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SEP 07 2005

BY C. Davis  
TOWN CLERK

**Board of Ethics Meeting  
September 1, 2005@ 730 – EW Annex**

Call to order at 730 PM. In attendance are Gil Lowell, Bishop Ralph Saunders, Jayne Smith, Ray Noble and Dale Nelson.

A motion was made by Jayne Smith to review the changes to 3.2 of the code of ethics and send to the Board of Selectmen. 2nd by Gil Lowell, motion carried unanimously.

Motion to go into executive session was made by Gil Lowell, 2<sup>nd</sup> by Bishop Saunders, motion carried.

Motion to come out of executive session was made by Gil Lowell, 3<sup>rd</sup> by Bishop Saunders, motion carried.

The Board's decision was unanimous to send a letter to the Board of Selectman regarding the complaint filed on May 5, 2005. We also decided to send a follow up letter to the latest issue brought to this board on August 18, 2005.

We will schedule the next meeting for Wednesday, October 5th to discuss any pending issues

Motion to adjourn was made by Bishop Saunders at 815 PM, 2<sup>nd</sup> by Ray Noble.

# TOWN OF EAST WINDSOR CODE OF ETHICS ORDINANCE

**BE IT ORDAINED:** The following Ordinance was adopted at a Special Town Meeting duly warned and held on . Said Ordinance shall become effective fifteen (15) days from the publication thereof.

## SECTION 1 PURPOSE

The purpose of these 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 .It is intended to strengthen the tradition of good government in East Windsor by helping to ensure that government decisions and policies be made free from undue influence and in the proper channels of government structure; that public office not be used for unauthorized personal gain; and the public have confidence in the integrity of it's government. In recognition of theses goals this Code of Ethics is hereby established, pursuant to Section 7-10 of the Charter of the Town of East Windsor.

## SECTION 2 DEFINITIONS

In this Ordinance, the following terms are defined as follows:

- 2.1 Officials shall mean all elected and appointed individuals, members and alternates of all boards, commissions, authorities and committees of the Town including the Board of Education.
- 2.2 Employee shall include all employees answerable to the elected Town officials, boards and commissions, as set forth in Section 3-2 of the Town Charter, as well as employee of appointed Town boards and commissions, including those enumerated in Section 7-4 of the Charter. This would include but not be limited to employees under the Policy Commission, Board of Education, the Water Pollution Control Authority and East Windsor Housing Authority.
- 2.3 Agency shall mean all boards, commissions, authorities and committee including ad-working groups of the Town and the Board of Education.

## SECTION 3 STANDARDS OF OFFICIAL CONDUCT

### 3.1 Conflicts of Interest

No official or employee may obtain financial, political or personal gain, directly or indirectly from any contract, any transaction or any decision of any agency of the Town. Any official or employee who has or questions whether he or she is real, pecuniary or personal beneficial interest in any matter coming before any agency of the Town shall make the same known to such agency, and such interest shall be disclosed on the records of such agency. If such official or employee is a member of such agency, he/she shall refrain from voting upon or otherwise participating in the consideration of such matter any determination in connection therewith by such agency (ref. East Windsor Town Charter, Sections 11-1 and 11-2)

### 3.2 Disclosure of Confidential Information

No official or employee who has access to any confidential information related to the functions or activities of the Town or of any of its Boards or agencies shall divulge that information to any person who is not authorized to have it.

### 3.3 Gifts and Favors

No official or employee or member of his/her immediate family shall solicit or accept any gift or favor in excess of \$ 50.00 in value in any calendar 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 business dealings with the Town.

### 3.4 Use of Town Assets

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.

### 3.5 Representation of Private Interests

No official or employee shall appear on behalf of private interest before any agency of the Town, nor shall he/she represent any private interest 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 official duties as such official or employee.

### 3.6 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 tenure, compensation, duties, or from any vendor or third party doing business with the Town.

### 3.7 Incompatible Employment

No official or employee shall engage in any employment or services, which will impair independence or judgment as to official duties or require or induce disclosure of confidential information gained in Town service.

### 3.8 Fair and Foul Treatment

No official or employee shall grant or withhold any consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

## **SECTION 4 ETHICS COMMISSION**

### **4.1 Establishment**

An Ethics Commission is hereby established, and shall consist of five members who shall be electors of the Town, no more the bare majority of whom shall be of the same political party (ref. Section 2.2 of the Town Charter). The members shall serve for a four (4) year term following the initial term established by the Board of Selectmen, January 24, 1991. No official or employee of the Town shall be eligible to serve on the Commission. Vacancies shall be filled according to Section 6-2 of the Town Charter.

### **4.2 Organization and Procedures**

The Ethics Commission shall elect a chairman and a Secretary, and established its own rules and procedures, which shall be made public as established. The need to maintain confidentiality shall be considered pursuant to State 1-82a when establishing the rules and procedures and opinions shall require a minimum of four (4) votes in agreement by the Commission.

### **4.3 Power and Duties**

- (A) Upon written request or its own initiative the Commission shall render advisory opinions with respect to the applicability of the Ordinance. Any request or opinion, the disclosure of which invades the personal privacy of any individual (as that term is used in the Connecticut General Statutes Section 1-19, by the Connecticut Freedom of Information Commission and the courts) shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Commission may make available to the public such advisory opinions, which do not invade and individual's privacy, and may take other steps appropriate in an effort to increase public awareness of this Code of Ethics.
- (B) The Commission shall establish procedure by which the public may initiate complaints alleging violations of this code. By its own initiative or upon receipt of a written complaint alleging a violation of the Ordinance, the Commission shall determine by a minimum of four (4) votes in agreement whether sufficient cause exists to warrant an inquiry. The Commission shall have the power to hold hearings concerning the application of this Code and its violations, and any administer oaths and compel the attendance of witnesses by subpoena. Unless the Commission makes a finding of probable cause, a complaint alleging a violation shall be confidential, except upon the request of the respondent.
- (C) If the Commission determines by the minimum of four (4) votes in agreement that the respondent has in fact violated the provision of this Ordinance, it shall file a Memorandum of Decision. This Memorandum shall be a recommendation for appropriate action, taking into account the respondent's intent and willfulness in respect to said violation. Said Memorandum shall be presented to the Board of Selectmen, except with respect to individuals under the jurisdiction of the Board of Education, in which cases the Memorandum of Decision shall be filed with the Board of Education with simultaneous copy to the Board of Selectmen. No such recommendation shall limit the authority of the Board of Selectmen under the Charter of the Town of East Windsor.

#### 4.4 Procedures for Filing a Complaint

- (1) Complaint must be signed under penalty of false statement.
- (2) The complaint must be filed within five (5) years of the alleged violation.
- (3) The target is to be notified within ten (10) business days of the complaint via certified mail.
- (4) Commission shall review the complaint and determine whether the allegations constitute a violation of the ethics code.
  - A) If not dismiss and notify parties
  - B) If so - fix a date for a hearing that starts within 60 days of the filing of the complaint with legal counsel for the Board of Ethics.
- (5) Hearings with our legal counsel
  - A) Respondent can be represented by legal counsel
  - B) Respondent can cross-examine witness
  - C) The commission needs four (4) votes to make a finding of an ethics violation
- (6) Confidentiality
  - A) Complaint is confidential unless the respondent requests otherwise
  - B) Commission can conduct a preliminary investigation and no information may be publicized by anyone involved
  - C) A determination of no violation shall be kept confidential except upon the request of the respondent
  - D) Notification of termination of the investigation or hearing shall be sent to the parties within 3 business days via certified mail
- (7) Finding a violation
  - A) Finding made public within 5 business days of the termination or hearing
  - B) Entire record of the investigation becomes public
  - C) Provide parties with summary of its findings within 3 business days of termination or hearing
  - D) Respondent may appeal the decision to the superior court within 30 days
- (8) Penalties for Violation
  - A) Public censure & reprimand
  - B) Suspension up to 90 days or dismissal of public employee
  - C) \$1,000.00 civil penalty
  - D) Restitution of any pecuniary benefits received

#### 4.5 Copies of the Code of Ethics

A copy of the Ethics Code must be given to all public officials and public employees and a signed receipt must be obtained which shall be kept by the town clerk

**SECTION 5 EFFECTIVE DATE**

This Code of Ethics Ordinance shall become effective at such time as the Ethics Commission's rules and procedures are completed and made public or no later than six months after approval of the Ordinance at a Town Meeting.

Ordinance 92-1

Attest \_\_\_\_\_

Town Clerk of East Windsor

Published:

Updated by the Board of Ethics January 2004 – May 2005

- 4.4 Added
- 4.5 Added
- 3.2 Updated 8/05

8/05