

TOWN OF STRATFORD, CONNECTICUT

Article IV: ETHICS CODE (#08-09)

§ 5-23 Title

This ordinance shall be known as the Ethics Code for the Town of Stratford.

§ 5-24 Definitions

Business with which he or she 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.

Commission means the Stratford Ethics Commission established pursuant to Section 7-148 of the Connecticut General Statutes.

Complainant means any person, association, company or the Ethics Commission who or which files a complaint pursuant to this Code.

Confidential Information means any information concerning the property, business or affairs of the Town which is exempt or, if put in writing, would be exempt from disclosure under the Freedom of Information Act.

Domestic partner is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

Employee means an individual employed by the Town, whether as a classified or unclassified, permanent or temporary, full-time or part-time employee, or employed by contract on a continuing basis and all employees of the Board of Education.

Household includes anyone whose primary residence is in the official or employee's home, including non-relatives who are not rent payers or servants.

Immediate Family means a spouse, domestic partner, children, step-children, parents, step-parents, siblings and step-siblings, and grandparents and grandchildren.

Individual means a natural person.

Interest means any benefit accruing to a public official or employee, whether in his or her own name or in the name of any person from which he or she is entitled to receive any actual or potential benefit, as a result of a matter which is or which is expected to become the subject of an official action by or with the Town. Excluded, are benefits which, by their terms and by the substance of their provisions, confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this Code, a public official, employee, or other persons defined herein shall be deemed to have an interest in the affairs of:

- a. Immediate family
- b. Any person that has a contractual relationship with a public official or employee or a member of his or her immediate family;
- c. Any business with which he or she is associated.

Official or employee means any official or employee of the Town, whether paid or unpaid, and includes all members of an office, board, body, advisory board, council, board of education, commission, agency, department, district, administration, division, bureau, committee, Board of Education or subcommittee of the Town.

Official Act or Action means any legislative, administrative, appointive or discretionary act of any public official or employee of the Town, or of any agency, board, committee or commission thereof.

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

Probable cause means more than mere suspicion. For a finding of probable cause, there must be facts and circumstances within the Commission members' knowledge, and of which they have trustworthy information, sufficient to justify the belief of a reasonable person that the respondent may have violated this Code.

Respondent means any person to whom this Code applies, pursuant to subsection §5-31 against whom a complaint has been filed pursuant to this Code.

Subordinate means another public official or employee over whose activities a public official or employee has direction, supervision or control.

Town Political Party Committee Officer means the chairman, vice chairman, treasurer or secretary (or comparable titles) of any organized political party town committee in the Town of Stratford.

§ 5-25 Statement of Purpose

The trust of the public is essential for government to function effectively. In order to establish this trust and integrity of our local government, this Ethics Code is established to promote the best interests of the Town of Stratford.

The purpose of this Ethics Code is:

To establish standards of ethical conduct - specifically those dealing with conflicts between personal interests and those of the town - for town officials and employees;

To provide clear guidance with respect to such standards by clarifying those acts which are allowed and those which are not;

To promote public confidence in the integrity of the town's governance and administration;

To provide for the consideration of potential ethical problems before they arise, to minimize unwarranted suspicion and to enhance the accountability of the town's government to town residents; and

To provide for the fair and effective administration and enforcement of this Code.

This Code is enacted pursuant to Section 7-148h of the Connecticut General Statutes and is not intended to authorize any conduct prohibited by that section.

§ 5-26 Applicability

This Code shall apply to all full-time or part-time elected or appointed public officials and town employees whether compensated or not, including those on boards, commissions, committees, or other entities appointed or created by the Town of Stratford.

PART A: ETHICS PROVISIONS

§ 5-27 Prohibited activities

§ 5-27 A. Conflict of interest

1. A public official or employee shall not use his or her official position or office in a manner which they know or have reason to believe may result in financial benefit not shared with a substantial segment of the town's population.
2. Incompatible employment
No public official or employee shall accept other employment which will either impair his or her independence of judgment as to his or her official duties or employment or require him or her or induce him or her to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.
3. Nepotism
 - a. No public official or employee shall appoint or hire an immediate family member or a related family member or member of his or her household for any type of employment with the Town.
 - b. No public official or employee may supervise or be in direct line of supervision over his or her immediate family.
 - c. Immediate family members of the Mayor, the Chief Administrative Officer, any member of the Town Council, any member of the Human Resources Department, any member of the Board of Education Central Administration Office and the elected Board of Education Members position bodies, may not be hired by the Town.
4. Confidential Information
 - a. No public official or employee shall willfully and knowingly disclose confidential information to advance:
 - i. The financial or other personal interest of himself or herself;
 - ii. Any other person required by him or her in the course of and by reason of his or her official duties or employment;
 - iii. Or use of any such information for the purpose of pecuniary gain.
 - b. No public official or employee shall use his or her position or any confidential information received through his or her position to obtain financial gain for himself or herself, immediate family, or a business with which he or she is associated.

§ 5-27 B. Quid Pro Quo

1. No person shall offer to give a public official or employee, or his or her household, or domestic partner, immediate family or a business with which he or she 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 a vote, official action or judgment of the public official or employee or candidate for public office would be or had been influenced thereby.

2. No public official or employee 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 a vote, official action or judgment of the public official or employee would be or had been influenced thereby.

§ 5-27 C. Use of Town Resources

No public official or employee shall request or permit himself or herself or others the use of town-owned or leased vehicles, equipment, materials or property for personal use, business or profit, except when such services are available to the public generally or permitted by agreement of the Town and are provided in conformance with established town policies for the use of such official, employee or other persons defined herein in the conduct of town business.

§5-27 D. Preferential treatment

Public officials and employees shall not offer or render preferential treatment to others in regard to town contracts on the basis of such factors as family ties, financial interest, or other personal interests.

§ 5-27 E. Prohibition against Contingent Fees; Exception for Retention of Counsel in Accordance with the Rules of Professional Responsibility of the Connecticut Bar Association

Contingent Fees: Public officials and employee department heads shall not retain a person, to solicit or secure a contract with the Town upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. It shall be a violation of this Code for a person to be retained, or to retain a person, to solicit or secure a contract with the Town upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. This provision shall not apply to full-time employees who, as a condition of their employment may be entitled to bonuses or other fees in accordance with their employment relationship. Notwithstanding the foregoing, the Town Attorney may retain counsel for purposes of representing the interests of the Town on the basis of contingency fees in accordance with the Rules of Professional Responsibility of the Connecticut Bar Association and the Town may retain State Marshals or Constables acting pursuant to the General Statutes.

§ 5-27 F. Disclosure of Actual or Potential Conflict of Interest, Disqualification

1. Upon discovery of an actual or potential conflict of interest, a public official or employee shall state on the record, disclose the conflict and thereafter abstain from voting or otherwise participating in any further proceedings on such issue. The public official or employee may, at the same time, apply to the Ethics Commission, for an advisory opinion as to what further participation, if any, he or she may have in the transaction.
2. Recusal
 - a. A public official or employee must refrain from acting on or discussing, formally or informally, a matter before the Town, if acting on the matter, or failing to act on the matter, may personally or financially benefit any of the persons or entities listed in sections §5-27 A & B of this Code.
 - b. A public official or employee must refrain from acting or discussing, formally or informally, a matter involving a person who appointed or recommended him or her for that position, if he or she is aware of such appointment or recommendation.
 - c. If a board or agency member is requested to recuse himself or herself with respect to a matter, for the reason that he or she has a conflict of interest, by; another member, a party to the current matter, or a member of the public who may be affected by the decision relating to this matter, this member must decide whether to recuse himself or herself.
 - d. If the member decides not to recuse himself or herself, the unchallenged members must consider any relevant evidence concerning such claimed conflict of interest, as defined in this

code, and vote whether or not to allow the request and require that the member refrain from participating in the matter.

§ 5-27 G. Political Solicitation

A public official or employee shall not knowingly request, require or authorize anyone else to request, that any subordinate participate in an election campaign or make a political contribution. Nor may he or she engage in any political activity while on duty for the Town, with the use of town funds, supplies, vehicles, or facilities, or during any period of time during which he or she is normally expected to perform services for the Town, for which compensation is paid.

§ 5-27 H. Patronage

No public official or employee shall promise an appointment or the use of his or her influence to obtain an appointment to any position as reward for any political activity or contribution.

§ 5-27 I. Duty to Disclosure

All public officials and employees who have knowledge of violations of any provisions in this Code are to report those violations to the Ethics Commission with the exception of those individuals who are governed by recognized professional privilege. It shall be a violation of this Code for a person to falsely and maliciously charge, as found in the sole discretion of the Ethics Commission, another with violations of this Code.

PART B: ADMINISTRATIVE PROVISIONS

§ 5-28. Duties of the Town Clerk

The Town Clerk must maintain on file for public inspection:

1. A copy of the Code of Ethics and amendments thereto;
2. A copy of the Acknowledgement Statement of the Code.

§ 5-29. Ethics Commission Establishment; Membership; Terms; Vacancies; Compensation; Legal counsel

§ 5-29 A. There is hereby established an Ethics Commission consisting of five members and three alternates to be appointed according to the Town Charter. The Town Council will seek applications from the general public through newspaper postings, web postings, the Mayor, and through church and civic groups. Any registered elector may apply for consideration of appointment.

1. Members of the Commission and alternates shall serve four-year terms, except that members first appointed shall have the following terms: one member for one year, one member for two years, one member for three years, two members for four years. Thereafter, members and alternates shall be appointed annually upon term expiration and/or resignation to serve four years. If a member of said Commission is absent or has a conflict of interest, the Chairman of the Commission shall designate an alternate to act in his or her place, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.
2. Vacancies of Commission members will be filled for the unexpired term in the same manner as the original appointment.

3. Alternates should be considered in filling appointments for Commissioner as vacancies arise;
4. The Commission shall elect annually (October meeting) a Chairperson, a Vice Chairperson, and a Recording Secretary from its own number.
5. No individual shall be appointed to more than two (2) four-year terms as a member of such Commission, provided that members and alternates shall continue in office until successors are duly appointed and qualified. Former members and alternates may reapply for membership on the Commission two years after expiration of term and/or resignation.
6. An individual selected to fill a vacancy shall be eligible for appointment to one (1) full four-year term thereafter. In the event of resignation or vacancy, the Mayor will nominate a replacement within 30 days. Any vacancy occurring on the Commission shall be filled within sixty (60) days.
7. All members and alternates shall serve without compensation.
8. No more than two (2) members and one (1) alternate shall be of the same political party.
9. Alternates shall take part in the same manner as a Commissioner, providing five (5) Commissioners are not present or will not vote.
10. A Commission member or alternate member may only be removed for cause by a two-thirds vote of the Town Council and the concurrence of the Mayor.
11. The unexcused absence of any member from three consecutive meetings, unless the Ethics Commission has excused the absence for good and sufficient reason, shall constitute a resignation, which must be accepted by the Town Council.
12. The Ethics Commission will participate in the vetting process of Commission appointments by interviewing potential candidates to discuss the involvement and commitment of being a Commission member and making recommendations to the appointing person/body.

§ 5-29 B. All members shall be electors of the Town of Stratford. No member or employee of the Ethics Commission shall hold, or campaign for any public office, have held or have been a candidate for a seat on the Stratford Town Council or for office of the Mayor for a two (2) year period prior to his or her appointment to the Commission, or hold executive office in any political party. No member should be employed by the Town.

1. Any member or employee of the Commission shall have an unrestricted right to vote and attend political events, but no member or employee of the Commission shall publicly support, or contribute to any candidate for municipal office or attend a political fundraising event which is subject to the Commission's jurisdiction. For the purposes of this Code, a member or employee is deemed to "publicly support" a candidate if that member or employee formally endorses a candidate, volunteers as a campaign worker for a candidate, gives a speech supporting the candidacy of a candidate, or takes any other overt or public action intended to convey a message of support to members of the general public for the candidacy of a candidate.

§ 5-29 C. The Chairperson will preside at meetings of the Commission, and a Vice Chairperson will preside in the absence of the Chairperson. Three (3) members of the Commission shall constitute a quorum. Except as provided in §5-31.3, a majority vote of the quorum shall be required for action of the Commission. The Chairperson or any three (3) members may call a meeting.

§ 5-29 D. The Ethics Commission may employ necessary staff, including outside counsel through the Office of the Town Attorney as it deems necessary within available appropriations.

§ 5-30. Powers and Duties of the Commission

The Commission shall have all duties provided within this Code and shall have the authority to recommend action to the Town Council, the Mayor and the Board of Education. Additionally, the Commission shall:

1. Preserve memoranda, statements and reports with the Town Clerk;
2. Provide Advisory Opinions. The Ethics Commission provides advisory opinions of ethical questions and interpretations of this Code under the following conditions:
 - a. Requests for advisory opinions will be made in writing and the opinion will be rendered as follows:
 - i. In writing;
 - ii. By a quorum of members of the Ethics Commission;
 - iii. At a scheduled meeting of the Commission;
 - b. Advisory opinions will be provided based on information presented at the scheduled meeting.
 - c. Advisory opinions will be non-binding on the person making the request, Ethics Commission, and the Town if information supplied was inaccurate or incomplete at the time the decision was made.
 - d. Advisory opinions may be requested by any public official, employee or citizen of the Town of Stratford.
3. Provide training of this Code to public officials and employees;
4. Investigate complaints, conduct investigations and hearings, and recommend disciplinary action.
5. Advisory opinions may also be directed to the Town Attorney for interpretation of this Code.

§ 5-31. Complaint procedures; investigations; hearings

1. Filing a complaint:
 - a. The Complainant will complete the complaint form prescribed by the Ethics Commission (available on Town of Stratford Website at the Stratford Library, and at the Town Clerk's Office), signed under penalty of false statement, and submitted with relevant documentation to the Town Clerk. The Complaint will name the Respondent who is alleged to have violated this Code.
 - b. The Town Clerk, upon receipt of complaint, will immediately notify the Commission Chairperson.
 - c. The Commission may initiate its own complaint by a vote of a majority of its members present and voting at a meeting at which a quorum is present.
 - d. No complaint may be made under this Code except within four (4) years after the violation alleged in the complaint has been committed.
 - e. The Ethics Commission will negate any complaint filed with the Commission if the complainant(s) disclose information about the complaint and/or respondent (person accused of violation) during the confidentiality phase of the investigation period through the media or other individuals that results in public knowledge of complaint filing.
2. Determination Phase:
 - a. Within twenty (20) business days of receiving a complaint, the Commission shall determine whether the allegations in the complaint, if true, would constitute a violation of the Code. A simple majority of the Commission decides whether to proceed with the complaint.

- b. Meetings of the Commission held for the purpose of making such determinations shall be exempt from the provisions of the Freedom of Information Act to the extent set forth in Subsections (a)-(e) inclusive of §1-82a of the Connecticut General Statutes.
 - c. If the complaint is rejected pursuant to subsection 1, the complainant shall be notified that the case will not continue and the complaint remains confidential. The complainant shall be notified of the outcome within five (5) business days after the determination has been made.
 - d. If the complaint is accepted pursuant to the determination in subsection 1, the complaint proceeds to a Probable Cause Investigation. The complainant shall be notified of the outcome within five (5) business days after the determination is made.
3. Probable Cause Investigation:
- a. The purpose of a probable cause investigation is to determine whether there is probable cause to believe the respondent may be in violation of any provision of this Code and therefore, that further investigation is warranted. A finding of probable cause requires the concurring votes of three (3) Commission members.
 - b. The Probable Cause Investigation will proceed in a reasonable time frame.
 - c. Meetings of the Commission held for the purpose of making such determinations shall be exempt from the provisions of the Freedom of Information Act to the extent set forth in subsections (a)-(e) of §1-82a of the Connecticut General Statutes.
 - d. In the conduct of its investigations, the Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, compel attendance before the Commission and require the production of any books, papers, and electronic communication which the Commission deems relevant in any matter under investigation or in question.
 - e. In the exercise of such powers, the Commission may use the services of the local police, who shall provide the same upon the Commission's request.
 - f. Any witness summoned before the Commission shall receive the witness fee paid in the courts of this state.
 - g. During the investigation, the respondent shall have the right to appear and be heard and to offer information. The respondent shall also have the right to be represented by legal counsel and to examine and cross-examine witnesses.
 - h. The Commission will notify both the complainant and respondent of findings within three (3) business days thereafter and provide them with a summary of its reasons for making that finding.
4. Public Hearing:
- a. If the Commission makes a finding of probable cause, the Commission shall initiate a public hearing to determine whether there has been a violation of this Code;
 - b. The Chairperson of the Commission shall preside over such hearing;
 - c. Legal counsel to the Commission shall rule on all matters concerning the application of the rules of evidence, which rules shall be as set forth in the Administrative Procedure Act, §4-178, of the Connecticut General Statutes;
 - d. In all hearings, the Commission shall have the same powers as under §5-30 of this Code,
 - e. The respondent shall have the right to be represented by legal counsel, to present evidence; to compel attendance of witnesses and the production of books, documents, electronic communication, records and papers and to examine and cross-examine witnesses;
 - f. The Commission shall make a record of all proceedings pursuant to this subsection;
 - g. The Commission shall find no person in violation of any provision of this Code except upon the concurring vote of four (4) of its members;
 - h. If the Commission finds, after a hearing pursuant to this section, or if a court of competent jurisdiction overturns a Commission finding of a violation by such a respondent, the Town shall pay the reasonable legal expenses of the respondent as determined by the Town Attorney, or by the court, if appropriate.

§ 5-32. Confidentiality and publications of findings

1. If the Commission makes a finding of probable cause of a violation of this Code, it shall make public the complaint and the record of all proceedings, including the Commission's.
2. No later than three (3) business days after the termination of the investigation, the Commission shall inform the complainant and the respondent of its finding and provide them with a summary of its reasons for making that finding. The Commission shall publish its findings upon the respondent's request and may also publish a summary of its reasons for making such a finding.
3. If the Commission 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. If such a disclosure is made, the Commission may, after consultation with the respondent if the respondent is not the source of any disclosure, publish its findings and a summary of its reasons therefore.
4. The Commission shall make public a finding of probable cause not later than five (5) business days after the termination of the investigation. At such time, the entire record of the investigation shall become public.
5. Not later than fifteen (15) business days after the public hearing conducted in accordance with §5-32.4 hereof to determine whether there has been a violation of this Code, the Commission shall publish its finding and a memorandum of its reasons therefore and shall transmit, along with any recommendations, to the Stratford Town Council and the Mayor.

§ 5-33. Confidentiality of deliberations

All deliberations of the Commission shall remain confidential, and no Commission member or alternate member may disclose the deliberations of the Commission to any party, the media, and to members of the public.

§ 5-34. Location of hearings

All hearings of the Ethics Commission shall be conducted in Town Hall, except as otherwise scheduled with proper notification.

§ 5-35. Appeals

Any person aggrieved by any final decision of the Commission made pursuant to this Code may appeal such decision in accordance with the provisions of Connecticut General Statutes, Section 4-183.

PART C. SANCTIONS IN VIOLATION OF ANY PROVISION OF THIS CODE

§ 5-36. Violations and penalties

1. Recommendations from the Ethics Commission to the Mayor, the Town Council, or the Board of Education may include:
 - a. Removal, termination, suspension without or without pay, and/or censure. The authority affected will report within (30) 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 fine which may be the maximum amount allowed by the Connecticut General Statutes;
 - d. Referral to the State Attorney General for prosecution under the penal code of the State of Connecticut, if applicable.

2. Civil Actions

The Town may recover in a civil action from any person found by the Ethics Commission to have violated this Ordinance a sum equal to any pecuniary benefits received as a result of the violation, together with costs of collection, interest fees, and attorney's fees expended by the Town.

PART D FEDERAL LAW AND DISTRIBUTION OF THE CODE

§ 5-37. Savings Clause

Should any provision of this Code of Ethics conflict with any provisions of federal law or the Connecticut General Statutes, the provisions of the federal law or the Connecticut General Statutes shall prevail.

§ 5-38. Distribution of the Code

The Town Clerk shall cause a copy of this Code to be distributed to every public official and employee with the Town within sixty (60) days after enactment of this Code. Each public official and employee shall be furnished a copy before entering upon the duties of his/her office or employment. A signed *Acknowledgement Statement* shall be returned to the Town Clerk.

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