rights referee.

The chief referee must assign it to a human rights referee who must conduct a hearing and determine whether the personnel action or threatened action was in retaliation for whistle blowing. If he finds that the action or threatened action was retaliatory, he may order the aggrieved employee to (1) be reinstated to his former position, (2) receive back pay, (3) have his benefits reestablished to the level for which he would have been eligible but for the violation, and (5) receive reasonable attorney fees and any other damages. Any party may appeal the referee's decision to Superior Court. For purposes of the act, the human rights referee is an independent hearing officer.

The bill requires the chief human rights referee to adopt regulations that establish the procedure for filing complaints and noticing and conducting the hearing.

**Sections 15 and 16. Grand Jury Investigations**

The bill eliminates a requirement for the chief state's attorney or a state's attorney to include in any application for a grand jury to investigate allegations of municipal corruption reasons why (1) other normal investigative procedures that were tried failed or (2) normal procedures are unlikely to succeed or are too dangerous to use. It also eliminates the grandjury panel's duty to find in these cases that other normal investigative procedures have failed, reasonably appear to be likely to fail, or appear too dangerous to try.

By law, Superior, Appellate, or Supreme Court judges, the chief state's attorney, or a state's attorney may apply to a panel of three Superior Court judges specially designated by the chief court administrator, for a grand jury investigation. The applicant must have a reasonable belief that the administration of justice requires an investigation to determine whether or not there is probable cause to believe a crime has been committed. And he must include in his application a statement of the facts and circumstances that justify this belief. If he is the chief state's attorney or a state's attorney, he also must include:

1. the status of the investigation and of the evidence collected by the application date,
2. why other normal investigative procedures that were tried failed or why normal procedures
are unlikely to succeed or are too dangerous to use, and

3. the reasons for the applicant's belief that an investigatory grand jury and the investigative procedures it employs will lead to a finding of probable cause that a crime was committed.

The panel reviewing applications may approve them and order an investigation if it finds that:

1. the administration of justice requires an investigation to determine if there is probable cause to believe that a crime was committed;

2. for applications submitted by the chief state's attorney or a state's attorney, other normal investigative procedures have failed, reasonably appear to be likely to fail, or appear too dangerous to try; and

3. the investigative procedures that an investigative grand jury uses appear likely to succeed in determining if there is probable cause to believe that a crime was committed.
You asked us how our State Code of Ethics compares to codes in other states regarding its application to municipal officials and employees. Specifically, you wanted to know (1) the current ethics law in Connecticut for municipal employees and those doing business with municipalities; (2) which states have a statewide municipal code; (3) whether the codes in these states are enforced by a single state (or quasi-state) agency; (4) whether these state codes restrict municipal employees' political activities; and (5) whether the codes prohibit municipal employees from participating in certain government decision-making.

SUMMARY

The Connecticut State Ethics Code (the "code") for public officials (there is a separate code for lobbyists) is designed to prevent state officials and employees from using their public position or authority for their personal financial gain. The code does not apply to municipal officials or employees. Instead, municipalities have the authority to adopt their own code of ethical conduct (C.G.S. § 7-148(c)(10)(B)). Most municipalities have exercised this authority by establishing their own codes or adopting the model code of ethics for municipalities that the law required the State Ethics Commission to draft in 1995. A local ethics board or commission and not the state commission enforces any municipal code, model or otherwise.

We have identified 22 states with a statewide code of ethics that applies to public officials and employees, including those officials and employees at the municipal level. These states are: Alabama, Alaska, Arkansas, California, Colorado, Florida, Georgia, Kansas, Louisiana, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Washington, and West Virginia. Washington's statewide municipal code is separate from its statewide code for state officials and employees.

The codes in most of these states are applicable to all municipal officials and employees, but a few states, Colorado, Georgia, Missouri, Nevada, Ohio, and Pennsylvania, have codes that apply to only certain specified officials and employees.

In most of the 22 states, the codes are enforced by the equivalent of our State Ethics Commission. California, Kansas, Massachusetts, Montana, and Washington have local code enforcement.

None of the codes in these 22 states restrict municipal employees' political activities. In a few states, the code prohibits employees from engaging in partisan political activities while at work. In most states, like Connecticut, have likely codified this prohibition and other restrictions on such activities outside of the code.

Connecticut law allows municipal employees to run for and hold elective office with certain...
exceptions (CGS § 7-421). Employees can receive an unpaid leave of absence to accept a full-time elective office for as long as two consecutive terms of office or four years whichever is shorter. The town may extend the leave and its terms and conditions, at its discretion. When the leave expires, the employee must be reinstated in his most recent position, given one with equivalent pay or another position, or a rehiring preference.

A municipal employee has the right to serve on any governmental body as an elected or appointed official in the town where he lives with some restrictions. An employee cannot serve on a body that is responsible for directly supervising him in his job. The law also bans service on (1) boards of finance; (2) bodies exercising planning, zoning, or land use powers; and (3) bodies regulating inland wetlands and watercourses. However, the ban on service on a board of finance does not apply if (1) a local charter or home rule ordinance explicitly allows it or (2) the official serves only in his capacity as a member of the town's legislative body. The prohibitions against service on the other bodies do not apply if (1) a local charter or home rule ordinance explicitly allows it,

(2) the town's legislative body adopts an ordinance permitting an employee to serve, or (3) the official serves only in his capacity as a member of the town's legislative body.

Additionally, regulations implementing the federal Hatch Act prohibit a local employee from being a candidate for elective public office in a partisan election when the individual's "principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency but does not include an individual who exercises no functions in connection with that activity" (5 CFR §§ 151. 101 et seq.).

Prohibitions against municipal employees participating in certain government decision-making vary by state. But generally state codes prohibit municipal officials or employees from taking official action on matters in which they or members of their immediate family or associated business stand to receive some type of financial advantage.

The remainder of this report consists of a comparison of the laws in the 22 states with a statewide municipal ethics code

<table>
<thead>
<tr>
<th>States</th>
<th>Officials’ Code Covers*</th>
<th>Municipal Employee Participation in Government Decision-Making</th>
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</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Local elected and appointed officials, and employees</td>
<td>No official or employee can be a member or employee of a state, county, or city board that regulates any business with which he is associated.</td>
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<tr>
<td>§ 36-25 et seq.</td>
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<tr>
<td>Alaska</td>
<td>Local elected and appointed officials, and employees</td>
<td>No official or employee, other than a member of the governing body, can participate in an official action</td>
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<td>§ 39. 50 et seq.</td>
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<tr>
<td>Arkansas</td>
<td>Appears to apply to local elected and appointed officials, and employees</td>
<td>No board member of an entity receiving state funds can participate in, vote on, influence, or attempt to influence an official decision if he has a pecuniary interest in the matter under consideration by the entity.</td>
</tr>
<tr>
<td>§ 21-8 et seq.</td>
<td></td>
<td>The board member may participate in, vote</td>
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on, influence, or attempt to influence an official decision if the only pecuniary interest that may accrue to him is incidental to his position or accrues to him as a member of a profession, occupation, or large class to no greater extent than the pecuniary interest could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.

The member cannot participate in any discussion or vote on a rule or regulation that exclusively benefits the member.

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<thead>
<tr>
<th>State</th>
<th>Official</th>
<th>Prohibition</th>
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<tbody>
<tr>
<td>California</td>
<td>Local elected and appointed officials, and employees*</td>
<td>Each agency must adopt a conflict of interest code, which must at a minimum prohibit anyone from taking action on a matter that would inure a special benefit to him or members of his immediate family or associated business.</td>
</tr>
<tr>
<td>Colorado</td>
<td>Yes, but only elected or appointed officials; not employees</td>
<td>A member of a local governing body who has a personal or private interest in any matter proposed or pending before such body must disclose the interest and refrain from voting thereon or attempting to influence other members' votes.</td>
</tr>
<tr>
<td>Florida</td>
<td>Local elected, and appointed officials, and employees</td>
<td>No county, municipal, or other local public officer can vote on an official measure that would inure to his special private gain or loss.</td>
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<tr>
<td>Georgia</td>
<td>Yes, but only elected municipal officials and elected members of local boards of education</td>
<td>N/A</td>
</tr>
<tr>
<td>Kansas</td>
<td>Limited, single prohibition that applies to local elected and appointed officials and employees*</td>
<td>No local governmental officer or employee can, in his capacity as an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Local elected and appointed officials, and employees</td>
<td>No public servant can participate in any transaction that would personally benefit him or his immediate family or associated business.</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Local elected and appointed officials, and employees</td>
<td>No member of a municipal commission or board is eligible for appointment or election by the members of such commission or board to</td>
</tr>
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</table>
| State   | Employees* | Provision                                                                 | Louisiana
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<tr>
<td>Mississippi</td>
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<tr>
<td>§ 25-4-1 et seq.</td>
<td>Local elected and appointed officials, and employees</td>
<td>No member of any agency who (1) is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the agency, (2) is empowered to fix any rate, adopt zoning or land use planning regulations or plans, or (3) participates in or votes on the adoption of any such rule, regulation, rate or plan can attempt to influence or participate in the decision-making if he or his immediate family or an associated business would receive a direct financial gain or loss.</td>
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<tr>
<td>Missouri</td>
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<tr>
<td>§105-450 et seq.</td>
<td>Yes, but only officials, appointees, or employees of a municipal governing body with a general operating budget in excess of $1 million</td>
<td>Cannot attempt to influence any decision of any agency (1) in which he is an officer or employee or (2) over which he has supervisory power, when he knows the decision may result in the acceptance of a service contract or the sale, rental, or lease of any property that agency for more than $500 per transaction or $1,500 per annum to him or his immediate family or associated business. The prohibition does not apply if the transaction is made pursuant to an award on a contract let or sale made after public notice and, in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.</td>
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<tr>
<td>Montana</td>
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<tr>
<td>§ 2-2-101 et seq.</td>
<td>Yes, but the only local officers affected are those who are elected*</td>
<td>An employee-member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority must disclose any potential conflict prior to taking official action on any matter that would create the appearance of impropriety regarding his influence, benefit, or detriment in regard to the matter.</td>
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<td></td>
<td></td>
<td>A public officer or employee cannot perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he has a</td>
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substantial personal interest in a competing firm or undertaking. This prohibition does not, prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act.

A public officer or employee may not participate in a proceeding where an organization in which he is an officer or director is:

1. involved in a proceeding before the employing agency that is within the scope of his job duties or
2. attempting to influence a local, state, or federal proceeding in which he represents the state or local government.

<table>
<thead>
<tr>
<th>State</th>
<th>Law Reference</th>
<th>Disclosure Requirement</th>
<th>Conflict of Interest Prohibition</th>
</tr>
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<tbody>
<tr>
<td>Nebraska</td>
<td>§ 49-1401 et seq.</td>
<td>Yes, specifically includes elected or appointed members of school boards or institutions of higher education</td>
<td>A public official in a primary metropolitan area must disclose any financial benefit or detriment to himself, his immediate family, or an associated business caused by any action or decision he makes in his official capacity. This duty does not prevent such a person from (1) making or participating in the making of a governmental decision if his participation is legally required for the action or decision to be made or (2) making or participating in the making of a governmental decision if the potential conflict of interest is based upon a business association and the business association exists only as the result of his or her position on a commodity board.</td>
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<tr>
<td>Nevada</td>
<td>§ 281.411 et seq.</td>
<td>Yes, but only those working for state or local officers in a position to exercise public power, trust or duty. &quot;Public officer&quot; does not include: (1) court officers, (2) advisory board or commission members, (3) any member of a board of trustees for a general</td>
<td>A public officer or employee cannot participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.</td>
</tr>
<tr>
<td>Ohio</td>
<td>§ 102.01 et seq.</td>
<td>Does not apply to people appointed or elected to precinct wards, members of district council, or educators who do not perform administrative or supervisory functions</td>
<td>No public official or employee can participate, except on a ministerial level, in any license or rate-making proceeding that directly affects the license or rates of any (1) person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent or (2) person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than $1,000 during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings.</td>
</tr>
<tr>
<td>-------</td>
<td>----------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Oregon | Ch. 244 | Local elected and appointed officials, and employees | City or county planning commission members cannot participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:  
1. The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member;  
2. Any business in which the member is or has served within the previous two years; or  
3. Any business with which the member |
<table>
<thead>
<tr>
<th>State</th>
<th>Law or Regulation Number</th>
<th>Officials or Employees</th>
<th>Conflict Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>§ 65 Pa. Cons. Stat. 1102</td>
<td>Only officials or employees responsible for taking or suggesting official action of a nonministerial nature regarding contracting or purchasing; administering, or monitoring grants or subsidies; planning and zoning; inspecting licensing, regulating, or auditing people; or other action with more than de minimus impact</td>
<td>N/A</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>§36-14 et seq.</td>
<td>Local elected and appointed officials, and employees</td>
<td>If a person or his immediate family or associated business would directly benefit from the person's exercise of his duties, he must disclose the nature of the conflict. If the person is not a legislator, his superior, if any, must take reasonable steps to assign the matter to another person who does not have a conflict of interest. If the person has no immediate superior, he must take steps to remove himself from the influence he has over any action on the matter.</td>
</tr>
<tr>
<td>South Carolina</td>
<td>§ 8-13 et seq.</td>
<td>Local elected and appointed officials, and employees</td>
<td>No public employee may make or participate in making a governmental decision in which he, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated has an economic interest. An employee who is so affected but who is required to take action in the discharge of his official responsibilities must disclose his interest. No person may be an employee of the regulatory agency which regulates a business with which he is associated if this relationship creates a continuing or frequent conflict with</td>
</tr>
</tbody>
</table>
A member of a regulatory agency that occasionally regulates an associated business must annually file a statement of economic interests.

<table>
<thead>
<tr>
<th>Washington § 42. 23 et seq.</th>
<th>Local elected and appointed officials, and employees*</th>
<th>An officer cannot vote to authorize, approve, and or ratify a contract that benefits him even though the contact is allowed by law.</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Virginia §6b-1-1 et seq.</td>
<td>Local elected and appointed officials, and employees</td>
<td>No employee may participate, except through ministerial functions, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business-trust, corporation or association in which the employee or his immediate family owns or controls more than 10%. &quot;Ministerial functions&quot; means actions or functions performed by an individual under a given state of facts in a prescribed manner in accordance with a mandate of legal authority, without regard to, or without the exercise of, such individual's own judgment as to the propriety of the action being taken.</td>
</tr>
</tbody>
</table>

*A statewide board -or commission enforces the code unless otherwise indicated.

California's Fair Practices Commission has local enforcement divisions.

In Kansas, failure to disclosure substantial conflicts of interest with the county elections official is a Class B misdemeanor.

Massachusetts' code violations are criminal acts. Complaints may be filed with the statewide commission, district attorney, or the city.

In Montana, the county attorney or a 3-member panel that municipalities have the authority to establish enforces the code.

In Washington, code violations by local officials or employees are enforced by the effected municipality.
MUNICIPAL CODES OF ETHICS

By: Jennifer Nelson, Legislative Intern

You asked (1) which towns in Connecticut currently have a code of ethics, (2) if an independent board or commission is established to hear violations, (3) whether that board is full-time or part-time, (4) does it have an office, (5) the number of complaints filed within the last 5 years, and (6) any actions taken in relation to those complaints. The information in this report was gathered through telephone interviews, e-mail correspondence, and Internet research. Only Hamden responded that office space had been dedicated to the ethics commission, but it was not used.

Table 1 shows all the towns in Connecticut that currently have a code of ethics. The majority of legislative bodies of each town that administers the code of ethics meet only when a complaint has been filed or an advisory opinion has been requested. There are eight (8) municipalities that have regular meeting schedules, but the majority of those towns have only held regular organizational meetings once a year. The proposed meeting schedule for the eight towns is in parenthesis following the town in table 1. Under Hartford's new form of government, the board of ethics meets monthly. Before the adoption of the new form of government, Hartford's board only met when a complaint had been filed.

Table 2 lists the towns that have not had a complaint filed within the last 5 years.

Table 3 lists the towns that have had complaints filed. The number of complaints follows the town in parentheses. With the exceptions of East Hartford, Naugatuck and Orange, all the complaints have been dismissed as not a violation of the code. In East Hartford, a member of the Board of Education was instructed to recuse him/herself from any additional votes on an issue. In Naugatuck, one complaint was lodged in reference to the hiring practices employed by the golf commission. The ethics commission ruled the golf commission should adopt procedures that would be consistent with the town's hiring procedure. In Orange, a member of the board of selectmen was told he/she should have recused him/herself from a vote on town property that he/she later bid on as a private citizen.

Table 4 lists the towns that have had requests for advisory opinions only.
Table 5 lists towns that have had complaints filed, but have not reached a resolution yet.

Table 6 lists the towns that do not have an independent board or commission. When a complaint has been filed, the board of selectmen or town council appoints a committee to hear and rule on the complaint or request.

East Haven and Trumbull did not offer information on complaints. The nine (9) towns that make up the Northwestern Connecticut Council of Government are working with the COG to develop a code of ethics that will be offered for adoption to the individual towns. The member towns are: Canaan, Cornwall, Kent, North Canaan, Roxbury, Salisbury, Sharon, Warren, and Washington.
Table 1: Municipalities in Connecticut with a Code of Ethics ordinance:

<table>
<thead>
<tr>
<th>Andover</th>
<th>Ansonia</th>
<th>Berlin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bethel</td>
<td>Bloomfield</td>
<td>Branford</td>
</tr>
<tr>
<td>Bristol</td>
<td>Brookfield</td>
<td>Brooklyn</td>
</tr>
<tr>
<td>Burlington</td>
<td>Clinton</td>
<td>Colchester</td>
</tr>
<tr>
<td>Columbia</td>
<td>Coventry</td>
<td>Danbury</td>
</tr>
<tr>
<td>Darien</td>
<td>Derby</td>
<td>E. Hampton</td>
</tr>
<tr>
<td>East Hartford</td>
<td>East Haven</td>
<td>E. Windsor</td>
</tr>
<tr>
<td>Enfield</td>
<td>Fairfield</td>
<td>Farmington</td>
</tr>
<tr>
<td>Franklin</td>
<td>Glastonbury</td>
<td>Greenwich</td>
</tr>
<tr>
<td>Griswold</td>
<td>Guilford (lx/quarter)</td>
<td>Hamden (bi-monthly)</td>
</tr>
<tr>
<td>Hartford (monthly)</td>
<td>Litchfield</td>
<td>Manchester</td>
</tr>
<tr>
<td>Mansfield</td>
<td>Meriden</td>
<td>Middlebury</td>
</tr>
<tr>
<td>Middletown</td>
<td>Monroe</td>
<td>Montville</td>
</tr>
<tr>
<td>Naugatuck</td>
<td>New Canaan</td>
<td>New Fairfield</td>
</tr>
<tr>
<td>New Haven</td>
<td>New London</td>
<td>New Milford</td>
</tr>
<tr>
<td>Newtown</td>
<td>N. Haven</td>
<td>Norwalk</td>
</tr>
<tr>
<td>Norwich</td>
<td>Old Saybrook</td>
<td>Orange</td>
</tr>
<tr>
<td>Oxford</td>
<td>Plainville</td>
<td>Plymouth</td>
</tr>
<tr>
<td>Putnam</td>
<td>Redding (lx/quarter)</td>
<td>Ridgefield (lx/quarter)</td>
</tr>
<tr>
<td>Seymour (bi-monthly)</td>
<td>Shelton (monthly)</td>
<td>Simsbury</td>
</tr>
<tr>
<td>Somers (lx/quarter)</td>
<td>S. Windsor</td>
<td>Southbury</td>
</tr>
<tr>
<td>Southington</td>
<td>Stamford</td>
<td>Stonington</td>
</tr>
<tr>
<td>Stratford</td>
<td>Suffield</td>
<td>Torrington</td>
</tr>
<tr>
<td>Trumbull</td>
<td>Vernon</td>
<td>Wallingford</td>
</tr>
<tr>
<td>Waterford</td>
<td>Waterbury</td>
<td>West Hartford</td>
</tr>
<tr>
<td>W. Haven</td>
<td>Weston</td>
<td>Wethersfield</td>
</tr>
<tr>
<td>Wilton</td>
<td>Windham</td>
<td>Windsor</td>
</tr>
<tr>
<td>Woodbridge</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 2: Towns that have not had a complaint filed in the previous 5 years.

<table>
<thead>
<tr>
<th>Berlin</th>
<th>Derby</th>
<th>Middlebury</th>
<th>South Windsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bethel</td>
<td>Farmington</td>
<td>Monroe</td>
<td>Southbury</td>
</tr>
<tr>
<td>Burlington</td>
<td>Franklin</td>
<td>Montville</td>
<td>Stonington</td>
</tr>
<tr>
<td>Colchester</td>
<td>Glastonbury</td>
<td>New Milford</td>
<td>Windham</td>
</tr>
<tr>
<td>Columbia</td>
<td>Griswold</td>
<td>Plainville</td>
<td>North Haven</td>
</tr>
<tr>
<td>Coventry</td>
<td>Mansfield</td>
<td>Redding</td>
<td></td>
</tr>
</tbody>
</table>

Table 3: Towns that have received complaints and requests for opinions.

| Bristol (1) | East Hartford (3) | Naugatuck (2) | Oxford (4) |
| Brookfield (1) | East Hampton (1) | New Fairfield (2) | Stratford |
| Brooklyn (1) | Fairfield (1) | Hartford | W. Hartford (1) |
| Danbury (2) | Litchfield (1) | Orange (2) | Wethersfield (2) |

Table 4: Towns that have received requests for advisory opinions only.

<table>
<thead>
<tr>
<th>Bristol</th>
<th>East Windsor</th>
<th>Litchfield</th>
<th>Simsbury</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Hampton</td>
<td>Glastonbury</td>
<td>Meriden</td>
<td></td>
</tr>
</tbody>
</table>

Table 5: Towns that have received complaints, but resolutions have not been issued yet.

| Clinton | Fairfield | Norwich | Shelton |

Table 6: Towns that do not have separate boards or commissions.

<table>
<thead>
<tr>
<th>Coventry</th>
<th>Farmington</th>
<th>Montville</th>
<th>Plainville</th>
<th>South Windsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Hampton</td>
<td>Middlebury</td>
<td>Norwich</td>
<td>Southbury</td>
<td></td>
</tr>
</tbody>
</table>

1. Hartford responded that they have received complaints, but did not specify how many. Most were requests for opinions and clarifications of the code.

2. Stratford responded that there have been several complaints, but was unable to provide information regarding the outcomes.
<table>
<thead>
<tr>
<th>STATE AGENCY</th>
<th>Conflict of Interest</th>
<th>Financial Disclosure</th>
<th>Gift Restriction</th>
<th>Lobbying</th>
<th>Local Appointed Officials</th>
<th>Local Elected Officials</th>
<th>Local Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama Ethics Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Arizona Citizens Clean Elections Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Arkansas Ethics Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>California Fair Political Practices Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Delaware Public Integrity Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Florida Commission on Ethics</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Georgia State Ethics Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Kansas Governmental Ethics Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Louisiana Ethics Administration</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Maine Commission on Governmental Ethics &amp; Election Practices</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Massachusetts Ethics Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Michigan State Board of Ethics</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Minnesota Campaign Finance and Public Disclosure Board</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Missouri Ethics Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Montana Commissioner of Political Practices</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Nebraska Accountability &amp; Disclosure Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Nevada Commission on Ethics</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>New Hampshire Attorney General's Office</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Ohio Ethics Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Oklahoma Ethics Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Oregon Government Standards and Practices Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Pennsylvania Ethics Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Rhode Island Ethics Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Texas Ethics Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
Table 2: Sample Approaches to Municipal Ethics Administration and Enforcement

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Arkansas Ethics Commission</td>
<td>State ethics covers local officials and emolueves</td>
<td>Commission</td>
<td>Commission</td>
<td>Commission (LiWe Rock)</td>
<td>State General Revenue Fund</td>
<td>Yes</td>
<td>Yes</td>
<td>About 100 complaints on average (more during election years),</td>
</tr>
<tr>
<td></td>
<td>Local governments that adopt their own ethics code operate independent of the local commission</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delaware Public Integrity Commission</td>
<td>Application of strictest code (Local governments that adopt their own ethics code operate independent of the local commission.)</td>
<td>Commission receives complaints for local governments that have not adopted their own code</td>
<td>Commission, unless local government has adopted its own code</td>
<td>Commission imposes disciplinary actions, not civil penalties, or, refers criminal violations to the appropriate federal or state authority.</td>
<td>Yes, to local officials under its jurisdiction.</td>
<td>Yes, to local governments under its jurisdiction not to those with their own code.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Castle County Ethics Commission</td>
<td>Local governments that have adopted their own code operate independently</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Utah Office of the Lieutenant Governor
Washington State Public Disclosure Commission

TOTAL: 27

21
25
24
23
19
25
18
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana Board of Ethics</td>
<td>State ethics covers local officials and employees</td>
<td>Board</td>
<td>Board</td>
<td>Baton Rouge</td>
<td>State General Fund</td>
<td>Yes</td>
<td>Yes, voluntary training. Beginning 2010 and 2012 training is mandatory for elected officials and all public servants, respectively</td>
<td>NA</td>
</tr>
<tr>
<td>Nebraska Accountability and Disclosure Commission</td>
<td>State ethics law partially includes local officials and employees with some exceptions (e.g., nepotism) and slight variations for Omaha and Lincoln.</td>
<td>Commission</td>
<td>Commission</td>
<td>Authorised to hold hearings anywhere but generally hold them in Lincoln before an administrative law judge. Occasionally, they conduct hearings remotely.</td>
<td>State Campaign Finance Fund</td>
<td>Yes</td>
<td>Attend organizational meetings (e.g., Nebraska League of Municipalities or those for city, town, or county attorneys) to make informational presentations</td>
<td>The commission conducts about 50 ethics, lobbying, and campaign finance investigations a year. The majority of the ethics investigations are local.</td>
</tr>
<tr>
<td>Nevada Commission on Ethics</td>
<td>State ethics code covers local officials and employees</td>
<td>Commission</td>
<td>Commission</td>
<td>Carson City and video conferenced to Las Vegas</td>
<td>State General Fund</td>
<td>Yes</td>
<td>N/A</td>
<td>Approximately 50 complaints per year</td>
</tr>
<tr>
<td>Ohio Ethics Commission</td>
<td>State ethics law includes</td>
<td>Commission</td>
<td>Commission</td>
<td>Columbus</td>
<td>General Fund</td>
<td>Yes</td>
<td>Yes</td>
<td>About 85% of the complaints are local.</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>--------------------------------------------------------------------------</td>
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<td>--------------------------</td>
<td>------------------------------------------------</td>
<td>-------------------------</td>
<td>---------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Oregon Government Ethics</td>
<td>local officials</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>In 2007, the Commission received 500 ethics complaints and conducted 131 investigations</td>
</tr>
<tr>
<td>Commission</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>About 150 complaints heard per year</td>
</tr>
<tr>
<td>Pennsylvania Ethics Commission</td>
<td>state ethics code covers local officials and employees. Municipalities may enact supplemental codes but they may not be less restrictive than the state law. Municipalities that adopt local codes enforce them. The state commission enforces the code even as local officials.</td>
<td>Commission</td>
<td>Commission</td>
<td>Commission in Harrisburg unless the respondent requests Philadelphia or Pittsburgh</td>
<td>State General Fund</td>
<td>Yes</td>
<td>Yes</td>
<td>400 complaints per year</td>
</tr>
<tr>
<td>Rhode Island Ethics Commission</td>
<td>state ethics code covers municipal officials and employees.</td>
<td>Commission</td>
<td>Commission</td>
<td>Commission in Providence</td>
<td>State General Treasury</td>
<td>Yes</td>
<td>Yes</td>
<td>Roughly 40-50 complaints per year</td>
</tr>
<tr>
<td>--------------</td>
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<td>-----------------------</td>
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<td>--------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>City of Los Angeles Ethics Commission</td>
<td>Independent commission. Municipal Ethics Code (State approach is application of the strictest code.)</td>
<td>Commission</td>
<td>Commission</td>
<td>Commission</td>
<td>Yes (for violations of the city code)</td>
<td>Local officials are subject to advisory opinions that state issues with respect to state law and those that the city issues concerning local law.</td>
<td>State law requires ethics training; thus, the municipal ethics code provides for it</td>
<td>City commission has the authority to investigate alleged violations of state law. It sends findings to the state commission to assess penalties.</td>
</tr>
</tbody>
</table>
Appendix 5
STATUS OF LOCAL ETHICS POLICIES IN CONNECTICUT

Presented by:
Kachina Walsh-Weaver
Senior Legislative Associate
Connecticut Conference of Municipalities

• September 2008 •
CCM is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut.

Our members represent over 93% of Connecticut's population.
CCM Efforts: Ethics Education

• 33 workshops in the last 8 years
• 995 workshop attendees
• Dedicated "ethics" section on CCM's website, with a searchable database..
• Information kit for municipalities - *Ethics and Conflicts of Interest*
CCM Efforts: Ethics Education

• "Ethical Dilemmas" article each issue of our association publication *Connecticut Towns and Cities*

• Compiled and published a book on ethical dilemmas

• Upon request, conduct dedicated ethics forums in individual communities
Survey of Municipalities

CCM began surveying *all* municipalities in June 2008

- **Intent of Survey**
  - Whether municipalities did or did not have an ethics policy in place
  - The content of such policy
  - Existence of any complaints
  - Update our searchable database of local ethics policies
Results of 2008 Survey

Of those with an ethics policy in place:

• 71%, include a Conflict of Interest policy
• Half have had no ethics complaints filed in the last 12 months
• 75% have a formal process for individuals to obtain guidance or opinions on ethics issues
Comparison to 2005 Survey

Municipalities with:
• Ethics policies 1-35%
• Conflict of Interest policy 1-58%
• Disclosure of Conflict of Interest 1-27%
• Process for addressing complaints 1-14%
• Ethics Commission or Board 1-38%
Comparison to 2002 Survey

Municipalities with:

• Ethics policies 97/o
• Conflict of Interest policy 186/o
• Ethics Commission or Board 112%

*Disclosure of conflict of interest and process /or addressing complaints were not questions included in the 2002 survey.*
CCM - Past Advocacy

CCM has continually advocated that we can support requiring municipalities to:

- Adopt an ethics policy
- Establish a mechanism for addressing allegations of unethical behavior
- Report to the State, by a date certain, on what they implemented in response - or already had in place
CCM - Cannot Support

CCM has also always been clear that we cannot support:

• One-size-fits-all approach to local ethics policies
• A blanket requirement for local officials and/or volunteers to disclose their financial interests.
• A mandated mechanism that provides the Office of State Ethics with investigative and hearing authority over local ethics issues
Local Accountability

Municipal officials are the *most accessible* officials in our federal, state, and local systems of government – They are always local.

- Shop at the local grocery stores
- Work-out at the local gym
- Bring their kids to the local schools
- Utilize the same local services

*Local officials are always in the community!*
Considerations

• Unfunded mandates are having a significant impact on local property-tax dollars
  – Cost factors of creating and implementing an ethics code:
    • Attorney Fees
    • Public Notice
    • Referendum and/or town meeting
Considerations

• One-size-fits all approach does not work
  - Municipalities vary greatly in size, with populations ranging from 693 to 140,000
  - Local governments vary in their structure
  - Constituencies of local governments vary in their priorities
  - Size and scope of communities varies greatly
  – What works in one community may not be as effective, or appropriate, in another
Considerations

• Municipalities rely on volunteerism
  – Local boards and commissions
    AND
  – Elected officials

Mandating such things as financial interest disclosure - or - disallowing local officials/volunteers/employees from conducting their own business before or with the town government, could put a chilling effect on residents wanting to serve.
Closing

• The initial thrust behind proposed ethics mandates were overreactions to a few isolated incidents, *all of which were already governed by local ethics codes and commissions* -just as strong as the state code.

  – These incidents were criminal in nature and were dealt with as such.
Closing

• At the same time, the state had similar incidents -all of which were governed by the state code of ethics.
  – Again, these incidents were criminal in nature and were dealt with as such.
Closing

The results of the survey, shows steady increases in the numbers of municipalities implementing local ethics policies...

-+ Clearly indicates that no mandate is needed.
The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of cities and towns. CCM represents municipalities at the General Assembly, before the state executive branch and regulatory agencies, and in the courts. CCM provides member cities and towns with a wide array of other services, including management assistance, individualized inquiry service, assistance in municipal labor relations, technical assistance and training, policy development, research and analysis, publications, information programs, and service programs such as workers' compensation, liability-automobile-property insurance, risk management, and energy cost-containment. Federal representation is provided by CCM in conjunction with the National League of Cities. CCM was founded in 1966.

CCM is governed by a Board of Directors, elected by the member municipalities, with due consideration given to geographical representation, municipalities of different sizes, and a balance of political parties. Numerous committees of municipal officials participate in the development of CCM policy and programs. CCM has offices in New Haven (the headquarters) and in Hartford.

900 Chapel Street, 9th Floor
New Haven, Connecticut 06510-2807
Telephone (203) 498-3000 Fax (203) 562-6314
E-mail: ccm@ccm-ct.org
Web Site: www.ccm-ct.org
CCM SURVEY ON LOCAL ETHICS POLICIES

June 2008

This survey has been sent to all municipal Mayors and First Selectmen, please feel free to forward to the most appropriate person in your administration to complete this survey and return it, along with the necessary documentation, ASAP (was due on June 30, 2008).

Please be sure to answer all questions completely and accurately to the best of your knowledge - feel free to use extra sheets if needed to provide detailed answers and information.

Please be sure to return the survey with a copy of all local ordinances, policies, forms, etc that apply to municipal ethics.

Return to: Kachina Walsh-Weaver
CCM, 900 Chapel Street
New Haven, CT 06510
email: kweaver@:cm-ct.org
fax: (203) 497-2476
phone: (203) 498-3026

| MUNICIPALITY: |  |
| Person Completing Survey: |  |
| Phone: |  |
| Email: |  |

1. Does your municipality have a Code of Ethics or Ethics Policy? **YES** **NO**
   **(If YES, please attach a copy)**

   (1a) If YES, how was it established:
   - Charter
   - Ordinance
   - Code
   - Other (describe)

   (1b) If YES, please check the appropriate boxes as to what is included in your Code/Policy/Charter:
   - Conflict of Interest Policy
   - Disclosure of Conflict of Interest
   - Statement of Financial Interests
   - Ethics Commission or Board
   - Gift Policy
   - Policy for former public employees and officials
   - Process for addressing complaints or allegations of unethical conduct
   - Appeal mechanism for those aggrieved by the outcome of a municipal ethics decision
     - If so, describe:
   - Other (describe)
CCM SURVEY ON LOCAL ETHICS POLICIES
June 2008

(1c) If YES, whose is responsible for tracking allegations or complaints of unethical conduct?

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td></td>
</tr>
<tr>
<td>Phone</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
</tbody>
</table>

(1d) If YES, approximately how many complaints were received in calendar year 2007?

<table>
<thead>
<tr>
<th>0</th>
<th>0</th>
<th>1-5</th>
<th>6-10</th>
<th>10-15</th>
<th>15+</th>
</tr>
</thead>
</table>

(IId) If complaints were received, what types of situations were they for?

- Conflict of Interest
- Gifts/Gratuities/Favors
- Nepotism
- Unauthorized/Personal use of municipal property
- Outside Employment
- Other (describe) ____________________________________________________________________

2. Does your municipality require any form of financial disclosure by municipal officials, employees or volunteers? YES NO

3. Does your municipality provide guidance or opinions on questions concerning ethics? YES NO

(3a) If YES, who is responsible for providing such response?

- Local Ethics Commission/Board
- Regional Ethics Commission/Board
- Municipal Attorney
- Legislative Body
- Other (describe) ____________________________________________________________________

4. Does your municipality participate in any form of regional ethics code, board, commission, or other type of body? YES NO

(4a) If YES, ____________________________________________________________________

<table>
<thead>
<tr>
<th>Organization</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Person</td>
<td></td>
</tr>
<tr>
<td>Phone Number</td>
<td></td>
</tr>
</tbody>
</table>

Page 2 of 2
RESULTS OF CCM SURVEY ON LOCAL ETHICS POLICIES
September 2008

MUNICIPALITIES WITH LOCAL ETHICS POLICY (100% response):

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>IN PROCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>124</td>
<td>36</td>
<td>9</td>
</tr>
</tbody>
</table>

For those responding YES, what is included in the Local Ethics Policies:

- 120 Conflict of Interest Policy
- 99 Disclosure of Conflict of Interest
- 37 Statement of Financial Interests
- 91 Ethics Commission or Board
- 105 Gift Policy
- 45 Policy for former public employees and officials
- 98 Process for addressing complaints or allegations of unethical conduct

For those responding YES, how many complaints were received in the last 12 months?

<table>
<thead>
<tr>
<th>Number of Complaints</th>
<th>0</th>
<th>1-5</th>
<th>6-10</th>
<th>10-15</th>
<th>15+</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>82</td>
<td>32</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

For those with complaints, what were the types of complaints?

- 26 Conflict of Interest
- 4 Gifts/Gratuites/Favors
- 2 Unauthorized/Personal Use of Municipal Property
- 3 Outside Employment
- 0 Other (describe)

Municipalities that require any form of financial disclosure by municipal officials, employees or volunteers,

- 26

Municipalities that provide guidance or opinions on questions concerning ethics,

- 128

Entity responsible for providing such response?

<table>
<thead>
<tr>
<th></th>
<th>70</th>
<th>0</th>
<th>67</th>
<th>10</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Local Ethics Commission/Board</td>
<td>Regional Ethics Commission/Board</td>
<td>Municipal Attorney</td>
<td>Legislative Body</td>
<td>Other (describe)</td>
</tr>
</tbody>
</table>

Municipalities participate in any form of regional ethics code, board, commission, or other type of body?

- NONE
Appendix 6
CHAPTER 3 CODE OF ETHICS

Editor's Note: This ordinance supersedes former Ch. 3, Code of Ethics, adopted by Town Meeting 3-16-1983.
Amendments noted where applicable.]

§3-1 Applicability.
This Code of Ethics applies to all Town of Wilton officials and employees as defined in §3-3A of the Code of Ethics.

§3-2 Preamble.

The goal of this code is to establish clear standards of ethical conduct for all who serve the Town of Wilton, whether in a paid or volunteer capacity, without discouraging participation in Town government by the talented and committed individuals on whose service the Town relies.

Specifically, this code seeks to deter conduct that is incompatible with the proper discharge of duties in the public interest or that would impair independence of judgment or action in the performance of those duties as set forth in this code's standards of conduct (§ 3-3), and to establish procedures for determining whether such conduct has occurred or would occur.

§3-3 Definitions; standards of conduct.

Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BOARD
Any board, committee, commission, council, authority, agency or other body of Town government, including the Board of Selectmen and the Board of Education.

BUSINESS
Any business organization or operation of which an official or employee, or a relative, is an owner, director, officer, employee, compensated agent, or holder of 5% or more of the outstanding stock of any class.

COUNCIL
The Wilton Council on Ethics.

EMPLOYEE
Any person employed full- or part-time by the Town or by any board, excluding any person who is a member of a union having a collective bargaining agreement with the Town or any of its boards and who is covered by a board's code of conduct or a Town departmental code of conduct that:

[Amended 3-3-2008]

Ill
Contains provisions equivalent to, or stricter than, those contained in this chapter; and

(2)
Includes provision for the making of citizen complaints and for an adjudicative process for review and resolution of them.

FINANCIAL INTEREST
Any interest representing an actual or potential economic gain or loss, which is neither de minimis nor shared by the general public, that accrues to an official or employee, to a relative, or to a business.

OFFICIAL
Any elected or appointed person serving on any board, whether paid or unpaid and whether full- or part-time.

PERSONAL INTEREST
Any interest representing an actual or potential noneconomic benefit or detriment, which is neither de minimis nor shared by the general public, that accrues to an official or employee, to a relative, or to a business.

RELATIVE
Any person related to an official or employee by blood, adoption, or marriage.

TOWN
The Town of Wilton.

Key provisions.

Conflict of interest. No official or employee shall participate in any Town or board matter in which he or she has a financial interest or a personal interest. A finding of violation of this provision shall require that:

@ The official or employee has a financial interest or a personal interest in a matter; and

(b) The official or employee has the authority, either individually or collectively with others, to deliberate, decide or act for the Town or board, or to influence a decision or action by the Town or Board with respect to the matter.

Disclosure and recusal.

Whenever a matter arises with respect to which an official or employee may have a conflict of interest, the official or employee shall disclose it in writing to his or her board or supervisor and shall abstain from participation in the deliberation, decision-making and action with respect to the matter unless and until he or she procures an advisory opinion under this code that provides otherwise.

Candidates for Town or board elective or appointive office or for Town or board employment are encouraged to familiarize themselves with this code and to disclose during the process of
election, appointment or employment anything addressed in this code that might impair their ability to perform in the office or position that they seek or for which they are being considered.

(2)
**Gifts and other things of value.** No official, employee, relative, or business shall solicit or accept anything of value, including without limitation a gift, loan, service, reward, or promise of employment, that could reasonably be expected to influence the action or judgment of the official or employee in any Town or board matter.

(4)
**Use of Town property.** No official or employee shall use, or permit the use of, Town property of any nature, including vehicles, supplies and real property, for the benefit of himself or herself, except when such property is made available to the general public and then on terms and conditions not more favorable than those available to the general public.

(5)
**Representation of private interests.** No official shall appear or act in any material capacity on behalf of private interests before any board on which he or she serves, or represent any such interests in litigation involving an action of that board. Disclosure and recusal will not suffice to cure a violation of this provision. This prohibition shall continue for six months after the termination of the official's service to the Town or board. Nothing contained herein shall prevent an official from appearing in his or her own behalf on a matter before the Town or a board, provided he or she abstains from deliberating, deciding or acting with respect to the matter.

(6)
**Use of Town position.** No official or employee shall use his or her position, or knowledge acquired through that position which is not available to the general public, for the purpose of obtaining or furthering a financial interest or a personal interest.

§ 3-4 **Council on Ethics organization and administration: distribution of code; amendments.**

A
**Appointment and composition of Council on Ethics.** The Council shall consist of five electors of the Town who shall serve without compensation. No more than three shall be registered in the same political party. No member shall serve on any board other than the Council or as an employee during his or her term of service on the Council. Members shall be appointed to the Council, and vacancies filled, by the Board of Selectmen.

8.
**Terms of service.** Except as otherwise provided in this and the following subsection, members shall serve for terms of three years. Service shall be limited to two successive full three-year terms. After a lapse of one year, a former member shall again be eligible for appointment. Terms shall commence on December 1. Members shall serve until their successors take office. Any term that would otherwise expire during the pendency of a Council proceeding shall automatically be extended to the end of that proceeding.

C.
**Initial appointments.** Initial appointments shall be for staggered terms ending as follows: two on November 30, 2010, two on November 30, 2009, and one on November 30, 2008.
D.
Election of officers. The Council shall elect annually a Chair, a Vice-Chair, and a Secretary.

E.
Frequency of meetings, quorum, and duties of officers. Meetings shall be held as needed and in any event at least semi-annually. A majority shall constitute a quorum for the conduct of business except as provided elsewhere in this Code. The Chair shall call and preside over meetings; the Vice-Chair shall preside over meetings in the absence of the Chair. The Secretary shall keep minutes of meetings and shall file agendas and minutes with the Town Clerk.

F.
No inquiry on Council's own initiative. The Council shall have no authority to present matters for inquiry or investigation on its own initiative.

G.
Access to Town records and personnel. In furtherance of its duties, the Council shall have access to Town records and personnel as permitted by law. The Council may request assistance from any official or employee and retain others to aid it in pursuing any investigation.

H.
Access to legal counsel. The Council shall have access to Town Counsel and to special legal counsel of the Council's choosing if Town Counsel is disqualified from assisting the Council or recuses, or if the Council deems it inadvisable to proceed with advice from Town Counsel in the circumstances. If special counsel is retained, the Town's Chief Financial Officer or his or her deputy shall negotiate terms of engagement for special counsel.

I.
Maintenance of Council's records. The Council's records shall be stored in Town Hall. Those records that are designated as confidential by the Council shall be stored accordingly and shall not be available for public review except as required by law.

J.
Notification of filings. The Town Clerk shall serve as the Council's agent for receipt of correspondence and filings and shall promptly notify the Council of all correspondence and filings.

K.
Delivery of this code to each official and employee. Within 30 days following the adoption of this code, a copy shall be furnished by the Town to each official and employee. Persons subsequently elected, appointed or employed shall receive a copy of this code at the time their service commences. Each recipient shall acknowledge, in a writing deposited with the Town Clerk, receipt of a copy of this code and agreement to abide by its terms.

L.
Amendment; adoption of rules. The Council may recommend to the Board of Selectmen amendment of this code and may also adopt rules in furtherance of, and not inconsistent with, its provisions.

§ 3-5 Procedure for advisory opinions.
http://www.ecode360.com/?custld=WIO141

4/21/2009
Editor's Note: A Sample Request for an Advisory Opinion Form is included at the end of this chapter.
The procedure for advisory opinions concerning an official's or employee's own position shall be as follows:

Making a request.

(1) An official or employee or a candidate for Town office or employment may request an advisory opinion concerning the requirements of this code as applied to him or her.

(2) The request shall be made in a writing filed with the Town Clerk in a sealed envelope addressed to the Council. The request shall state the name and address of the person making the request and all facts relevant to the matter in question.

Issuance of advisory opinion. The Council may request further information from the person making the request. It shall issue its advisory opinion by majority vote of the full Council and shall do so as soon as practicable. The opinion shall be in writing and delivered to the Town Clerk, who shall mail it to the person making the request. Advisory opinions shall be available to the public except as prohibited by law.

Reliance. A person requesting an advisory opinion may rely on that opinion, provided the person has disclosed all relevant facts and acts in good faith consistent with those facts.

§ 3-6 Procedure for complaints.
Editor's Note: A Sample Complaint Form is included at the end of this chapter.
The procedure for complaints shall be as follows:

A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

COMPLAINANT
The filer of a complaint.

COMPLAINT
A written request for determination made by an individual or a board regarding an alleged violation of this code by an official or employee.

DETERMINATION
A written final decision by the Council with respect to a complaint.

HEARING
A public proceeding before the Council following a finding of probable cause where testimony is taken and documents may be received.

RESPONDENT
The person against whom a complaint is filed.
RESPONSE
The respondent's written answer to the complaint.

B. Procedure.

(1) Filing of a complaint.

A complaint may be made by any individual or board. It shall be made in a writing signed under oath before a notary and shall state the name and address of the complainant, the identity of the official or employee and, if applicable, the relative or business involved in the complaint, the conduct that allegedly violates the code, and a summary of the relevant facts.

A complaint must be filed within two years after the matter in question has allegedly occurred.

The complaint shall be filed with the Council in a sealed envelope addressed to the Council and marked "confidential." It shall be delivered to the Town Clerk either by hand or by certified mail, return receipt requested. The complaint shall be deemed to have been filed on the date of its receipt by the Town Clerk and shall be treated by the Town Clerk as a confidential document.

The Town Clerk, upon direction of the Council, within three business days after the filing, shall notify the respondent by certified mail, return receipt requested, of the filing and date of the complaint and enclose copies of the complaint and this code.

Once the complainant has performed the function of raising a possible violation of this code, the Council shall decide, in the circumstances of the individual case, what further role, if any, the complainant should have in the matter.

(2) Probable cause.

The Council shall review the complaint to determine whether probable cause exists for further proceedings and may conduct an investigation for this purpose. Any investigation conducted prior to a probable cause finding shall be confidential unless confidentiality is waived in writing by the respondent. The respondent may submit a preliminary written reply to the Council within 15 days after the filing of the complaint and before a probable cause finding issues.

If the Council decides by majority vote of members eligible to vote that the complaint does not warrant further investigation because of its lack of factual basis, its de minimis nature, or otherwise, shall issue a finding of no probable cause dismissing the complaint. The finding and the complaint shall remain confidential unless confidentiality is waived in writing by the respondent. A finding of no probable cause shall be final. The Council shall direct the Town
Clerk to forward copies of the finding to complainant and respondent by certified mail, return receipt requested, within three business days thereafter.

(ill)
If, by majority vote of members eligible to vote or by tie vote, the Council finds probable cause, the Council shall direct the Town Clerk to forward copies of the finding to complainant and respondent by certified mail, return receipt requested, within three business days thereafter. Upon a finding of probable cause, the complaint, the finding, and the information gathered during the investigation, if any, shall be made available to the public, and all filings and proceedings that follow shall be public except as required by law; provided, however, that deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act.

(2)
Response. Respondent shall have 30 days after his or her notification of a finding of probable cause to file a response with the Town Clerk. The Council may, upon reasonable grounds, extend this deadline for filing.

fil
Hearing.

(i:il)
The Council shall hold a hearing on any complaint as to which it has found probable cause unless respondent waives a hearing in writing and the Council decides not to hold one. The hearing shall be held on written notice of no less than 30 days to complainant and respondent sent by the Town Clerk by certified mail, return receipt requested. The Council may, upon reasonable grounds, extend the date of the hearing at the request of the respondent.

!nl
If a hearing is held, respondent shall have the opportunity to be represented by legal counsel, to present evidence, and to examine and cross-examine witnesses including the complainant. For purposes of its investigation and at the hearing, the Council is empowered to administer oaths or affirmations and may compel the attendance of witnesses by issuance of subpoenas. It may also require the production of documents, whether in hard copy or electronic format, by issuance of subpoenas for their production. The Council shall give effect to the rules of privilege recognized by the law. The Council may examine any witness who appears before it, including complainant and respondent. The Council may limit the number of witnesses and the scope of testimony to matters it believes relevant, material, not unduly repetitious, and necessary to reach a reasoned determination. A taped or stenographic record shall be made of all proceedings in the hearing.

(fil)
Determination.

iil
Following the hearing, the Council shall issue a determination as soon as practicable and file it with the Town Clerk, who shall mail copies to complainant and respondent within three business days thereafter. No member may vote on a determination unless he or she has attended the entire hearing, if any, and participated in all deliberations. Deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act. A determination of violation requires a majority vote of members eligible to vote.
event of a tie vote, the determination shall be that there is no violation.

iliL
A determination of no violation of this code shall be final.

(0
If a violation is found, the Council may, but need not, also recommend in its determination sanctions which may include, but need not be limited to, censure, required recusal, disclosure of conflicts, and removal from appointive office or employment. Any sanctions imposed under this code shall be separate from, and not in limitation of, any other actions that may be taken against respondent in any proceedings outside this Code.

(fil_
Submission of determination of violation. A determination of violation of this code shall be submitted by the Town Clerk within three business days to the Board of Selectmen for such action as it deems appropriate; provided, however, that if the respondent is an official or employee of the Board of Education, the submission by the Town Clerk shall be to the Board of Education for such action as it deems appropriate.

§3-7 Effective date.
The effective date of this chapter shall be September 15, 2007. This ordinance supersedes the Town Code of Ethics dated March 16, 1983, in its entirety and any amendments to it and regulations issued under it.

3a8divisory Oppon3b omplaint
Chapter 21
ETHICS, CODE OF

§ 21-1. Purpose.

§ 21 -2. Definitions.

§ 21-3. Board of ethics; members, appointment, qualifications, variances, political activity.

§ 21-4. Duties of board re: reports, advisory opinions, memoranda, and regulations; employment of necessary staff.

§ 21-5. Complaints, procedures; time limits; investigation; notice, bearing.

§ 21-6. Confidentiality of complaints; evaluations of possible violations and investigations; publication of findings.

§ 21-7. Penalties; effect of violation.

§ 21-8. Conflicts of interest.


§ 21-10. Former public employees/officials.

§ 21-11. Statements of financial interests; filing requirements.

§ 21-12. Exceptions.

§ 21-13. Legal representation in board proceedings.


[HISTORY: Adopted by the City Council of the City of Meriden 6-6-1996. Amendments noted where applicable.]

1 Editor's Note: This ordinance amended Ch. 21 in its entirety. Prior to amendment of 6-6-1996, this chapter derived from ordinances adopted 9-15-80; 3-6-89; 2-4-91; 2-18-92; 1-18-94; and 5-2-94.
§ 21-1. Purpose.

The proper operation of democratic government requires that public officials and employees be independent and impartial, 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, a code of ethics for all city officials and employees is hereby adopted. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure of private financial or other interests by such officials and employees in matters affecting the city.

§ 21-2. Definitions.

Board of ethics: The board of ethics established in § 21-3.

Business: Any entity through which business for profit or not-for-profit is conducted including a corporation, partnership, proprietorship, firm, enterprise, franchise, association, limited liability company, trust organization, or sole proprietorship or self-employed individual.

Business with which he is associated: A business of which a person or a member of his immediate family is a director, officer, partner, owner, employee, compensated agent, or holder of stock which constitutes 5% or more of the total outstanding stock of any class.

Charter: The Charter of the City of Meriden.

City: The City of Meriden and any special district contained therein.

Confidential information: 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.

Financial interest: Any interest with a monetary value of $1,000 or more or which generates a financial gain or loss of $1,000 or more in a calendar year.

Gift: Anything of value, including entertainment, food, beverage, travel, and lodging given or paid to a public official or public employee without consideration of equal or greater value therefor. 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) or § 9-333b of the Connecticut General Statutes, as amended;

(2) A gift received from (a) an individual's spouse, fiance, fiancee, (b) the parent, brother or sister of such spouse or such individual, or (c) the child of such individual or the spouse of such child;

(3) An honorary degree bestowed upon a public official or public employee by a public or private university or college or a certificate, plaque or other ceremonial award costing less than $100;

(4) A rebate or discount on the price of anything of value made in the ordinary course of business without regard to the recipient's status;

(5) Printed or recorded informational material germane to governmental action or functions, or items of nominal value not to exceed $25, containing or displaying promotional material, received in the course of an individual's official duties, or a meal provided at an event and/or the registration or entrance fee to attend such an event, in which the public employee or public official participates in his official capacity;

(6) Gifts in-kind of nominal value not to exceed $100 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/bat mitzvahs, provided the total value of such gifts in any calendar year do not exceed $200 per donor;

(7) Items of nominal value, provided in social occasions, not to exceed $25 per occasion, or a meal provided in the home by an individual who resides in Meriden.

Immediate family: An individual's spouse, fiance or fiancee; the parent, brother or sister of such individual or spouse and the child of such individual or the spouse of such child.

Individual: A natural person.

Official responsibility: 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.

Person: An individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

Personal interest: An interest in any action taken by the city in which an individual will derive a nonfinancial benefit or detriment as the result of the expenditure of municipal funds.
Probable cause: Such facts as would reasonably persuade a reasonable person to believe that the respondent has violated the code.

Public employee: A person employed, whether part-time or full-time, by the city.

Public official: An elected or appointed official, whether paid or unpaid or full or part-time, of the City.

§ 21-3. Board of ethics; members; appointment; qualifications; vacancies; political activity.

A. There shall be a board of ethics consisting of five members. The members shall be appointed in conformity with § C3-3.J of the Charter of the City of Meriden for a term of three years, except that of the initially appointed members, one shall serve for one year, two for two years, and two for three years. No more than two shall be members of the same political party.

B. All members shall be electors of the municipality. No member shall (1) hold or campaign for any elective public office; (2) have held elective public office, including office as a member of a political party committee, or have been a declared candidate for elective public office for a two-year period prior to appointment; (3) hold office in any political party or political committee; or (4) serve as a member of any other municipal agency or be a city employee, provided, however, that one such member shall be a member of the city council in conformity with § C7-8 of the Charter, unless and until said section is revised to eliminate such requirement.

C. Although any member or employee of the board shall have an unrestricted right to vote, make political contributions, attend fundraising or other political events, no member shall publicly support any candidate for municipal office. Publicly supporting a candidate includes, but is not limited to, giving a speech at a political event or formally endorsing a candidate. Limited volunteer activity as a campaign worker shall not constitute a violation of this section. This provision shall not apply to a member of the city council appointed to the board. A violation of this section shall be a violation of this code.

D. The board shall elect a chairperson who shall preside at meetings of the board and a vice-chairperson to preside in the absence of the chairperson. Three members shall constitute a quorum. A majority vote of the members of the board present and voting shall be required for action of the board, except as hereafter set forth. The chairperson or any three members may call a meeting.

§ 21-4. Duties of board re: reports, advisory opinions, memoranda, and regulations; employment of necessary staff.
A. The board shall: (1) compile and maintain a record of all reports, advisory
opinions, statements, and memoranda filed by and with the board; (2) issue advisory
opinions with regard to the requirements of this code upon the request of any person
subject to this code. Advisory opinions rendered by the board, until amended or revoked,
shall be binding on the board and shall be deemed to be final decisions of the board. Any
advisory opinion concerning the person who requested the opinion and who acted in
reliance thereon, in good faith, shall be an absolute defense to a claimed violation of this
code concerning any matter encompassed by such advisory opinion; (3) report annually
on or before February 1 to the city council summarizing the activities of the board.

B. The board may adopt, after a public hearing, rules and regulations not inconsistent
with this code for the administration and implementation of the code.

C. The board may employ necessary staff or outside counsel within available
appropriations.

§ 21-5. Complaints, procedures; time limits, investigation; notice; hearings.

A. Complaints may be filed (1) by any five or more electors, (2) by the city manager
or city attorney, (3) the mayor, and (4) by any member of the city council. Complaints
may also be initiated by the board. Complaints shall be filed with the city clerk, who shall
immediately seal said complaint and cause it to be delivered to the chairman of the board.

B. (1) Complaints shall be filed on a form prescribed by the board, and signed under
penalty of false statement. The board shall investigate any alleged violation of this Code.

(2) Not later than 10 days after the receipt or issuance of such complaint, the board
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) The board shall review any complaint to determine whether or not the allegations
contained therein, if proven, would constitute a violation of any provision of the code, and
whether or not there is probable cause to believe that there has been a violation of the
code. If the board determines that the complaint does not allege sufficient acts to
constitute a violation, or that there is not probable cause to believe a violation of the code
has occurred, the board shall dismiss the complaint and duly notify the complainant and
respondent by registered or certified mail.

(4) If the board determines that the complaint alleges sufficient acts to constitute a
violation, and that there is probable cause to believe that there has been a violation of the
code, then within 30 days after so determining the board shall fix a date for the
commencement of the hearing on the allegation contained therein. The hearing date
regarding any complaint shall be not more than 60 days after the filing of the complaint.
or said complaint shall be deemed dismissed. All hearings shall be concluded within 120
days of such hearing date.

C. (1) In the conduct of its investigation and hearing of an alleged violation of this
code, the board, to the extent permitted by law, 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 board of any books and
papers which the board deems relevant in any matter under investigation or in question.
In the exercise of such powers, the board may use the services of the department of law,
who shall provide the same upon the board's request.

(2) The respondent shall have the right to appear and to be represented by legal
counsel and to examine and cross-examine witnesses.

D. The board shall make no determination of probable cause that there is a violation
of any provision of the code, nor any finding that there is a violation, except upon the
concurring vote of at least four of its members. No person shall be held to have violated
this code except upon clear and convincing proof.

E. Any hearing conducted by the board shall be governed by the rules of evidence
standard in administrative hearings.

F. No complaint may be made under this code except within five years next after the
violation alleged in the complaint has been committed.

G. No person shall take or threaten to take official action against an individual in
retaliation for such individual's disclosure of information to the board under the
provisions of this code. The provisions of this section shall apply in addition to the
provisions of § 31-5 lm of the Connecticut General Statutes, as amended. A violation of
this section shall be a violation of this code.

§ 21-6. Confidentially of complaint; evaluations of possible violations and
investigations; publication of findings.

A. The board may conduct a preliminary investigation to determine whether the
filing of a complaint on its own initiative is warranted. This preliminary investigation
shall be confidential. Any allegations and any information supplied to or received from
the board shall not be disclosed during the investigation to any third party by a
complainant, respondent, witness, designated party, board, or any staff employed by or
assigned to the board.

B. Unless the board upon investigation and review determines that there is probable
cause to believe that there has been a violation of the code, a complaint alleging a
violation and all proceedings prior to such determination shall be confidential except
upon the written request of the respondent.
C. If the board makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No complainant, respondent, witness, designated party, or board staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. A violation of this section shall be deemed a violation of this code.

D. The board shall make public a finding of probable cause not later than five business days after the termination of the hearing. At such time, the entire record of the investigation shall become public. The board shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making such a finding by registered or certified mail not later than three business days after termination of the hearing.

E. Any respondent aggrieved by a decision of the board regarding a finding of a violation may, within 30 days, take an appeal to the Superior Court for the Judicial District of New Haven, or any court of competent jurisdiction.

F. Nothing herein shall prohibit the board of ethics from reporting the possible commission of a crime to the appropriate prosecutorial authority.

§ 21-7. Penalties; effect of violation.

A. Violation of any provision of this code shall constitute grounds for, and may be punished by (1) public censure and reprimand; (2) in the case of a public employee, a recommendation to the appropriate authority for such personnel action as appears appropriate; (3) a civil penalty of not more than $100 per violation; or (4) restitution of any pecuniary benefits received because of the violation committed.

B. Any contract, transaction or official act or action which was entered into or taken in violation of this code shall be voidable by resolution of the city council.

§ 21-8. Conflicts of interest.

A. No public employee or public official shall engage in or participate in any business or transaction, including outside employment, or have an interest, direct or indirect, which is incompatible with the proper discharge of his official duties or responsibilities or which would tend to impair his independent judgment or action in the performance of his official responsibilities, as hereinafter defined in this section.

B. (1) No public employee or public official shall solicit or accept any gift from any person who to his knowledge is interested in any pending matter within such individual’s official responsibility.
(2) If a prohibited gift worth more than $100 is offered, it must be refused, and reported to the city manager, the city attorney, or chairman of the board of ethics. An unsolicited gift may be donated to a charitable organization or retained by the city at the discretion of the city manager.

C. (1) A public employee or public official shall refrain from voting upon or otherwise participating in any matter if he, a business with which he is associated, or a member of his immediate family, has a financial or personal interest in the matter.

(2) If such participation is within the scope of the public employee's or public official's official responsibility, he shall be required to provide written disclosure, which sets forth in detail the nature and extent of such interest, to the board.

(3) Notwithstanding the above, a public employee or public official may vote or otherwise participate in a matter if it involves a determination of general policy and any benefit or detriment accrues to him, a member of his immediate family, or a business with which he, or a member of his immediate family is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group.

D. (1) Except for a public official who receives no compensation for his service to the city other than per diem payments and reimbursement of expenses, no public employee or public official shall appear on behalf of private interests before any board, agency, or committee of the city.

(2) Except for a public official who receives no compensation for his service to the city other than per diem payments and reimbursement of expenses, no public employee or public official shall represent private interests against the interest of the city in any litigation to which the city, or any of its insurers or indemnities is a party.

E. Nothing contained in this code shall prohibit or restrict a public employee or public official from appearing before any board, agency or commission of the city on his own behalf, or from being a party in any action, proceeding or litigation brought by or against the public employee or public official to which the city is a party, or from appearing before any board, agency or committee of the city in his official capacity in any matter in which he does not have a personal interest.

F. No public employee or public official shall disclose confidential information concerning municipal affairs, nor shall he use such information for the financial interests of himself or others.

G. No public employee or public official shall request or permit the use of city-owned vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such are available to the public generally or are provided as city
policy for the use of such public employee or public official in the conduct of official business.

H. No public employee or public official, or a business with which he is associated, or member of his immediate family shall enter into a contract with the city unless it is awarded in conformity with the provisions of § C-8 of the Charter, as amended.

I. No public employee or public official may use his position or office for the financial benefit of himself, a business with which he is associated, or a member of his immediate family.

J. No public employee or public official shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event, in his official capacity.

K. No public employee or public official, or member of such individual's immediate family or business with which he is associated, shall solicit or accept anything of value, including, but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.


A. No paid contractor of the city shall represent a private interest in any action or proceeding against the interest of the city which is in conflict with the performance of his duties pursuant to his contract.

B. No paid contractor may represent anyone other than the city or himself concerning any matter in which he participated personally and substantially as a contractor to the city.

C. No paid contractor shall disclose confidential information learned while performing his duties for the city nor shall he use such information for any purpose other than in performing under said contract.

§ 21-10. Former public employee/officials.

A. No former public employee or public official, except a public official who receives no compensation for his service to the city other than per diem payments and reimbursement of expenses, shall appear for compensation before any city board or agency by which he was formerly employed or provided service to, or a member of, at any time within a period of one year after termination of his service with the city.
B. No former public employee or public official shall represent anyone other than the city concerning any particular matter in which he participated personally and substantially while in municipal service.

C. No former public employee or public official shall disclose or use confidential information acquired in the course of and by reason of his official duties, for financial gain for himself or others.

D. No former public employee or public official who participated substantially in the negotiation or award of a municipal contract obliging the city to pay an amount of $100,000 or more, or who supervised the negotiation or award of such a contract shall accept employment with a party to the contract other than the city for a period of one year after such contract is signed, except for such contracts as may be awarded to the lowest bidder in conformity with § C-8 of the Charter.

§ 21-11. Statements of financial interests; filing requirements.

A. All public officials and employees shall disclose any financial or personal interest which he, or a business with which he is associated, or a member of his immediate family has in any matter within the scope of such official's or employee's duties and official responsibilities as required by § 21-8(c) of this code.

B. Such person shall disclose such other information as requested by the board which is reasonably likely to lead to the discovery of information relevant to whether or not a violation of this code has occurred.

§ 21-12. Exceptions.

No public official or employee shall be found to have violated any provision of this code by reason of (1) voluntary, uncompensated service to, membership in or affiliation with a social, fraternal, charitable, service, religious, philanthropic, cultural or similar nonprofit institution or organization; (2) a commercially reasonable loan made in the ordinary course of business by an institution or organization authorized by law to engage in the making of such loans; (3) one or more contractual relationships with any specific entity totaling less than $1,000 within a one-year period.

§ 21-13. Legal representation in board proceedings.

A. The department of law shall provide representation to the board upon request and shall not represent any public official or employee in board proceedings.

B. Any public officer or employee, who is the respondent in any complaint filed with the board, and who wishes to be represented by an attorney with regard to said complaint
and to have the city pay the fees of such attorney, shall submit the proposed scope of work and hourly or other fee agreement of such attorney to the city attorney, who shall approve or disapprove same within seven days.

C. Provided that the city attorney shall have given prior written approval to such scope of work and hourly or other fee agreement, the city shall pay the fees of such attorney with respect to any matter alleged in such complaint upon which the board does not find the respondent to have violated this code.


The city council shall inquire into any failure of the board of ethics to complete any action required of it within the time limits fixed by this code. The city council may order said board to so act, or refer the complaint to a committee of the city council to act thereon in accordance with this code.


The city clerk shall cause a copy of this code of ethics to be distributed to every public employee and public official within 60 days after enactment of this code. Each public employee and public official shall be furnished a copy before entering upon the duties of his office or employment. A signed receipt for all copies shall be returned to the city clerk and retained on file. The city clerk shall make additional copies available without charge to any person engaged in any transaction with the city.
Appendix 7
January 8, 2009

The Honorable Gayle Slossberg
The Honorable Junes F. Spallone Co-Chairs, Municipal Ethics Task Force
Legislative Office Building
Hartford, Connecticut 06106-1591

Dear Senator Slossberg and Representative Spallone:

Thank you for your letter of December 15, 2008, requesting the input of the Division of Criminal Justice regarding the Municipal Ethics Task Force established pursuant to Public Act 07-201.

The Division of Criminal Justice recommended the enactment of legislation requiring all municipalities and special districts to establish an ethics commission and adopt a code of ethics in our 2004 Legislative Recommendations. Specifically, the Division endorsed the concept of LCO No. 73 as heard at a public hearing of the Government Administration and Elections Committee on January 23, 2004.

The Division believes such legislation should provide for the appropriate criminal sections in much the same fashion as now provided by the Code of Ethics for state employees and officials. The Division would be happy to review any specific proposals the Task Force has developed defining what constitutes criminal activity and the application of the accompanying criminal sanctions.

In closing, please allow me to commend the Task Force for your continued work in this important area.

Sincerely,

Kevin T. Kane
Chief State’s Attorney
Ethics, Accountability, and Conflicts of Interest

December 3, 2014
Woodbury Town Hall
Robert M. DeCrescenzo, Esq., Principal
Updike, Kelly & Spellacy, P.C.

Robert M. DeCrescenzo has been engaged in the private practice of law with the Firm since 1987 except for the period between 1993 and 1997 when he served as Mayor of the Town of East Hartford. Upon his return to the Firm, Mr. DeCrescenzo has focused his practice in the areas of municipal representation and commercial litigation.

He has extensive experience in the representation of municipalities before public agencies and enjoys a statewide reputation in the areas of municipal advocacy, municipal tax appeals, economic development, housing, neighborhood revitalization and downtown revitalization. Mr. DeCrescenzo is also General Counsel to the Capital Region Council of Governments.

Mr. DeCrescenzo received his J.D., with honors, from the University of Connecticut School of Law in Hartford, his M.A. in Public Affairs, with distinction and his B.A. in Political Science from the University of Connecticut in Storrs.
Municipal Code of Ethics

The standards that define and regulate ethical conduct by Connecticut elected and appointed public officials and public employees are established in state law. The State of Connecticut and most towns and cities have adopted clear guidelines to define conflicts of interest and to prohibit the acceptance of gifts and favors from individuals and entities doing business with local and state government. These principles apply to municipalities and its employees. In this presentation, I review the basic principles and guidelines in Connecticut state and local law that define a code of acceptable ethical conduct.
The State Law Basis for Code of Ethics

The “Common Law” of Ethical Behavior by Public Officials in Connecticut

Since 1948, statutory rules governing ethics have generally been based on Connecticut court decisions that establish ethical principles of official behavior. Connecticut courts use an “appearance of impropriety” standard to evaluate potential conflicts of interest. In Low v. Madison, 135 Conn. 1 (1948), the Connecticut Supreme Court recognized that the public policy of the state requires public officials to avoid even an appearance of impropriety:
“Public office is a trust conferred by public authority for a public purpose….His status forbids the public officer from placing himself in a position where his private interest conflicts with his public duty. The good faith of the official is of no moment because it is the policy of the law to keep him so far from temptation as to insure the exercise of unselfish public interest. He must not be permitted to place himself in a position in which personal interest may conflict with his public duty..”
• Although Low involved a decision of a zoning commission, subsequent decisions of the Supreme Court have extended the doctrine of \textit{Low v. Madison} to other contexts. For example, in Housing Authority of \textit{New Haven v. Dorsey}, 164 Conn. 247 (1973), established the principle that a public official cannot place himself or herself in a position where a private interest conflicts with a public duty. The Supreme Court stated:
“Three essential characteristics differentiate a public office from private employment: (1) an authority conferred by law; (2) a fixed term of office; and (3) the power of exercise some portion of the sovereign functions of government. An individual so invested is a public officer....His status forbids him from placing himself in a position where his private interest conflicts with his public duty. His good faith is of no moment because it is the policy of the law to keep him so far from temptation as to insure the exercise of unselfish public interest....This policy is not limited to a single category of public officer but applies to all public officials....Anything which tends to weaken ... [public] confidence and to undermine the sense of security for individual rights ... is against public policy.”
Thus, for more than fifty years, it has been the rule in Connecticut that municipal officials must be free not only of impropriety but also of the appearance of impropriety. Indeed, shortly after the Supreme Court’s decision in Low, the legislature adopted statutes that explicitly apply to the public policy recognized therein to zoning and planning officials. See Anderson v. Zoning Commission, 157 Conn. 285, 289-90 (1968) (doctrine articulated in Low “has been declared the public policy of our state in at least two statutory enactments [§§8-11 and 8-21]”); Daly v. Town Plan & Zoning Commission, 150 Conn. 495, 499-500 (1963). Pursuant to General Statutes §§8-11 and 8-21, members of municipal zoning commission, planning commissions, planning and zoning commissions and zoning board of appeal may not: (1) participate in the hearing or decision of the board or commission of which he is a member upon any matter in which he is directly or indirectly interested in a personal or financial sense; or (2) appear for or represent any person before the planning or zoning commission or zoning board of appeals. See Conn. Gen. Stat. §§8-11 and 8-21. The principles set out in the land use statutes apply equally to all conduct of municipal officials and employees.
Municipal Code of Ethics

- May not affect unethical conduct that is also criminal
- May assist good faith to combine with good judgment to prevent:
  - Self-dealing
  - Undue influence
  - Bias or pre-judgment
  - Public perception of such conduct
Municipalities normally adopt a code of ethics as an ordinance under authority of General Statutes §7-148h. Typically, the municipal code of ethics establishes rules for:

1. **Gifts and favors**: Prohibits municipal officers and employees from accepting any gift or favor from any person doing business or who desires to do;

2. **Use of influence**: Prohibits covered individuals from using a public office to influence a decision affecting a financial or beneficial interest in their favor;

3. **Confidential information**: Prohibits distribution of confidential information for private gain;

4. **Equal treatment**: Requires all citizens to be treated equally;
5. **Conflicts of interest**: Defines conflict of interest and prohibits covered individuals from participating in decisions for which they have a conflict;

6. **Disclosure of ethical conflicts**: Requires covered individuals to affirmatively disclose actual or potential conflicts of interest;

7. **Incompatible employment and activities**: Prohibits covered individuals from accepting incompatible employment for a period of time;

8. **An acknowledgment form**: Requires that covered individuals sign a form acknowledging they are aware of and have been given a copy of the ethics policy.
Example One:
Chairman of Zoning Commission lives across the street from large development
Development proposes new addition

Example Two:
Board of Education Chairman has four children in school system
Board faces major construction, renovation
Local Volunteer Boards & Commissions

• “A public official must not be permitted to place himself in the position in which personal interest may conflict with public duty.”

• “Local governments would, however, be seriously handicapped if any conceivable interest, no matter how remote and speculative, would require the disqualification of a zoning official. If this were so, it would not only discourage but might even prevent capable men and women from serving as members of various zoning authorities.”

Statutory Authority

Section 7-148h of the General Statutes

1. Authorizes municipalities to adopt a code of ethics
2. Authorizes creation of ethics commission
3. Creates due process requirements for complaints
4. Provides a basic definition of conflict of interest
5. No real enforcement power; emphasis is on prevention
But What if the Town Doesn’t Adopt?

• Presently a municipal option, not a state mandate

• Lack of a code does not mean lack of ethical requirements, as other rules apply

• For many decisions of boards and commissions, there can be two types of recourse:
  – Appeal of decisions
  – Ethics complaint
Code of Ethics Procedures – Due Process

**Towns to Follow State Model (Section 1-82a):**

1. Complaints in writing and signed under penalty of law
2. Notice to accused person
3. Probable cause investigation
4. Power of subpoena
5. Record of proceedings in hearing
6. Right to counsel
7. Right to appear and confront witnesses
8. But no rights of appeal to court
9. Town may have to reimburse attorneys fees for successful defense
Confidentiality

• Statute requires confidentiality, so FOI does not apply

• Confidentiality applies to parties, records, witnesses for:
  – Allegations
  – Probable cause investigation
  – Evaluation
  – Finding of no probable cause

• Unless released by accused

• If probable cause is found, record and hearing are public
Basic Elements of Conflict of Interest Section 7-148h(b)

- Applies to office holder, spouse, dependent child, business
- Derive direct (monetary) gain
- Suffer direct (monetary) loss
- But no conflict of interest if benefit or detriment is to no greater extent than any other member of profession, occupation, or group
Elements of Conflict of Interest
Section 7-479

• Financial or personal beneficial interest
  – Directly or indirectly
  – In contract or purchase order

• Accepting or receiving
  – Directly or indirectly
  – From any person awarded contract or purchase order
  – Money or gifts of any value whatsoever
  – Promise, obligation or contract for future reward or compensation
Fundamental Fairness

• Office holder should not place himself or herself in a position in which personal interest MAY CONFLICT with public duty
• The test is not whether personal interest does conflict but whether it REASONABLY MIGHT conflict
• Because no situation should be created which tends to weaken public confidence

Special Land Use Board
Statutory Rules

• Sections 8-11 and 8-21 of the General Statutes address disqualifications from proceedings before zoning commissions, zoning boards of appeal, planning commissions, combined P and Z’s
  – No member may appear on the behalf of any other person in any matter pending before a board or commission
  – Whether or not he is a member of that board or commission
  – Even if recused
  – But may appear before a board or commission in any matter in which he is personally interested
Case Law Guidance

May a member represent himself?
- Zoning commission member lived across the street from applicant for a gravel excavation permit. He was not seated, but appeared before the commission to speak against the application as an individual.

What are personal interests?
- Zoning commission chairman lived with ½ mile of property applying for change of zone from residential to commercial, and knew neighborhood feelings. He recused himself but the alternate was an employee of the same bank in which the chairman was an executive, although the alternate did not report to the chairman.
- Meanwhile, another commission member was half owner of a business that used the same law firm that represented the applicant.
Case Law Guidance (cont.)

• Zoning commission chairman who was a friend of a neighbor opposing an applicant voted to remove the applicant’s zoning permit. When applicant then went to ZBA for variance, chairman appeared before the ZBA to oppose variance, but claimed he was there as volunteer, not on behalf of his friend who was only other opponent.

• Historic district commissioner recused himself from application for architectural changes to house but was allowed to speak against application as an architectural expert.
Case Law Guidance (cont.)

• Zoning chairman voted over owner’s opposition to change zoning classification of property from commercial to residential where his parents and sister owned property adjacent to the property being changed.

• First selectman as ex-officio (non-voting) member of zoning commission sat in on hearing and deliberations (without comment) when zoning permit was issued for a new shooting range at a gun club. First selectman was a member of the gun club and owner of only gun shop in town, whose customers included gun club members.
Case Law Guidance (cont.)

Must the applicant seek disqualification?

- Three members of a planning and zoning commission, none of whom lived near a large proposed development, had spoken against it in the past and were members of neighborhood organizations in opposition. The commission denied rezoning for the development. In addressing the commission, the applicant’s lawyer had “invited” the members to consider whether they should disqualify themselves. The commission discussed disqualification but the members felt they could be open-minded. The applicant did not move for disqualification.
Guidance from State Code

- State code, also a statute, Section 1-79 et. seq.
- More stringent
- Many prohibitions on conduct
  - lobbyists
  - statements of financial interest and disclosures
  - conduct after leaving office
  - reporting of gifts
  - Advisory opinions
    - open to FOI requests
Guidance from Model Code

• Complicity
  – Aiding, abetting or assisting act by another public official

• Deliberations
  – Participation prohibited as well as voting

• Duty to leave meeting
  – Or for public meeting, step down and join audience
Summary

• Do not accept a gift or anything of value from a vendor or any entity doing business with your municipality without discussing it first with your supervisor;

• Do not solicit anything of value (event tickets, dinner, lunch, etc.), or use language that would be interpreted as solicitation, with a municipality vendor, even in jest. Do not give the impression that the offer and receipt of gifts is acceptable;

• The guiding principal is to avoid even the appearance of impropriety;

• Municipal employees, like state employees, cannot be in the position where their private interests conflict with the duties of their public office;

• When in doubt, politely decline the offer.
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The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities. CCM is an inclusionary organization that celebrates the commonalities between, and champions the interests of, urban, suburban and rural communities. CCM represents municipalities at the General Assembly, before the state executive branch and regulatory agencies, and in the courts. CCM provides member towns and cities with a wide array of other services, including management assistance, individualized inquiry service, assistance in municipal labor relations, technical assistance and training, policy development, research and analysis, publications, information programs, and service programs such as workers' compensation and liability-automobile-property insurance, risk management, and energy cost-containment. Federal representation is provided by CCM in conjunction with the National League of Cities. CCM was founded in 1966.

CCM is governed by a Board of Directors, elected by the member municipalities, with due consideration given to geographical representation, municipalities of different sizes, and a balance of political parties. Numerous committees of municipal officials participate in the development of CCM policy and programs. CCM has offices in New Haven (headquarters) and in Hartford.

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Sources For More Information On Ethics

A. Publications


B. Agencies and Organizations


C. Online Resources

1. Connecticut State Ethics Office: 
   www.ct.gov/ethics/cwp/view.asp?a=2306&q=329570&ethicsPNavCtr=%7C


3. The Council on Governmental Ethics Laws: www.cogel.org

4. The Markula Center For Applied Ethics (part of Santa Clara University)
   www.scu.edu/ethics/practicing/focusareas/government_ethics

5. Municipal Research And Services Center: 
   www.mrsc.org/subjects/personnel/ethics.aspx

6. www.cityethics.org