# CODE OF ETHICS

## DECLARATION OF POLICY AND PURPOSE

The proper operation of the municipal government of the Town of Columbia 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 the public office and employment should not be used for personal gain or advantage; and that the public have confidence in the integrity of the municipal government. Public office is a trust conferred by public authority for public purpose. Public officials and municipal employees should not place themselves in positions where private interests conflict with public duty.

## DEFINITIONS

(a) *Close relative*: Means the spouse, parent, child or sibling of a public official or municipal employee.

(b) *Financial Interest:* Means any interest in the result of a discretionary public action in which an individual or a close relative of the individual derives or expects that they will derive economic gain or loss from such action.

(c) *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. "Gift" shall not include a political contribution otherwise reported or 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 fifty dollars ($50.00) per person; an occasional non-pecuniary gift, insignificant in value; and 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.

(d) *Individual*: Means a natural person.

(e) *Municipal Employee:* Means an individual working for salary or wages for the Town of Columbia, excluding the board of education employees, whether on a part-time or full time basis.

(f) *Personal Interest*: Means a private involvement of any public official, town employee or a close relative of such official or employee from which the official, employee or close relative may derive an advantage or benefit of a nonfinancial nature.

(g) *Persons:* Means an individual, a business, corporation, union, association, firm, partnership, committee, club, or other organization or group of persons.

(h) *Public Official:* Means any elected town officer and any individual appointed to any town office, commission, board or department by the Board of Selectmen.

**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 Board of Selectmen investigating and reporting on both. The following enumeration of certain activities does not eliminate unethical activities not listed in this article. 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 Board of Selectmen. All professional employees and officials of the town including, but not limited to, accountants, attorneys and, engineers shall also be required to conform to the canons or code of ethics of their profession.

(b) Conflict of interest

A public official or municipal employee has a conflict of interest when:

> (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 such official or employee in his or her official capacity; or
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> (2) A public official or municipal employee accepts employment which will either impair such individual's independence or judgment with regard to such individual's official duties or require such individual to disclose confidential information acquired in the course of public duties.

A public official or municipal employee 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.

Any public official or municipal employee who has a conflict of interest shall excuse himself from voting or deliberating or taking any action on the matter in question and shall report any financial interest pursuant to section (l) of this code of ethics. In the event that such individual is a member of an agency, board or commission and does not excuse or disqualify himself from acting, a majority of those present and voting, excluding the member charged with the conflict of interest, of the respective board, agency or commission shall have the power to disqualify such individual from acting on such matter. Violation by any such public official or municipal employee of the provisions of this section with the knowledge, express or implied, of any person or corporation participating in such contract, transaction or decision shall render the same ~~viodable~~ voidable by the Board of Selectmen or by a court of competent jurisdiction.

(c) 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 of the town, shall:

(1) Have or thereafter acquire an interest in such contract or transaction; or

(2) Have a financial interest in any business entity representing, advising, or appearing on behalf of, any person involved in such contract or transaction; or

(3) Have solicited or accepted present or future employment with a person or business entity involved in such contract; or

(4) Have solicited, accepted, or granted a present or future gift, 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 content of the communication a part of the record.

(d) 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 such contract or transaction at a time when the public official or municipal employee believes or has reason to believe that it will directly or indirectly be affected by an official act or action of the town.

(e) 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.

(f) 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 that individual's official duties or would tend to impair the individuals independence or judgment or action in the performance of the individuals official duties, unless otherwise permitted by law.

(g) Appearances

No public official or municipal employee shall appear on behalf of any private person, other than himself or herself, their 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 Administrator when the Administrator deems such appearance to be in accordance with the employee's employment responsibility and in accordance with established Board of Selectmen policies. However a member of the Board of Selectmen may appear before town agencies, boards or commissions on behalf of his or her constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations.

(h) Public contracts

No member of the Board of Selectmen or the Financial Planning and Allocation Commission shall contract, sell materials, supplies, or services with any agency of the Town for a sum greater than $300.00 unless such contract is the result of competitive bidding. Except as stated above, no

public official or municipal employee who, in his or her capacity as such official or employee, participates in the making of a contract in which such individual 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 Board of Selectmen waives the requirement of this section after determining that it is in the best interest of the town to do so.

(i) 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.

(j) 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.

(k) Later case interest

For one year after a public official or municipal employee leaves office or employment, such official or employee shall not appear before any board, commission, committee or agency of the town as a compensated agent for any person in relation to any case, proceeding or application in which such individual personally participated during the period of such individual's service or employment, or which was under his active consideration.

(l) Disclosure of interest in legislative action

Any public official or municipal employee, who has a financial interest, direct or indirect, in any contract, any transaction or any decision of any agency, board or commission, to which the Town is a party, shall disclose that interest to the board, agency or commission, where applicable and to the Board of Selectmen, who shall record such disclosure upon the official record of their respective meetings.

**ADOPTION OF RULES OF PROCEDURE**

The Board of Selectmen shall adopt rules of procedure and regulations which it deems necessary to carry out the intent of this policy, which shall

be filed in the office of the Town Clerk and be available for public inspection. The discussions of the Board of Selectmen that are held in executive session are to be confidential.

## PROCEDURE FOR RECEIVING AND HEARING COMPLAINTS

(a) The Board of Selectmen shall receive complaints from any person who alleges a violation of the code of ethics. Any complaint received by the Board of Selectmen must be in writing and signed by the individual making the complaint. If a complaint alleges a violation of the code of ethics against a member of the Board of Selectmen, then that member shall not participate as a board member in any proceeding involving such complaint.

(b) Upon receiving a complaint of an alleged violation of the code of ethics, the Board of Selectmen shall, within seven (7) days, notify in writing the person about whom said complaint has been filed, advising the concerned party of the specific nature of the complaint made and being investigated by the Board of Selectmen, and enclosing therewith a copy of the complaint. The Board of Selectmen may make a preliminary investigation of the validity of the complaint including interviews or discussions with the complainant, town personnel or members of the public. At any time after the receipt of a complaint, the Board of Selectmen may dismiss the complaint after finding there is no justification for the complaint; such notice of dismissal shall be given, in writing, to the complainant and the accused party. Upon receipt of the notice of complaint, the party so notified shall have the right to file a response within ten (10) days and may, within said time period, demand a hearing by the Board of Selectmen. If a hearing is so requested, it shall be convened within twenty (20) days after such request. If no request for a hearing is made, the Board of Selectmen by an affirmative vote of at least four (4) 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 forty-five (45) days after receipt of the complaint.

(c) In the event a hearing is held, the person against whom such complaint is filed shall have a right to counsel, to confront witnesses, to cross-examination and to present evidence on his or her behalf. He or she shall also have the right to have the hearing held in executive session or, at his or her request, the hearing will be held in open session. No hearing shall be conducted with less than four (4) members of the Board of Selectmen in attendance. All hearings will commence at a meeting open to the public but by a vote of the Board of Selectmen the Board may go into executive session to hold the hearing and discuss the appointment, employment, performance, evaluation, health or dismissal of a public official or municipal employee.

(d) A Violation of any provisions of this ethics code should raise questions for the public official or municipal employee involved as to whether voluntary resignation or other action is appropriate to promote the best interests of the town. Sanctions for violations shall include, but not be limited to, suspension, censure, dismissal of an employee, removal of an appointed official by the appointing authority and public recommendation to an elected official that he or she resign from office. Notification of such disposition shall be given orally immediately to the person about whom the complaint has been filed and in writing by certified mail, to said person within thirty (20) days after the Board of Selectmen approves such sanctions.

## NOTICE OF HEARINGS

All notices required under this policy shall be sent by registered or certified mail, return receipt requested.

(a) In the event a hearing is held, the Board of Selectmen shall render a decision within ten (10) days of the final day of said hearing. In the event no hearing is held, the Board of Selectmen shall render a decision within thirty (30) days of the receipt of the complaint.

(b) Except for the exception of the Board of Selectmen recommending that an elected official resign or unless required by law, all complaints, responses thereto, hearings or other proceedings and the results thereof shall remain confidential unless the person about whom such complaint was made gives written authorization to the Board of Selectmen to release such matters, the same being hereby declared to be confidential in order to provide reasonable protection to the reputation or character of the person.

(c) The mailing address of the Board of Selectmen shall be 323 Route 87, Columbia, CT 06237.

## NOTICE OF ETHICAL CODE

Prior to any public official taking office or municipal employee beginning employment such individual shall receive from the Town, and give written receipt for, a copy of this policy and such individual shall immediately read and otherwise familiarize himself with the terms of this policy. Where any public official or municipal employee has a doubt as to the applicability of any provisions of this code to a particular situation or as to the definition of terms used herein, such individual may apply, in writing, to the Board of Selectmen 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 Board of Selectmen shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the Board of Selectmen unless the public official or municipal employee waives such confidentiality or where such nondisclosure would violate the Connecticut General Statutes.

**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.