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Montville Town Clerk

Town of Montville

Code of Ethics

Adopted by the Town Council on July 12, 1993

TOWN OF MONTVILLE

CODE OF ETHICS

I. Declaration of Policy

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all town officials and employees is adopted. The purpose of this code is to establish standards of ethical conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the town and by mandating disclosure by such officials and employees of private financial or other interests in matters affecting the Town.

II. Definitions

A. Interest means monetary or material benefit accruing to a public officer or employee as a result of a contract or transaction which is the subject of an official act or action by or with the Town except for such contracts or transactions 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 purpose of this Code, a public officer or employee shall be deemed to have a monetary or material benefit accruing in the affairs of:

1. His/Her parents, his/her grandparents, his/her siblings, children and grandchildren; and his/her spouse and his/her parents, grandparents, siblings, children and grandchildren by blood or by law; and a divorce or separation between spouses shall not be deemed to terminate any such relationship.

2. Any person or business entity with whom a contractual relationship exists with the public officer or employee; except:

a) where a municipal employee or public official is employed by a person who entered into a contract with the Town, where said employee or public official is not directly involved in the procurement, preparation, or performance of such contract, and whose remuneration is not, directly or indirectly, derived from said contract;

b) if the municipal employee or public official is employed by any newspaper which publishes any municipal notice, resolution, ordinance or other proceeding where such publication is required or authorized by law;

c) if the municipal employee or public official is employed by a public utility that furnishes public utility service to the Town when the rate or charges therefore are fixed or regulated by the public utilities control authority; or

d) if the municipal employee or public official is employed by a person or business which has a contract with the Town if the total consideration thereunder, when added to the aggregate amount of all consideration payable under contracts in which said employee or public official has an interest during a calendar year does not exceed five hundred ($500.00) dollars.

3. Any business entity (with the exclusion of non-profit corporations and/or organizations) in which the public officer or employee is an officer, director, or member having a financial interest in or employed by;

4. Any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total stock or total legal and beneficial ownership, is controlled or owned by the public officer or employee.

B. **Official act or action** means any legislative, administrative, appointive or discretionary act of any officer or employee of the Town or any agency, boards, committee or commission thereof.

C. **Business entity** means any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation.

D. **Public officer or employee** means any person, officer or employee holding a position by election, appointment or employment in the service of the municipality, whether paid or unpaid, including members of any board, committee or commission thereof.

E. **Gift** means a payment, subscription, advance, forbearance, rendering of services, deposit or money, or anything of value unless consideration of equal or greater value is received. Gift shall not include a political contribution otherwise reported as required by law; services provided without compensation by persons volunteering their time; a commercially reasonable loan made in the ordinary course of business; a gift to public official or municipal employee from a member of his/her immediate family; or food, beverage, flowers or miscellaneous gifts or both, the cost of which is twenty five ($25.00) dollars per person; or gifts by Town officials and employees to each other.

III. Code of Ethics

A. The requirements herein set forth shall constitute a code of ethics establishing reasonable standards and guidelines for the ethical conduct of public officers and employees of the Town.

B. **Interest in Contract or Transaction.** No public officer or employee having the power or duty to perform an official act or action related to a contract or transaction which is or may be the subject of an official act or action of the Town shall:

1. have or thereafter acquire an interest in such contract or transaction, or

2. have an interest in any business entity representing, advising or appearing on behalf of, whether paid or unpaid, 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 transaction, prior to the time the contract or transaction is completed, or

4. have solicited, accepted or granted a present or future gift, favor, service of thing of value from or to a person involved in such contract or transaction.

C. **Preacquisition of Interest.** No public officer or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the Town shall acquire an interest in or become materially benefited by such contract or transaction at a time when the public employee believes or has reason to believe that it will directly or indirectly be affected by an official act or action of the Town.

D. **Disclosure of Information.** No public officer or 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/herself or others.

E. Incompatible Service. No public officer or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is interfering with proper discharge of his/her official duties, unless otherwise permitted by law and unless disclosure of such monetary or material benefit is made as provided in this code.

F. Public Contracts. No public officer or employee who in his/her capacity as such officer or employee participates in the making of a contract in which he has a monetary or material benefit, or performs in regard to that contract some function requiring the exercise of discretion on his/her part, shall enter into any contract with the Town unless:

1. The Town Council waives the requirement of this Section after determining that it is in the best interest of the Town to do so or with the reasons for said waiver to be stated on the record.

G. Public Property. No public officer or employee shall request or permit the unauthorized use of Town-owned vehicles, equipment, materials or property for personal convenience or profit.

H. Special Treatment. No public officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

IV. Disclosure of Interest in Legislative Action

A. Any member of the Town Council who has a monetary or material benefit accruing in any proposed legislation before the Council shall disclose on the record of the Council the nature and extent of such interest and comply with the provisions of Section 903 as amended of the Montville Town Charter and shall be further disqualified to act in any way (including discussion) on the matter.

B. Any other official or employee who has a monetary or material benefit accruing in any proposed legislative action of the Council shall disclose on the record of the Council prior to discussing said matter the nature and extent of such interest, and shall be disqualified to participate in any way upon such matter.

V. Enforcement for Elected and Appointed Town Officials

A. The Town Council is hereby established as the committee authorized and approved to investigate allegations of unethical conduct against a Town elected or appointed official pursuant to the procedure and powers of Section 7-148(j) and Subsections (a)-(e) of Section 1-82(a) of the Connecticut General Statutes as amended. A person who believes that a violation of the Code has occurred by an elected or appointed town official may file a complaint with the Town Council in writing, signed, and clearly identifying himself/herself and his/her place of residence, and clearly identifying the accused individual(s) and the alleged violation of this code. Thereafter, the Town Council shall proceed as provided for herein.

B. The Town Council shall have the power to investigate any complaint for ethic code violations by elected or appointed town officials after a concurring vote of at least four members after an initial finding of probable cause against any Town elected or appointed official. The complaint and investigation thereof shall be confidential prior to the determination of probable cause (except upon request of the Town official complained of) as set out in Subsection (a) - (e) of Section 1-82(a) as amended. If probable cause is found, the Town Council shall provide for a hearing with notice in writing to the Town official not less than ten (10) days prior to said hearing with said hearing to be held in public if requested by the Town official. At the request of the Town Council, any proper authority may issue a subpoena for the appearance of witnesses and the production of documents, statements, etc. The Town Council shall have the power to call witnesses and provide the Town official with a reasonable opportunity to be heard.

C. Any Town official who fails to appear, refuses to testify or is found to be in violation of any provision of the Code shall be subject to the following penalties:

1. Elected Town officials shall be censured in writing with said written censure read at a regular meeting of the Town Council and mailed to said elected official.

2. Appointed Town officials shall be [a] issued an oral reprimand or [b] issued a written reprimand or [c] dismissed from said office or position.

VI. Enforcement Against Town Employees

A. The Mayor is hereby established as a committee of one to authorize and is empowered to investigate allegations of unethical conduct against a Town employee pursuant to the procedure and powers of Section 7-148(j) and Subsections (a) - (e) of Section 1-82(a) of the Connecticut General Statutes as amended.

B. Any person who believes that a violation of the code has occurred by a Town employee may file a complaint with the Mayor in writing, signed and clearly identifying himself/herself, his/her place of residence and clearly identifying the accused individual(s) and the alleged violation of this code. The complaint and investigation thereof shall be confidential prior to the determination of probable cause (except upon the request of the Town employee complained of) as set out in Subsection (a) - (e) of Section 1-82(a) of the Connecticut General Statutes as amended. If probable cause is found, the Mayor shall proceed with said complaint and said Town employee shall be subject to the grievance procedure in the collective bargaining agreement or the Mayor shall apply the procedure provided for Town elected or appointed officials if the collective bargaining agreement does not apply.

C. Any Town employee who fails to appear, refuses to testify or is found to be in violation of any provision of this Code shall be subject to the procedure and penalties set out in the applicable collective bargaining agreements.

VII. Distribution of Code of Ethics

The Town Clerk shall cause a copy of this Code of Ethics to be distributed to every public officer and employee of the Town within thirty (30) days after enactment of this Code. Each public officer and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon the duties of this office or employment.

VIII. Separability

If any provision of this Resolution is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this code which can be given effect without the invalid or unconstitutional provision or application.