

Town of Litchfield

Board of Ethics

Policies and Procedures

25 October 2012

Introduction

The Code of Ethics, Article III of the municipal Code for the Town of Litchfield, includes several provisions that call for the Board of Ethics to issue policies and procedures to implement the Code. These Policies and Procedures have been reviewed, discussed, and adopted by the Board of Ethics, and are intended to carry out this formal statutory responsibility and to assure that the public is appropriately informed of the process to be employed.

The Board has, in the interest of clarity, continuity and ease of access, drawn heavily from the existing Litchfield municipal Code itself for certain sections of these Policies and Procedures. Those sections that are drawn from the Code are *highlighted in a different (Arial, italicized) typeface or font* and are, in addition, referenced with footnotes that direct the reader to the specific section of the Code, which is provided as an Appendix.

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I. Process and Basis for Filing a Complaint
Alleging a Violation of the Code of Ethics

Section 2-235(b)(2) of the Litchfield Municipal Code states that the Board of Ethics shall adopt specific procedures that must be followed by someone who alleges that there has been a violation of the Code of Ethics. The following guidelines are intended both to fulfill this requirement and to assist the public by clarifying the process that should be followed and the basis for filing a complaint.¹

1. Initiating a Complaint.

- a) *Any resident, tax payer, agency, department, board or organization of the town may file a complaint alleging a violation of the Code of Ethics by an official or consultant, as they are defined within Section 2-202 of the Code.*²
- b) *Such complaints must be in writing and be must signed by the individual making the complaint.*³
- c) The written complaint shall be addressed to the Chairperson of the Board of Ethics, care of the Town Clerk of the Town of Litchfield, and shall be sent by certified mail or hand-delivered to the Town Clerk.
- d) *The complaint shall state the acts of an official of, or consultant to, the Town of Litchfield about which the complaint is being made and shall also provide a summary of the evidence upon which the complainant will rely, to substantiate the complaint.*⁴

2. Basis for Initiating a Complaint. The Code of Ethics is explicit regarding both the general and specific responsibilities concerning ethical behavior of officials and consultants within the Town of Litchfield. Anyone considering filing a complaint alleging a violation of the Code should assure that the complaint identifies, with substantiating evidence, the specific

¹ Section 2-235(b)(2) of the Litchfield Municipal Code is as follows: *Notice:* All notices required by this subsection (b) shall be sent by registered or certified mail, or by any manner which service of process may be made. The board shall also adopt specific procedures by which a complainant shall notify the board of its complaint and forward the complaint to the board. The board shall file such procedures with the office of the town clerk.

² Litchfield Municipal Code, Section 2-235(b)(1), page 136.

³ Litchfield Municipal Code, Section 2-235(b)(1), page 136.

⁴ Litchfield Municipal Code, Section 2-235(b)(1), pages 136, 137.

provisions of the Code that have been violated. These provisions are quoted or paraphrased as follows, and the complete Code of Ethics is provided as Appendix Two:

a) In general:

i) *Public officials have the responsibility for carrying out their duties to the best of their abilities and with the highest moral and ethical standards, regardless of personal consideration.*⁵

b) More specifically:

i) *The conduct of public officials 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.*⁶

ii) *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.*⁷

iii) *Political influence: No official shall promise an appointment or the use of his or her influence to obtain an appointment to any municipal position as a reward for any political activity.*⁸

iv) Confidential information:

(1) *Except as may be required by law, no official or consultant shall disclose, without proper authorization, confidential information concerning the property, government business or affairs of the town or of the board of education or of other persons which has come to his or her attention in the course of his or her official duties.*⁹

(2) *No official or consultant shall use confidential information noted above to advance the financial or other private interest of himself or herself or others.*¹⁰

v) Gifts and favors:

(1) *No official or consultant, or members of their immediate family, nor any agency, employee organization or group of employees shall accept anything in excess of fifty dollars (\$50.00) in value or solicit anything of value whether in the form of a gift or promise of a gift from any person, firm or corporation, which to his or her*

⁵ Litchfield Municipal Code, Section 2-212, page 134.

⁶ Litchfield Municipal Code, Section 2-212, page 134.

⁷ Litchfield Municipal Code, Section 2-213, page 134.

⁸ Litchfield Municipal Code, Section 2-214, page 134.

⁹ Litchfield Municipal Code, Section 2-215, page 134.

¹⁰ Litchfield Municipal Code, Section 2-215, page 134.

knowledge is interested, directly or indirectly, in business dealings with the town or board of education.¹¹

(2) No official or consultant shall accept any gift that may tend to influence him or her in the discharge of his or her duties or in granting any improper service, favor or thing of value.¹²

vi) Financial or private interests:

(1) No official, nor an official's immediate family, shall have a financial or personal interest in any transaction or contract with the town, or in the sale of real estate, material, supplies or services to the town, on which such official may be called to act upon in his or her official capacity.¹³

(2) Such official shall disclose on the record of the agency or to his or her superior or other authority the existence of an interest.¹⁴

(3) Such official shall not vote upon, communicate, publicly or privately, with any person who will participate in such action or otherwise participate in the transaction or contract.¹⁵

vii) Appearances before town agencies:

(1) No official or consultant shall appear on behalf of any person or party, other than the town or the board of education, before any agency in connection with any cause, proceeding, application or other matter in which he or she has a financial or private interest, without first making full disclosure of such interest to that agency.¹⁶

(2) Former officials and consultants are prohibited from appearing on behalf of any person or party other than the town or the board of education before any agency regarding a matter in which he or she participated personally and substantially during his or her term of service.¹⁷

viii) Outside and future employment:

(1) No official shall engage in or accept private employment or render services for private interests when the employment or services are incompatible with the

¹¹ Litchfield Municipal Code, Section 2-216, page 134.

¹² Litchfield Municipal Code, Section 2-216, page 134.

¹³ Litchfield Municipal Code, Section 2-217, page 135.

¹⁴ Litchfield Municipal Code, Section 2-217, page 135.

¹⁵ Litchfield Municipal Code, Section 2-217, page 135.

¹⁶ Litchfield Municipal Code, Section 2-218(a), page 135.

¹⁷ Litchfield Municipal Code, Section 2-218(b), page 135.

*proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duty.*¹⁸

*(2) While rendering services for the town or board of education, no consultant shall engage in employment or render services for interests other than the town or the board of education when such employment or services are incompatible with the proper discharge of his or her contractual or consulting duties or would tend to impair his or her independence of judgment on matters for which he or she is engaged for the town or board of education.*¹⁹

*(3) No official shall solicit or negotiate for or promise to accept future employment in a manner which is incompatible with his or her official duties and the discharge thereof.*²⁰

3. Confidentiality.

*a) All complaints, responses, hearings, or other proceedings and their results shall remain confidential²¹ unless the person about whom the complaint is made (the "respondent") provides a written authorization to the Board of Ethics, in a form provided as Appendix One, to release documents or information regarding the complaint.*²²

¹⁸ Litchfield Municipal Code, Section 2-219(a), page 135.

¹⁹ Litchfield Municipal Code, Section 2-219(a), page 135.

²⁰ Litchfield Municipal Code, Section 2-219(b), page 135.

²¹ As provided in Connecticut General Statutes, Sections 1-200(6) (executive sessions), 1-210(b)(1) (preliminary drafts or notes), 1-210(b)(2) (personnel, medical or similar files), 7-148h(a) and 1-82a(b) (confidential investigations).

²² Litchfield Municipal Code, Section 2-235(b)(3), page 137.

II. Board of Ethics Process for Addressing a Complaint Alleging a Violation of the Code of Ethics

The following process shall be employed by the Board of Ethics in the consideration of any complaints.

1. Distribution of Complaint to the Board of Ethics.
 - a) Upon the receipt of a complaint alleging a violation of the Code of Ethics, the Town Clerk shall contact the Chairperson of the Board of Ethics within two (2) business days and inform him or her that a complaint has been received, and will distribute it, unopened, to the Chairperson within three (3) business days of receipt.
 - b) If the Chairperson of the Board of Ethics cannot be contacted within two (2) business days, the Town Clerk shall contact the Vice Chairperson, the Secretary or another member of the Board of Ethics to inform him or her that a complaint has been received, and will distribute it, unopened, to the Board member within three (3) business days of receipt.
 - c) Within five (5) business days of the receipt of the complaint, the complaint shall be duplicated and distributed by first class mail (not electronically) or hand-delivered to all members of the Board of Ethics by the Board member who receives the complaint from the Town Clerk.

2. Confidentiality.
 - a) *All complaints, responses, hearings, or other proceedings and their results shall remain confidential²³ unless the person about whom the complaint is made (the "respondent") provides a written authorization to the Board of Ethics, in a form provided as Appendix One, to release documents or information regarding the complaint.*²⁴

²³ As provided in Connecticut General Statutes, Sections 1-200(6) (executive sessions), 1-210(b)(1) (preliminary drafts or notes), 1-210(b)(2) (personnel, medical or similar files), 7-148h(a) and 1-82a(b) (confidential investigations).

²⁴ Litchfield Municipal Code, Section 2-235(b)(3), page 137.

3. Initial Hearing.
 - a) *Within thirty (30) calendar days of the receipt of the complaint, the Board shall conduct an initial hearing at which no less than five (5) members of the Board are present to determine if:*
 - i) *The respondent is an official or consultant.*
 - ii) *The alleged acts, if proven, would constitute a violation of the Code of Ethics.*
 - iii) *There appears to be sufficient evidence to substantiate the complaint.*
 - iv) *The official or consultant, and the alleged acts, are covered by a collective bargaining agreement, personal employment contract, or other agreement or policy, the disciplinary provisions of which may conflict with the provisions of the Code of Ethics.*²⁵
 - b) *The initial hearing is a confidential discussion of the complaint. It is therefore not open to the public and neither the complainant nor the respondent may be present for the discussion.*

4. Board of Ethics Action After the Initial Hearing. *After the initial hearing, the Board shall then:*
 - a) *Dismiss the complaint if it finds that one or more of the requirements (3)(a) i through iii above are not present.*
 - b) *Decide to take one (1) of the following courses of action if the Board finds that requirements i through iv above are present:*
 - i) *Schedule a full hearing to begin within sixty (60) calendar days of the complaint.*
 - ii) *Refer the complaint to the appropriate body mentioned in the collective bargaining agreement, personal employment contract or other agreement or policy noted above in Section (a)(iv), for appropriate action.*
 - c) *Defer action, if procedures for managing ethics issues are absent or incomplete within the agreement or policy noted above in Section (3)(a)(iv), until these procedures are completed.*
 - d) *Notify, in writing by first class regular mail, the complainant and the respondent of the action taken within ten (10) calendar days of the Board's action.*²⁶

²⁵ Litchfield Municipal Code, Section 2-235(b)(4), page 137.

²⁶ Litchfield Municipal Code, Section 2-235(b)(4), page 137.

5. Hearing.

- a) *If the Board determines that a hearing is required, the Board shall set a hearing date that is within sixty (60) calendar days of the date of the complaint and within thirty (30) calendar days of the notification to the respondent of the hearing.*²⁷
- b) The Chairperson of the Board of Ethics or his or her designee will serve as a hearing officer who will preside over the hearing and assure that testimony is provided in an orderly and civil manner.
- c) The following rules shall govern the conduct of the Board's hearing:
 - i) *The hearing shall be closed to the public unless the respondent requests otherwise.*²⁸
 - ii) All those providing evidence and testimony during the hearing shall be sworn in.
 - iii) The parties to the hearing shall include only the complainant and the respondent.
 - iv) *Parties to the matter shall have the right:*
 - (1) *To be represented by legal counsel.*
 - (2) *To subpoena and present evidence.*
 - (3) *To examine and cross-examine witnesses.*²⁹
 - v) *If the Board chooses not to have the hearing recorded and a transcription made, the respondent shall have the right to record and transcribe the hearing at his or her own expense.*³⁰

6. Memorandum of Decision and Recommended Actions.

- a) *Following the hearing, the Board shall prepare a memorandum of decision, which will constitute a recommendation to the Board of Selectmen or the Board of Education, and forward this memorandum to both the respondent and the complainant within thirty (30) calendar days of the conclusion of the hearing.*³¹
- b) *The memorandum of decision shall:*
 - i) *Address each itemized charge within the complaint.*
 - ii) *Summarize the issues and findings of fact pertaining to each charge.*
 - iii) *Determine whether a violation of the Code of Ethics has occurred.*

²⁷ Litchfield Municipal Code, Section 2-235(b)(4,5), page 137.

²⁸ Litchfield Municipal Code, Section 2-235(b)(5), page 137.

²⁹ Litchfield Municipal Code, Section 2-235(b)(5), page 137.

³⁰ Litchfield Municipal Code, Section 2-235(b)(5), page 138.

³¹ Litchfield Municipal Code, Section 2-235(b)(6), page 138.

III. Board of Ethics Process for Rendering an Advisory Opinion

Section 2-219(c) of the Litchfield Municipal Code states that "Any official or consultant who shall desire to accept current or future private employment or render current or future services to provide interests may request an advisory opinion from the board of ethics stating whether or not such employment or services violate subsection (a) of this section." In addition, Section 2-235 of the Municipal Code states that the Board of Ethics may ". . . issue written guidelines delineating the scope of the provisions of this code. . ." regarding providing advisory opinions. The following process will be employed to respond to requests for advisory opinions.

1. *The Code of Ethics states the Board of Ethics shall render written advisory opinions with respect to the applicability of the Code to specific situations to any agency, official or consultant pursuant to a written request or upon its own initiative.*³⁵
2. An agency, official or consultant who wishes to receive an advisory opinion from the Board of Ethics shall prepare a written request addressed to the Chairperson of the Board of Ethics, care of the Town Clerk of the Town of Litchfield by regular mail (not electronically).
3. *Any request or opinion, the disclosure of which invades the personal privacy of any individual, shall be kept confidential, consistent with the requirements of the statutes*³⁶ *of the State of Connecticut.*³⁷
4. Upon the receipt of a request for an advisory opinion, the Town Clerk shall contact the Chairperson of the Board of Ethics within two (2) business days and inform him or her that a request has been received, and will distribute it, unopened, to the Chairperson within three (3) business days of receipt.
5. If the Chairperson of the Board of Ethics cannot be contacted within two (2) business days, the Town Clerk shall contact the Vice Chairperson, the Secretary or another member of the Board of Ethics to inform him or her that a request has been received, and will distribute it, unopened, to the Board member within three (3) business days of receipt.

³⁵ Litchfield Municipal Code, Section 2-235(a), page 136.

³⁶ As provided in Connecticut General Statutes, Sections 1-200(6) (executive sessions), 1-210(b)(1) (preliminary drafts or notes), 1-210(b)(2) (personnel, medical or similar files), 7-148h(a) and 1-82a(b) (confidential investigations).

³⁷ Litchfield Municipal Code, Section 2-235(a), page 136.

6. Within five (5) business days of the receipt of the request, it shall be duplicated and distributed by regular first class mail (not electronically) or hand-delivered to all members of the Board of Ethics by the Board member who receives the request from the Town Clerk.
7. Within thirty (30) calendar days of the receipt of the request, the Board shall convene in a meeting at which no less than five (5) members of the Board are present to consider the request and to discuss a response to the request.
8. Following the initial meeting to consider the request, the Board may designate a subcommittee comprised of no more than three members to develop a draft response to the request for the Board's consideration.
9. The Board as a whole shall complete its deliberations and finalize and distribute a response to the request by regular first class mail within sixty (60) calendar days of its receipt.

IV. Guidelines Delineating Financial Interests of No Substantial Value

Section 2-202 of the Litchfield Municipal Code states that the Board of Ethics shall issue guidelines, from time to time, delineating financial interests deemed to be of no substantial value in order to avoid de minimus situations.³⁸ The following guidelines are intended to fulfill this requirement.

1. A financial interest is defined as any interest that will yield any direct or indirect monetary or other material benefit.

³⁸ Litchfield Municipal Code, Section 2-202, page 133.

V. Guidelines Delineating Gifts and Favors of No Substantial Value

Section 2-216(b) of the Litchfield Municipal Code states that the Board of Ethics shall issue guidelines, from time to time, to delineate gifts and favors deemed to be of no substantial value in order to avoid de minimus situations.³⁹ The following guidelines are intended to fulfill this requirement.

1. *An individual gift or favor of fifty dollars (\$50.00) or less in value received from any person, firm or corporation will be deemed to be of no substantial value.*⁴⁰
2. Four or more gifts received from any person, firm or corporation during the course of one calendar year with a total value that shall not exceed two hundred dollars (\$200.00) will be deemed to be of no substantial value.

³⁹ Litchfield Municipal Code, Section 2-216(b), page 135.

⁴⁰ Litchfield Municipal Code, Section 2-216(a), page 134.

Appendix One: Form of Authorization
Regarding the Release of Information and
Public Access to Hearings and Other Proceedings

Respondent Address Line One

Respondent Address Line Two

Date

Litchfield Board of Ethics
Town of Litchfield
P.O. Box 488
Litchfield, CT 06759-0488

Re: _____.

Dear Members of the Board of Ethics:

I am writing, as the respondent to the recent complaint concerning ethics-related issues, to authorize the Board of Ethics to release to the public all documents related to this matter, including complaints, responses and the results of any hearing or other proceedings within the next ninety days. In addition, I authorize the Board of Ethics to open all hearings or other proceedings regarding this matter to the public. I understand that, as a result of my authorization, any document or proceeding related to this matter will be available to the public and will therefore not be confidential.

Thank you for your consideration.

Sincerely,

(Respondent's Name)

Appendix Two: Code of Ethics

CODE OF ETHICS
TOWN OF LITCHFIELD



Adopted at Town Meeting January 11, 1990
Published in the Litchfield Enquirer January 18, 1990
Effective February 2, 1990

ARTICLE III. CODE OF ETHICS*

DIVISION 1. GENERALLY

§ 2-205

Sec. 2-201. Declaration.

The proper operation of democratic government requires that public officers and employees be independent, impartial, and responsible to the people of Litchfield; that government decisions and policy be made in the proper channels of governmental 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 consultants of the town, 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 town, and by directing disclosure of any financial or personal beneficial interest in matters affecting the town as set forth in this article.

(Ord. of 1-11-90(2), Art. I)

Sec. 2-202. Definitions.

For the purposes of this code, the following terms shall have the indicated meanings:

Agency shall include all permanent and temporary boards, commissions, authorities, agencies, committees and departments of the town, including the board of education and any regional boards, but excluding town meetings.

Confidential information shall mean any information not a matter of public record which is obtained by reason of an official's position or employment with the town.

Consultant shall mean any independent contractor or professional person or firm who is engaged by and receives compensation from any agency and who is in a position to influence any decision of any agency or any official. Persons engaged by and receiving compensation from other entities, such as the state or federal government, who are in a position to influence any decision of any agency or any Official shall be guided by this code, and the board of ethics, upon complaint or on its own motion, may make recommendations to the entity employing such persons.

Financial interest shall mean any interest of substantial value which is not common to the interest of other citizens of the town and shall include the financial interests of an official's immediate family. The board of ethics shall issue guidelines, from time to time, delineating financial interests deemed to be of no substantial value in order to avoid de minimus situations.

Immediate family shall mean all persons residing in an official's household and shall also

mean an official's spouse and children, whether or not residing in an official's household.

Official shall include all persons holding elected or appointed offices of the town or of its agencies, including members of the board of education, whether paid or unpaid, and shall include all paid employees of the town or its agencies, whether full-time or part-time.

Private interest shall mean an interest which is not shared in common by the public and shall include the interests of an official's immediate family.

Transaction shall include the offer, sale, or furnishing of any real or personal property, material, supplies or services by any person, directly or indirectly, as vendor, prime contractor, subcontractor or otherwise, for the use and benefit of the town for a valuable consideration.

(Ord. of 1-11-90(2), Art. II)

Sec. 2-203. Effective date.

Once adopted, this code shall become effective in the same manner as that required for all ordinances adopted by the town. This code shall govern situations, conduct and transactions occurring after its effective date.

(Ord. of 1-11-90(2), Art. V, § 1)

Sec. 2-204. Amendments.

Amendments to this code shall be adopted and become effective in the same manner as that required for all ordinances of the town. Such amendments shall govern situations, conduct and transactions occurring after such amendment's effective date. Amendments, once effective, shall govern any pending or subsequent requests for advisory opinions or guidelines before the board.

(Ord. of 1-11-90(2), Art. V, § 2)

Sec. 2-205. Notice to officials and consultants.

Once adopted, copies of this code and all subsequent amendments shall be provided to all current officials and consultants. Copies of this code

with any amendments thereto shall be provided to future officials upon achieving official status.

All contracts entered into between any agency and a consultant shall include this code of ethics as a part thereof.

(Ord. of 1-11-90(2), Art. V, § 3)

Sec. 2-206. 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 1-11-90(2), Art. V, § 4)

Secs. 2-207—2-210. Reserved.

DIVISION 2. APPLICATION

Sec. 2-211. Generally.

The code of ethics of the town shall govern officials and consultants of the town.

(Ord. of 1-11-90(2), Art. III, § 1)

Sec. 2-212. Responsibilities of public office.

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.

(Ord. of 1-11-90(2), Art. III, § 2)

Sec. 2-213. 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 1-11-90(2), Art. III, § 3)

Sec. 2-214. Political influence.

No official shall promise an appointment or the use of his influence to obtain an appointment to

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any municipal position as a reward for any political activity.

(Ord. of 1-11-90(2), Art. III, § 4)

Sec. 2-215. Confidential information.

Except as may otherwise be required by law, no official or consultant shall disclose, without proper authorization, confidential information concerning the property, government business or affairs of the town or of the board of education, or of other persons which has come to his attention in the course of his official duties; nor shall any official or consultant use such information or special knowledge to advance the financial or other private interest of himself or others. This section shall not be used to restrict the release of information that is properly available to the public.

(Ord. of 1-11-90(2), Art. III, § 5)

Sec. 2-216. Gifts and favors.

(a) *Generally.* No official or consultant or members of their immediate family, nor any agency, employee organization or group of employees shall accept anything in excess of fifty dollars (\$50.00) in value or solicit anything of value whether in the form of a gift or promise of a gift from any person, firm or corporation, which to his knowledge is interested, directly or indirectly, in business dealings with the town or board of education; nor shall any such person accept any such gifts that may tend to influence him in the discharge of his duties or in granting any improper service, favor or thing of value. If it is impossible or inappropriate to refuse the gift, the first selectman shall be notified of the gift's receipt and it shall then be turned over to an appropriate public or charitable institution. For purposes of this section, a gift shall include the receipt of any goods or services for an amount less than the amount charged to the general public or loans at less than a commercially reasonable interest rate. For purposes of this section, business dealings shall include transactions which are contemplated, under negotiation, pending completion, or completed. This prohibition shall not include gifts or favors between family members. This prohibition shall also not include a political contribution otherwise reported or required by law.

(b) *Guidelines.* The board of ethics shall issue guidelines, from time to time, to delineate gifts and favors deemed to be of no substantial value in order to avoid de minimus situations.
(Ord. of 1-11-90(2), Art. III, § 6)

Sec. 2-217. Financial or private interests.

No official, nor an official's immediate family, shall have a financial or personal interest in any transaction or contract with the town, or in the sale of real estate, material, supplies or services to the town, on which such official may be called to act upon in his official capacity. Such official shall disclose on the record of the agency or to his superior or other authority the existence of an interest therein. Such official shall not vote upon, communicate, publicly or privately, with any person who will participate in such action or otherwise participate in the transaction or contract.
(Ord. of 1-11-90(2), Art. III, § 7)

Sec. 2-218. Appearances before town agencies.

(a) No official or consultant shall appear on behalf of any person or party, other than the town or the board of education, before any agency in connection with any cause, proceeding, application or other matter in which he has a financial or private interest, as defined in this code, without first making full disclosure of such interest to that agency, such disclosure to be noted in the official minutes or record of the agency's meeting. The secretary or clerk of the agency shall notify the first selectman and the chairman of the board of ethics, in writing, of such disclosure within five (5) business days.

(b) Former officials and consultants are prohibited from appearing on behalf of any person or party other than the town or the board of education before any agency regarding a matter in which he participated personally and substantially during his term of service.

(c) Subsections (a) and (b) of this section shall not prohibit any current or former official or consultant from appearing before any agency on

his own behalf or on the behalf of members of his family living in his household or to express his own opinion.

(Ord. of 1-11-90(2), Art. III, § 8)

Sec. 2-219. Outside and future employment.

(a) No official shall engage in or accept private employment or render services for private interests when the employment or services are 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 duty. While rendering services for the town or board of education, no consultant shall engage in employment or render services for interests other than the town or the board of education when such employment or services are incompatible with the proper discharge of his contractual or consulting duties or would tend to impair his independence of judgment on matters for which he is engaged for the town or board of education.

(b) No official shall solicit or negotiate for or promise to accept future employment in a manner which is incompatible with his official duties and the discharge thereof.

(c) Any official or consultant who shall desire to accept current or future private employment or render current or future services to private interests may request an advisory opinion from the board of ethics stating whether or not such employment or services violate subsection (a) of this section.

(d) This section shall apply to all officials and consultants employed by, serving a term of office, or providing services to the town thirty (30) days after the effective date of this code.

(Ord. of 1-11-90(2), Art. III, § 9)

Secs. 2-220—2-230. Reserved.

DIVISION 3. BOARD OF ETHICS*

Sec. 2-231. Membership; appointment; terms.

The board of ethics shall be composed of seven (7) members and two (2) alternate members, all of

*State law reference—Authorized, G.S. § 7-148h.

whom shall be electors of the Town of Litchfield, to be nominated by the first selectman and confirmed by the board of selectmen in accordance with section 9-167a of the general statutes. The members of the board as of May 28, 2002, shall be reappointed and four (4) new members appointed by the board of selectmen to serve as follows: Two (2) members shall be appointed for a term expiring in June 2003, two (2) for a term expiring in June of 2004, three (3) for a term expiring in June of 2005. One (1) alternate shall be appointed for a term expiring in June 2004, one (1) alternate for a term expiring in June 2005. Thereafter all appointments shall be for a term of three (3) years. Any regular member having served for six (6) years in succession shall be ineligible for reappointment to the board. For individuals filling a vacancy, successive years of service will commence with the next appointment period. The alternate shall serve as a regular member in the absence or disqualification of a regular member and shall fill the unexpired portion of the term of any vacancy.

(Ord. of 1-11-90(2), Art. IV, § 1; Ord. No. Ord. of 5-28-02(2))

Sec. 2-232. Expenses and compensation.

The members and alternate 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 expense in excess of the funds appropriated for such purposes by the town meeting.

(Ord. of 1-11-90(2), Art. IV, § 2)

Sec. 2-233. Organization; rules of procedure and regulations.

The board shall elect a chairman and a secretary. The board shall adopt rules of procedure and regulations which it deems necessary to carry out the intent of this code, and the same and any amendments thereto shall be filed in the office of the town clerk and available for public inspection. The board shall adopt such rules and regulations no later than six (6) months after this code shall become effective.

(Ord. of 1-11-90(2), Art. IV, § 3)

Sec. 2-234. Meetings; quorums; records and minutes; confidentiality.

Meetings shall be held at the call of the chairman and at such other times as the board shall determine. The presence of five (5) members at a meeting shall constitute a quorum, except that any meeting whose purpose is to hear a complaint of violation of this code against an official or consultant shall have six (6) members to constitute a quorum. The board shall only conduct business if a quorum is present. The board shall keep minutes of its meetings and shall provide strict adherence to Robert's Rules of Order and the Connecticut Freedom of Information Act.

(Ord. of 1-11-90(2), Art. IV, § 4; Ord. of 5-28-02(2))

Sec. 2-235. Powers and duties; procedures.

(a) *Advisory opinions and guidelines.* The board shall render written advisory opinions with respect to the applicability of this code to specific situations to any agency, official or consultant pursuant to a written request or upon its own initiative. Any request or opinion, the disclosure of which invades the personal privacy of any individual (as that term is used in section 1-19(b)(2), general statutes, by the Connecticut Freedom of Information Commission and the courts), shall be kept confidential. The board may make available to the public such advisory opinions which do not invade an individual's privacy and take other appropriate steps in an effort to increase public awareness of this code.

The board may also issue written guidelines delineating the scope of the provisions of this code, upon written request or upon its own initiative. The board shall file such guidelines with the office of the town clerk and may take other appropriate steps in an effort to increase the public's awareness of this code.

(b) Complaints.

- (1) *Initiating complaint.* Any resident, tax payer, agency, department, board or organization of the town may file a complaint alleging a violation of this code. Such complaints must be in writing and signed by the individual making the complaint. The complaint shall state, in addition to the acts of an official or consultant about

which complaint is being made, a summary of the evidence upon which the complainant will rely to substantiate such complaint. In summarizing the evidence, the complainant need not identify any witnesses, other than himself, who would testify, but only summarize the nature and content of that testimony. The board may also initiate such a complaint.

- (2) *Notice.* All notices required by this subsection (b) shall be sent by registered or certified mail, or by any manner which service of process may be made. The board shall also adopt specific procedures by which a complainant shall notify the board of its complaint and forward the complaint to the board. The board shall file such procedures with the office of the town clerk.
- (3) *Confidentiality.* All complaints, responses thereto, hearings, or other proceedings and the result thereof shall remain confidential as provided by section 1-19(b)(2) of the general statutes unless the person about whom such complaint was made gives an authorization to the board to release such matters, the same being hereby declared to be confidential in order to provide reasonable protection to the reputation or character of such official.
- (4) *Initial hearing.* Within thirty (30) calendar days of receipt of the complaint, the board shall conduct an initial hearing at which no less than five (5) members are present on the complaint to determine if:
 - a. The respondent is an official or consultant;
 - b. The alleged acts, if proven, would constitute a violation of this code;
 - c. There appears to be sufficient evidence to substantiate such complaint; and
 - d. The official or consultant, and alleged acts, are covered by a collective bargaining agreement, personal employment contract, or other agree-

ment or policy, the disciplinary provisions of which may conflict with the provisions of this code.

The board shall then:

- e. Dismiss the complaint if it finds that one (1) or more of the requirements a through c. above are not present;
- f. Schedule a full hearing to begin within sixty (60) days on the complaint if the board finds that requirements a. through d. above are present; or
- g. Decide to take one (1) of the following courses of action if the board finds that requirements a. through d. above are present:
 1. Proceed with its hearing;
 2. Refer the complaint to the appropriate body mentioned in such agreement for appropriate action; or
 3. Defer action until procedures of such agreement are completed.

The board shall notify in writing the complainant and respondent of the action taken within ten (10) calendar days of such action.

- (5) *Hearings.* If the board determines a hearing is required pursuant to subsection (b)(4) above, the board shall set a hearing date on the complaint. The hearing date shall not be more than thirty (30) days after notice is provided to the respondent. Such hearing shall be conducted under the board's rules and regulations, which shall include the following: oral evidence shall be taken under oath; the parties shall have the right:
 - a. To be represented by legal counsel;
 - b. To subpoena and present evidence;
 - c. To examine and cross-examine witnesses.

The hearing shall be closed to the public unless the respondent requests otherwise.

If the board chooses not to have the hearing recorded and a transcription made, the respondent shall have the right to record and transcribe the hearing at his own expense.

(6) *Memorandum of decision and recommended actions.* The board shall render a memorandum of decision and forward such memorandum to the respondent within thirty (30) days of the conclusion of the board's hearing. Such memorandum shall address each itemized charge within the complaint, summarize the issues and findings of facts pertaining to each charge, determine whether a violation of this code has occurred and make recommendations based upon its findings. If the board determines a violation has occurred, the recommended action may include private reprimand, public censure termination or suspension of employment, removal or suspension from appointive office, or termination of contractual status. Such recommended action shall not constitute a unilateral change in conditions of employment in cases coming within the scope of a collective bargaining agreement, personal employment contract, or other agreement or policy.

(7) *Filing of memorandum of decision.* If the board finds that a violation of this code has occurred, the board shall file its memorandum of decision with the board of selectmen unless the respondent is within the jurisdiction of the board of education. If the respondent is within the jurisdiction of the board of education, the board shall file its memorandum of decision with the board of education. If the respondent is a consultant, the board shall also file its memorandum of decision with the contracting agency.

The board of selectmen or board of education shall review the memorandum of decision in executive session, unless an open hearing is requested by the respondent. The board of selectmen or board of education may:

a. Accept the findings and recommendations as presented;

- b. Not accept the findings; or
- c. Accept the findings of the board, but not accept the recommendations as to disposition, in which case the board of selectmen or board of education shall dispose of the matter as it sees fit.

(Ord. of 1-11-90(2), Art. V, § 1)