

Town of Suffield

**ETHICS COMMISSION
SPECIAL MEETING
MARCH 18, 2021**

Location: Via Zoom teleconference @ 7:00 P.M

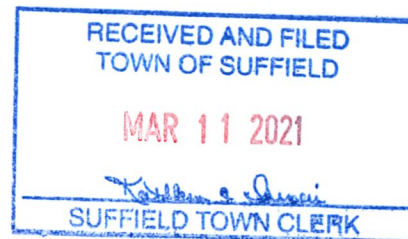
Call-in number: 1-646-876-9923

Meeting ID: 890 1765 1023

Password: 760377

AGENDA

1. Call to Order by First Selectman
2. Pledge of Allegiance
3. Appointment of a Temporary Chairperson
4. Swearing in of the members
5. Election of Officers (Chairperson, Vice-Chairperson and Secretary)
6. Discussion and Adoption of regular meeting schedule
7. Initial discussion with Town Attorney
8. Public Comment



CHAPTER XI
Conflict of Interest and Code of Ethics

§ 1101. Conflict of interest.

Any elected or appointed Town officer, official or employee, including any member of any Town board or commission who has a financial interest, direct or indirect, in any contract, transaction or decision of any agency, agent, officer, board or commission of the Town, to which the Town is a party, shall as soon as such financial interests shall appear to him/her disclose the nature and extent of that interest in writing to the Board of Selectmen which shall record such disclosure upon the official record in the office of the Town Clerk.

Any such officer, official, employee, board member or commission member shall be disqualified from acting on any such matter coming before such agency, agent, officer, board or commission. Violation of the provisions of this section shall be grounds for the removal of any such officer, official, employee, board or commission member. Such violation with the knowledge, expressed or implied, of any person, firm, partnership or corporation participating in such contract, transaction or decision shall render the same voidable by the Board of Selectmen.

§ 1102. Code of Ethics.

The Town's Code of Ethics shall govern the conduct of elected and appointed officers, employees, and board and commission members of the Town.

ARTICLE I
Code of Ethics

§ 40-1. Declaration of policy.

- A. Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials, employees, and volunteers affects every citizen of the Town, and it must be based on honest and fair deliberations and decisions. This process must be free from threats, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By enacting this code, the Town of Suffield seeks to avoid any loss of trust and to maintain and increase the confidence of our citizens in the integrity and fairness of their government.
- B. The purpose of these ethical standards is to guide Town officials, elected and appointed, Town employees, and citizens by establishing standards of conduct for persons in the decision making process. These standards are intended to strengthen the tradition of good government in the Town.
- C. Good government depends upon decisions based on the merits of an issue in the best interests of the Town, without regard to personal gain.
- D. The overall goal of this Code of Ethics is to create an understanding among all individuals involved with or on behalf of Town government that all decisions, actions and activities should be transparent. Therefore, all government officials and volunteers, elected and appointed, and Town employees shall disclose, at the time a given subject is to be given consideration, any relationships or interests that could potentially result in a conflict of interest.
- E. When a conflict does arise, the individual involved should recuse himself/herself and leave the room.

§ 40-2. Definitions.

As used in this article, the following words or phrases shall have the meanings ascribed to them in this section:

CONFIDENTIAL INFORMATION — Any information concerning the property, business or affairs of the Town that is not a matter of public record or public knowledge.

EMPLOYEE — Any person receiving a salary, wages or compensation from the Town government for services rendered.

OFFICIAL — Any person holding elective or appointive Town office, including members and alternate members of Town agencies, boards, and commissions, committees and subcommittees.

PERSON — An individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club, or other organization or group of persons.

PROBABLE CAUSE — Determining whether the facts would warrant a reasonable person to believe that an official, officer, employee or other person violated this code; the belief should be more than a mere suspicion, but less than proof beyond a reasonable doubt.

§ 40-3. Use of Town assets restricted.

No official or employee shall use or permit the use of Town funds, services, property, and equipment, owned or leased vehicles, or materials for personal convenience or profit, except when such services are available to the public generally or are provided in conformance with established Town policies for the use of such officials or employees.

§ 40-4. Fair and equal treatment.

No official or employee shall grant or accept any special consideration, treatment or advantage to or from any person beyond that which is available to every other person.

§ 40-5. Conflict of interest.

- A. Disqualification in matters involving a personal or proprietary interest. No employee or official shall participate in the hearing or decision of the board or commission of which he/she is a member upon any matter in which he/she is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the commission or board. No employee or official shall appear for or represent any person in any matter pending before the commission or board of which he/she is a member.
- B. Disclosure of confidential information. No persons governed by this code shall disclose or use any confidential information concerning the Town of Suffield affairs nor shall he/she use such information for the purpose of advancing the financial or personal interest of himself/herself or others.
- C. Gifts and favors. No official or employee or member of his/her immediate family shall solicit or accept any gift having a

substantial value greater than \$50, in any one year, whether in the form of service, loan, thing, promise or any other form, from any person or persons who to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town.

- D. Use of influence. No official or employee shall solicit any business, directly or indirectly, from another official or employee over whom he/she has any direct or indirect control or influence with respect to tenure, compensation or duties.
- E. Representation of private interests. No official or employee shall appear on behalf of another person's interests before any board, commission or agency of the Town, nor shall he/she represent another person's interests in any action or proceeding against the Town in any litigation when such appearance or representation would be in conflict with or would impair his/her independence of judgment and action in the performance of his/her official duties as such officer or employee.
- F. Representation of self. Any public official or public employee may appear before any board or commission of the Town of Suffield on his/her behalf, or be a party in any action, proceeding, or litigation brought by or against a public official or public employee to which the Town of Suffield is a party.
- G. Disclosure of interest. Any official or employee who has or thinks he/she has real, pecuniary or personal beneficial interest in any matter coming before any board, commission, or agency of the Town should disclose to such body that he/she has interests and/or relationships that could be perceived as a conflict of interest. If a conflict does exist, he/she should recuse himself/herself and leave the room.
- H. Fee or honorarium. No employee or official shall accept a fee or honorarium for an article, appearance, or speech, or for participation at an event, in his or her official capacity.
- I. Incompatible dealing. No employee or official shall engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of his/her official responsibilities or which would tend to impair his/her judgment or action in the performance of his/her official responsibilities.

- J. Financial benefit. A person subject to this code may not use his/her position or office for personal financial benefit, or for the financial benefit of a business with which he/she is associated, or for the financial benefit of a member of his/her immediate family.
- K. Competitive bidding. Persons governed by this code, or business with which he/she is associated, or a member of that person's immediate family, shall not enter into a contract with the Town unless it is awarded through a process of public notice and competitive bidding.
- L. Multiple positions. No officer, official, or employee shall hold two or more positions in Town government (whether paid or unpaid) which have a conflict of interest or have the appearance of a conflict of interest.
- M. Consultants and contractors. This code shall be incorporated by reference into all RFPs (requests for price proposal) and into all contracts entered into by the Town with a consultant or a contractor and the code will also apply to all persons doing business with the Town. Persons or firms who are engaged by and receive compensation from other government entities, such as the state or federal government, and who are in a position to influence any decision of a Town board, commission, committee, official or employee shall be guided by the code.
- N. Disclosure of interest by contractors and consultants. Contractors, subcontractors and consultants shall be responsible for disclosing all interests and relationships that could be perceived as a possible conflict of interest.
- O. Outside influence. No employee or official, or member of such individual's immediate family or business with which he/she is associated, shall solicit or accept anything of value, including but not limited to a gift, loan, political contribution, reward or promise of present and/or future gifts and present and/or future employment, based on any understanding that the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.

§ 40-6. Distribution of code; report of violations.

- A. Distribution of code. Each employee and official shall be furnished a copy of the Suffield Code of Ethics before entering upon the duties of his or her office or employment. Simultaneously, each individual will sign the acknowledgement

and commitment form which will be retained on file in the Town Clerk's office.

- B. Duty to disclose. All officials or employees who have knowledge of or probable cause to believe that there are violations of any provisions of this code shall report these violations to the Suffield Ethics Commission. Such reports shall be in good faith and the Town in turn guarantees that no reprisals against a reporter of such violations will be taken (provided that such charges are not later proved to have been malicious and false). All persons against whom such charges have been made will have full access to all the protections of due process as spelled out in this code. It shall be a violation of this code for a person to falsely and maliciously charge another with violations of this code. The Commission, in its sole discretion, will determine if a charge is false and malicious.

§ 40-7. Staff and counsel.

The Suffield Ethics Commission may employ necessary staff or outside counsel within available appropriations.

§ 40-8. Former employees and officials.

- A. Any former employee or official may appear before any Town board, commission, or agency by which he/she was formerly employed or of which he/she was a member. If said appearance is within a period of one year after termination of his/her service on that board, commission or agency, that person shall disclose on the record his/her former position to the board, commission, or agency.
- B. No former public employee or public official shall disclose or use confidential information acquired in the course of and by reason of his/her official duties, for financial gain for himself or herself or others, except such information which may be disclosed under the Connecticut Freedom of Information Act.¹
- C. No former public employee or public official who participated substantially in the negotiation or award of a municipal contract obliging the Town to pay an amount of \$100,000 or more, or who supervised the negotiation or award of such a contract, shall accept employment with a party to the contract other than the municipality for a period of one year after the contract is signed. For the purposes of this subsection, "substantially" shall mean

1. Editor's Note: See Connecticut General Statutes § 1-200 et seq.

drafting of the contract documents, negotiating the terms for the contract, and either approving the award of the contract or recommending the approval of the contract to the cognizant board(s) or commission(s), including the Board of Selectmen.

ARTICLE II
Ethics Commission

§ 40-9. Established.

- A. There is hereby established an Ethics Commission consisting of five members who shall be electors of the Town, no more than four of whom shall be of the same political party. The members shall be appointed by the First Selectman with the approval of the Board of Selectmen and shall serve for a term of five years, except that of the initial Commission a member shall be appointed seriatim for a term of one year, two years, three years, four years and five years. No member shall serve as a member of any other Town board or be employed by the Town or Board of Education.
[Amended 12-19-2019]
- B. Alternate members. In addition to the regular members, the First Selectman shall appoint two alternate members, not of the same party, with the approval of the Board of Selectmen. The two alternate members shall serve in the absence of a regular member on a rotational basis with the same powers and authority as a regular member. No alternate member shall serve as a member of any other Town board, neither commission, authority, or Board of Education. The initial appointments shall be for a term to expire on July 1, 1990. Thereafter, all appointments shall be for four-year terms.
- C. No candidate for political office may disseminate information which indicates that a Commission member supports his or her candidacy except for legally required disclosures.

§ 40-10. Organization and procedure.

The Ethics Commission shall elect a Chairperson and Secretary and shall establish its own rules and procedures, which shall be available to any elector of the Town upon request to the Commission. The first rules and procedures shall be established within six months of the date this chapter becomes effective. The need to maintain confidentiality in order to protect the privacy of public officials and employees and citizens shall be considered when establishing the rules and procedures. The Ethics Commission shall keep records of its meetings and shall hold meetings at the call of the Chairperson and at such other times as it may determine.

§ 40-11. Powers and duties.

- A. The Ethics Commission shall render advisory opinions with respect to the applicability of this Code of Ethics to specific situations to any agency or any officer, official, employee or

individual pursuant to a written request or upon its own initiative. (Advisory request forms shall be available at the Town Clerk's office and on the Town website.) The Ethics Commission may also issue guidelines on such issues. Such opinions and guidelines, until amended or revoked, shall be binding on the Ethics Commission and reliance upon them in good faith is an absolute defense in any action brought under the provisions of this section or the Town Charter. Any request or opinion, the disclosure of which invades the personal privacy of any individual [as that term is used in § 1-210(b)(2) of the General Statutes, by the State Freedom of Information Commission and the courts] or violates the provisions of § 10-151c of the General Statutes, shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Ethics Commission 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 of Ethics. **[Amended 12-19-2019]**

B. Complaints. The Ethics Commission shall establish procedures by which the public may initiate complaints alleging a probable cause violation of this code. The Ethics Commission itself may also initiate such a complaint. **[Amended 12-19-2019]**

- (1) Upon receipt from any person of a complaint form (with these forms to be available on the Town's website and from the Town Clerk along with an envelope addressed to the Ethics Commission), signed under penalty of false statement, the Commission shall conduct promptly an inquiry to decide whether there is probable cause to believe a violation of the code has occurred and to warrant an investigation.
- (2) The complaint form shall document the name of the person accused (respondent), the specific acts alleged to constitute the violation, when these acts occurred, and whether these allegations have been presented to other Town authorities.
- (3) No complaint can be made under this code except within two years after the violation alleged in the complaint has been committed.
- (4) All information supplied to or received by the Commission during the evaluation and investigation shall remain confidential, as specified by the provisions of the Connecticut General Statutes §§ 1-200(6) and 1-206.

- (5) No person shall take or threaten to take action against an individual for such individual's disclosure of information to the Commission. Such retaliatory actions will be considered a violation of the code.

- C. Investigation. If the Commission finds that the complaint has sufficient evidence to warrant an inquiry, the Commission shall promptly notify the complainant and the respondent(s). A copy of such complaint shall accompany such notice. The Commission shall have the power to hold hearings concerning the application of this code, administer oaths, examine witnesses, receive oral and documentary evidence, compel the attendance of witnesses by subpoena, and require the production for examination by the Commission of any books and papers which the Commission deems relevant in any matter under investigation or in question. In the event of a hearing during the investigation, the complainant and the respondent shall have the following rights: to appear before the Commission and be heard; to be represented by legal counsel; and to examine and cross-examine witnesses, including their accusers. Such hearings shall be closed to the public unless the respondent requests otherwise.
- D. Criminal offense. During any stage of the investigation, if the Commission believes a criminal offense may have occurred, the Commission shall notify the appropriate authorities.
- E. Disposition of complaint. At the conclusion of its investigation, the Commission shall promptly state its findings in a written decision. Confidential copies shall be delivered to the complainant and the respondent. A copy will be maintained in a confidential file of the Ethics Commission.
 - (1) The Commission may dismiss the complaint, with the grounds for dismissal set forth, while continuing to protect the identity of both the respondent and the complainant.
 - (2) The Commission may find that there has been a violation of the code and identify in the decision the particular provision(s) violated, while continuing to protect the identity of both the respondent and the claimant.
 - (3) If the complaint is dismissed, the Commission shall not entertain any other similar complaint based on substantially the same evidence.
- F. Penalties.

- (1) If the Ethics Commission determines the respondent has, in fact, violated the provisions of this code, it shall file a memorandum of decision which shall include a recommendation for action with the Board of Selectmen and the appropriate agency, board or commission. The authority affected will report back within 30 days to the Ethics Commission action taken or lack of action and the reasons therefor. In the case of a consultant, it shall also be filed with the contracting agency. The recommended action may include the following, except that no action may be recommended which would violate the provisions of state or federal law:
[Amended 12-19-2019]

- (a) Reprimand and public censure.
 - (b) Termination, suspension of compensation for elected positions, or suspension of employment for not more than 90 days without pay.
 - (c) Termination of contractual status and/or debarment or suspension from being a contractor or subcontractor under Town contracts.
 - (d) A civil penalty of not more than \$1,000 per violation.
 - (e) Restitution of any pecuniary benefits received because of the violation committed.
- (2) In the case of union employees, such recommended action does not constitute a unilateral change in conditions of employment. No such recommendation shall limit the authority of the Board of Selectmen under the Charter of the Town or under any ordinance, statute, or any other law. Any discussion by the Board of Selectmen or other agency, board or commission or contracting agency of an individual affected by the memorandum of decision shall be in executive session, unless the individual affected requests that such discussion be held in open session and be done in accordance with due process.
- (3) Any person who knowingly files a false statement under this code is subject to criminal prosecution for perjury under the laws of Connecticut.

§ 40-12. Appeals.

A decision of the Ethics Commission may be appealed in the manner allowed by the General Statutes.