

**DRAFT**  
**CODE OF ETHICS**

**PART I ADMINISTRATIVE LEGISLATION**

**1. Legislative Intent.**

The proper operation of government requires that public officials and public employees be independent, impartial and responsible to the people; that governmental decisions and policies be made free from undue influence and in the proper channels of governmental structure; that governmental office and employment not be used for unauthorized personal gain; that governmental officials and employees strive to avoid even the appearance of impropriety; and that the public have confidence in the integrity of its government. The purpose of this Code of Ethics is to set forth standards of ethical conduct to guide elected or appointed officials and employees of the Town of Bolton in the conduct of their public responsibilities and to develop and maintain a tradition of responsible and effective public service. In recognition of these goals, this Code of Ethics is established pursuant to authority granted to the Town by Connecticut General Statutes Section 7-148h as amended.

**2. Definitions.**

For the purpose of this ordinance, the following terms shall have the indicated meanings:

**AGENCY** -- All boards, commissions, authorities and committees of the Town of Bolton, including the Board of Education, but not including a Town Meeting.

**BENEFICIAL INTEREST** -- Any nonfinancial interest or special treatment that is not common to other citizens of the Town. An individual's beneficial interests shall include the beneficial interests of all members of his/her family.

**BOARD** -- Shall mean the Ethics Board unless otherwise noted.

**CONFIDENTIAL INFORMATION** -- Information, whether transmitted orally or in writing, that is obtained by an official or employee by reason of his/her public position and is of such nature that, at the time of transmission, it is not a matter of public record.

**CONSULTANT** -- Any independent contractor or professional person or firm that is engaged by and receives compensation from any agency for the purpose of providing scientific, technical or other specialized opinion to such agency and is in a position to influence any decision of an agency, official or employee.

**EMPLOYEE** -- Includes all persons, including but not limited to officers and supervisors, employed by the Town and encompasses all persons, including but not limited to officers and supervisors, employed by the Board of Education.

**FINANCIAL INTEREST** -- Any interest that has a monetary value of \$100 or more or generates a financial gain or loss of \$100 or more in a calendar year and is not common to the other citizens of the Town. An individual's financial interests shall include the financial interests of all members of his/her family but shall not include any duly authorized compensation from the Town.

**OFFICIAL** -- Includes all persons who are members of a Town agency.

### **3. Consultants.**

- A. This Code of Ethics shall be incorporated into all contracts entered into by an agency and a consultant.
- B. Persons or firms who are engaged by and receive compensation from other entities, such as the state or federal government, and who are in a position to influence any decision of an agency, official or employee shall be guided by this Code of Ethics, and the Board of Ethics, upon complaint or its own motion, may make recommendations to the entity employing such persons.

### **4. Confidential Information.**

Except as otherwise required by law, no official, employee or consultant shall disclose, without proper authorization, confidential information, nor shall he/she use such information to advance his/her financial or beneficial interests or the financial or beneficial interests of others. This section shall not be used to restrict the release of information that is properly available to the public.

### **5. Use of Influence.**

No official, employee or consultant may inappropriately use his/her position to influence a decision affecting a financial interest or a beneficial interest in his/her favor or in favor of any other person or entity.

### **6. Gifts and Favors.**

- A. No official, employee or consultant or any member of his/her immediate family nor any agency, employee organization or group of employees shall solicit or accept any valuable gift, whether in the form of a service, a loan at a less than a commercially reasonable rate, a material thing or a promise, from any person or entity who or which is interested directly or indirectly in any business transactions or pending matters that are within the purview of such prospective recipient's official responsibilities. No official or employee shall accept any special favor, treatment, consideration or advantage beyond that which is generally available to citizens of the Town from any person who, to the official or employee's knowledge, is interested directly or indirectly in any business transactions or pending matters that are within his/her official responsibilities. For purposes of this section, pending matters include, but are not limited to, applications to agencies, bids for work to be performed, applications for employment and bids for the furnishing of supplies, equipment or other items.
- B. The Board of Ethics shall formulate guidelines for delineating gifts and favors deemed not to be of value in order to avoid de minimis situations. Such guidelines shall become effective upon adoption by the Board of Selectmen.
- C. This section shall not apply to a political contribution otherwise reported as required by law.

### **7. Equal Treatment.**

Without proper authorization, no official, employee or consultant shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

### **8. Conflict of Interest.**

- A. An official or employee or consultant has a conflict of interest when he/she engages in or participates

in any transaction, including private employment and the rendering of private services, that is incompatible with the proper discharge of his/her official responsibilities in the public interest or which gives the perception that his/her independent judgment or action in the performance of his/her official responsibilities has been impaired.

- B. An official or employee or consultant has a financial interest or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if he/she has reason to believe or expect that he/she will derive such interest by reason of his/her performance of his/her official responsibilities.
- C. An official or employee or consultant does not have a financial or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if any such interest accrues to him/her as a member of a business, profession, occupation or group to no greater extent than it accrues to any other member of the business, profession, occupation or group that he/she represents. This does not relieve an individual from his/her obligation to refrain from voting on any matter that would directly benefit his/her business, profession, occupation, group or family as required by this Code of Ethics, the Town of Bolton Charter and General Statutes Section 7-148h(b) as amended.

## **9. Disclosure.**

- A. Any official, employee or consultant who has a financial or beneficial interest, direct or indirect, in any contract, transaction or decision within the purview of his/her official responsibilities shall disclose that interest in writing to the Board of Selectmen. Such disclosure also shall be provided, in the case of an official, to the agency of which the official is a member, and, in the case of an employee or consultant, to the agency by which he/she is employed or has been retained. Such disclosure shall disqualify the official, employee or consultant from participation in the matter, and violation of this section shall be grounds for removal by the appropriate agency in accordance with applicable law.
- B. No official or employee or consultant shall appear on behalf of any private person or party before any agency in connection with any cause, proceeding, application or other matter in which he/she has a financial or beneficial interest without first disclosing such interest to the agency, which shall record such disclosure in the record of the agency's proceeding. The Secretary or Clerk of said agency shall notify the First Selectman and, in the case of an official or employee of the Board of Education, the Chairman of the Board of Education, and the Chairman of the Board of Ethics in writing of such disclosure within three business days.

## **10. Incompatible Employment and Activities.**

- A. No official or employee shall engage in or accept private employment or render services for private interest when the employment or services: are incompatible with the proper discharge of his/her official duties; or which gives the perception that his/her independence of judgment or action in the performance of his/her official duty has been impaired. No consultant shall engage in employment or render services for interests other than the Town when such employment or services: are incompatible with the proper discharge of his/her consulting duties; or would tend to impair the independence of his/her judgment or action on the matter for which he/she has been engaged by the Town.
- B. No former official, employee or consultant shall appear on behalf of any private person or other entity before any agency with which he/she previously was employed or affiliated for a period of one year after the termination of his/her public service or employment. Such an individual may be relieved of

his/her duty to refrain from such appearance upon written application to the Board of Ethics, which Board shall review the written application and relevant facts.

- C. No former official, employee or consultant shall appear on behalf of any private person or other entity before any agency in regard to a matter in which he/she previously participated in the course of his/her official responsibilities for a period of one year after the termination of his/her public service or employment. Such an individual may be relieved of his/her duty to refrain from such appearance upon written application to the Board of Ethics, which Board shall review the written application and relevant facts.
- D. Subsections B and C of this section shall not prohibit any current or former official, employee or consultant from appearing before any agency on his/her own behalf or on behalf of members of his/her family. To avoid the appearance of impropriety, officials are strongly discouraged from appearing before their own agency unless extenuating circumstances exist. When in doubt, an official should seek an opinion from the Board of Ethics prior to appearing before his/her own agency.
- E. An official should not appear before, or participate in the proceeding of, another agency in violation of Connecticut General Statutes Section 8-11 or 8-21 as amended or any other provision of the General Statutes.
- F. To avoid even the appearance of impropriety, an official not otherwise prohibited shall exercise care when appearing before other agencies and shall disclose whether he/she is appearing in his/her official capacity or as a private citizen.

## **11. Ethics Acknowledgment Form**

- A. Every elected or appointed official shall sign and file with the Board of Selectmen an Ethics Acknowledgment Form, as approved by the Board of Selectmen, indicating his/her awareness of the provisions of this Code of Ethics, the guidelines issued thereunder on or before being sworn into office. The Board of Selectmen shall adopt and implement a procedure for monitoring compliance with the aforesaid filing requirement.
- B. Every consultant shall sign and file with the agency by which he/she is retained an Ethics Acknowledgment Form, supplied by the Administrative Officer/Superintendent of Schools, indicating his/her awareness of the provisions of this Code of Ethics on or before being retained by an agency. The Board of Selectmen shall adopt and implement a procedure for monitoring compliance with the aforesaid filing requirement.
- C. Employees.
  - (1) The Board of Selectmen shall adopt and the Administrative Officer shall implement a plan for making all employees, other than persons who are employed by the Board of Education, aware of the provisions of this Code of Ethics, the guidelines issued thereunder. The plan adopted by the Board of Selectmen shall contain a provision requiring that department heads review such provisions with all such employees at an interval to be determined by the Board of Selectmen. The plan shall be completed within 120 days after the adoption of this Code of Ethics, and a copy of the plan shall be filed with the Board of Ethics upon its adoption.
  - (2) Every employee, other than persons employed by the Board of Education, shall execute an Ethics Acknowledgment Form, supplied by the Administrative Officer, indicating the employee's awareness

of the provisions of this Code of Ethics and the guidelines issued thereunder as follows:

- (a) New employees shall execute the form at the time of employment and thereafter in accordance with Subsection C(2)(b) below.
- (b) Current employees shall execute the form within 60 days after the adoption of the procedure set forth in Subsection C(1) above.

**D. Board of Education.**

- (1) The Board of Education shall adopt and the Superintendent shall implement a plan for making all employees of the Board of Education aware of the provisions of this Code of Ethics, the guidelines issued thereunder. The plan adopted by the Board of Education shall contain a provision requiring that department heads review such provisions with all employees at an interval to be determined by the Board of Education. The plan shall be completed within 120 days after the adoption of this Code of Ethics, and a copy of the plan shall be filed with the Board of Ethics upon its adoption.
- (2) Every employee of the Board of Education shall execute an Ethics Acknowledgment Form, supplied by the Superintendent, indicating the employee's awareness of the provisions of this Code of Ethics and the guidelines issued thereunder as follows:
  - (a) New employees shall execute the form at the time of employment and thereafter in accordance with Subsection D(2)(b) below.
  - (b) Current employees shall execute the form within 60 days after the adoption of the procedure set forth in Subsection D(1) above.

**12. Board of Ethics.**

- A. Establishment. As authorized by the Town of Bolton Charter, Ordinance and Section 7-148h as amended of the Connecticut General Statutes, the Board of Selectmen shall appoint a Board of Ethics consisting of six members, two of whom shall be registered Republicans, two of whom shall be registered Democrats and two of whom shall be unaffiliated voters. The members of the Board shall serve four-year terms, except that at the first appointment by the Board of Selectmen, one Republican, one Democrat and one unaffiliated voter shall be appointed for two-year terms, with the remaining members appointed for four-year terms.
- B. Organization and Procedure. The Board shall elect a Chairman and Vice Chairman/Secretary and shall establish its own rules and procedures to carry out the intent of this Ordinance, which shall be filed in the office of the Town Clerk and be available to any elector of the Town upon request to the Board. The first rules and procedures shall be established within six months of the date this Ordinance becomes effective. The need to maintain confidentiality in order to protect the privacy of public officials, employees and consultants shall be considered when establishing the rules and procedures. It 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) The Board shall render advisory opinions with respect to whether specific situations or activities may or may not result in a violation of the Code of Ethics to any agency or any official, employee

or consultant pursuant to a written request or upon its own initiative. The Board may also issue operational guidelines. Such opinions and guidelines, until amended or revoked, shall be binding on the Board, and reliance upon them in good faith is an absolute defense in any action brought under the provisions of this ordinance. Any request or opinion, the disclosure of which invades the personal privacy of any individual [as that term is used in Connecticut General Statutes Section 1-19(b)(2) as amended by the Connecticut Freedom of Information Commission and the courts], shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Board may make available to the public any advisory opinions that do not invade an individual's privacy and may take other appropriate steps in an effort to increase public awareness of this Code of Ethics.

- (2) The Board shall establish procedures by which any person may initiate complaints alleging a violation of this Code of Ethics. The Board itself may also initiate such a complaint. The Board shall have that power and to hold hearings concerning the application of this Code and its violation and may administer oaths and compel the attendance of witnesses by subpoena. As required by Section 7-148h(a) as amended of the Connecticut General Statutes, the provisions of Section 1-82(a) through (c) as amended of the Connecticut General Statutes and Section 1-82a as amended of the Connecticut General Statutes shall apply to all investigations and hearings held under this chapter. If the Board determines that there is probable cause, it shall continue the investigation and hold such further hearings as may be necessary. 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. He shall have the right to have a hearing held in Executive Session or, at his request the hearing will be held in Open Session. If the Board determines that the respondent has, in fact, violated the provisions of this Code, it shall file a memorandum of decision with a recommendation for appropriate action with the Board of Selectmen, except with respect to individuals under the jurisdiction of the Board of Education, in which cases the memorandum of decision shall be filed with the Board of Education. In the case of a consultant, it shall also be filed with the contracting agency.
- (3) If an official, employee or consultant who is the subject of a complaint under investigation leaves office or employment after filing of the complaint but before resolution of the complaint, the Board shall have the power, by majority vote, to continue investigation of the complaint. If an ethics complaint is filed against a former Town of Bolton official, employee or consultant within 90 days after he or she has left employment for the Town, the Board shall have the power, by majority vote, to initiate an investigation.
- (4) The recommended action may include reprimand, public censure, restitution from any pecuniary benefit received because of the violation or other such action as the Board of Selectmen or Board of Education may deem appropriate in accordance with their respective responsibilities under the law, provided that 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 or the Board of Education under the Charter of the Town of Bolton or under any ordinance, statute or any other law, and the actions hereunder shall be supplemental to any authority the Board of Selectmen or Board of Education has under any ordinance, statute or any other law. Any discussion by the Board of Selectmen, Board of Education or contracting agency of an individual affected by said memorandum of decision shall be in executive session, unless the individual affected requests that such discussion be held in open session.