



**TOWN OF MANSFIELD
SPECIAL TOWN COUNCIL MEETING
Work Session**

Thursday, September 12, 2011
6:00pm
Council Chamber
Audrey P. Beck Municipal Building

AGENDA

Call to Order

Old Business

1. Revisions to Ethics Ordinance (Item #3, 07-25-11 Agenda)

Adjournment



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MwH*
CC: Maria Capriola, Assistant to Town Manager; Dennis O'Brien, Town Attorney
Date: September 12, 2011
Re: Revisions to Ethics Ordinance

Subject Matter/Background

Per the request of the Council, staff scheduled a work session to present and discuss the proposed revisions to the ethics ordinance. The Personnel Committee has presented various drafts of the proposed revisions to the Council during the Council's regulars meetings on May 24, 2010 and July 11 and 25, 2011.

The Town Attorney has suggested additional revisions to the proposed ordinance that was presented to the Council on July 25, 2011. The proposed update is noted in bold in the attached September 8, 2011 version.

Attorney O'Brien will be present at Monday's meeting to answer any questions the Council may have.

Attachments

- 1) Code of Ethics (Current)
- 2) Proposed Code of Ethics (as presented by the Ethics Board, 01/07/10)
- 3) Proposed Code of Ethics (09/08/11)
- 4) April 20, 2011 Memo from M. Capriola to the Ethics Board
- 5) 5/5/11 Ethics Board Minutes
- 6) 5/5/11 Summary of Remarks from Ethics Board Regarding Draft Ethics Code (as presented by the Personnel Committee)

CHAPTER 25 ETHICS, CODE OF

[HISTORY: Adopted by the Town Council of the Town of Mansfield 6-26-1995, effective 8-7-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Authorities — See Ch. 5.

Conservation Commission — See Ch. 11.

Economic Development Commission — See Ch. 17.

Housing Partnership — See Ch. 34.

Inland Wetlands Agency — See Ch. 40.

Personnel Appeals Board — See Ch. 63.

Planning and Zoning Commission — See Ch. 67.

Police — See Ch. 70.

Regional Planning Agency — See Ch. 82.

Zoning Board of Appeals — See Ch. 94.

Affirmative action — See Ch. A191.

Committees, boards and authorities — See Ch. A192.

Housing Authority — See Ch. A193.

§ 25-1 Title.

This chapter shall be known and may be cited as the "Code of Ethics."

§ 25-2 Purpose.**A.**

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 decisionmaking process. It is intended to strengthen the tradition of government in the town.

B.

Good government depends on decisions which are based upon the merits of the issue and are in the best interests of the town as a whole, without regard to personal gain.

C.

In pursuit of that goal, these standards are provided to aid those involved in decisionmaking to act in accordance with the public interest, use objective judgment, assure accountability, provide democratic leadership and uphold the respectability of the government.

§ 25-3 Definitions.

As used in this chapter, 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 not generally available to the public.

EMPLOYEE

Any person receiving a salary, wages or compensation from the town for services rendered.

IMMEDIATE FAMILY

Any parent, brother, sister, child spouse or co-habiting partner of an individual as well as the parent, brother, sister or child of said spouse or co-habiting partner, and the spouse or co-habiting partner of any such child or any dependent relative who resides in said individual's household.

INTEREST IN A PERSONAL OR FINANCIAL SENSE

The same meaning as the courts of this state apply, from time to time, to the same phrase as used in §§ 8-11 and 8-21, C.G.S.

OFFICIAL

Any person holding elective or appointive town office, including members and alternate members of town agencies, boards and commissions, and committees appointed to oversee the construction or improvement of town facilities, or any other board, commission or agency that perform legislative or judicial functions or exercise financial authority (collectively hereinafter referred to as "body").

§ 25-4 Guidelines established.A.

Use of town assets. No official or employee shall use or permit the use of town funds, services, property, 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.

B.

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.

C.

Conflict of interest.

(1)

Disqualification in matters involving a personal or financial interest. No employee or official shall participate in the hearing or decision of the body of which he or she is a member upon any matter in which he or she is interested in a personal or financial sense. The fact of such disqualification shall be entered on the records of such body. Nothing contained herein shall be construed as to prevent any elected official or employee from submitting a competitive sealed bid in response to an invitation to bid from any body of the town, provided that such person does not thereby violate Subsection C(2) of this section.

(2)

Disclosure of confidential information. No official or employee shall disclose or use any confidential information obtained in an official capacity for the purpose of advancing his or her financial or personal interest or that of others.

(3)

Gifts and favors. No official or employee or member of his or her immediate family shall solicit or accept any gift or gifts having a value of fifty dollars (\$50.) or more 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 or her knowledge is interested directly or indirectly in business dealings with the town. This prohibition shall not apply to lawful political contributors as defined in § 9-333(b), C.G.S.

(4)

Use of influence. No official or employee shall solicit any business, directly or indirectly, from another official or employee over whom he has any direct or indirect control or influence with respect to tenure, compensation or

duties.

(5)

Representation of private or adverse interest. No official or employee shall appear on behalf of a private interest before any body of the town, nor shall he or she represent an adverse interest in any litigation involving the town.

(6)

Disclosure of interest. Any official or employee who has a personal or financial interest in any matter coming before any body of the town shall make the same known to such body in a timely manner, and such interest shall be disclosed on the records of such body.

(7)

First year after termination. No official or employee shall, during the first year after termination of service or employment with the town, appear before any body of the town or apply to any department in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration.

(8)

Private employment. No official or employee shall engage in or accept private employment or render service that is incompatible with the 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 official duties or give the appearance of impropriety, unless otherwise permitted by law.

§ 25-5

Board of Ethics.

A.

There is hereby established a Board of Ethics consisting of five (5) members who shall be electors of the town. The members shall be appointed by the Town Council and shall serve for a term of three (3) years, except that, of the initial Board, two (2) members shall serve for a term of two (2) years, and one (1) member for a term of one (1) year.

B.

Alternate members. In addition to the regular members, the Town Council shall appoint two (2) alternate members who shall serve in the absence of a regular member. The initial appointments shall be for a term to expire on June 30, 1996. Thereafter, all appointments shall be for two-year terms.

C.

No more than three (3) members and no more than one (1) alternate member shall be of the same political party at any time.

D.

No member or alternate shall contemporaneously be an employee or official of the town.

§ 25-6

Organization and procedure.

The Board of Ethics shall elect a Chairperson and a Secretary and shall establish its own rules and procedures, which shall be available to any elector of the town through the Town Clerk's office. Rules and procedures shall be established within six (6) months of the initial appointment of all members and alternates. The need to maintain confidentiality in order to protect the privacy of public officials and employees and citizens [including the provisions of § 1-82a(a) through (f), C.G.S.] shall be considered when establishing the rules and procedures. The Board 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.

§ 25-7

Powers and duties.

A.

The Board of Ethics shall render advisory opinions with respect to the applicability of this Code of Ethics in

specific situations to any body, or any official, employee or elector pursuant to a written request or upon its own initiative. The Board may also issue guidelines on such issues as, for example, ex parte communication. Such opinions and guidelines, until amended or revoked, shall be binding on the Board and reliance upon them in good faith by any officer or employee in any action brought under the provisions of this chapter. Any request or opinion the disclosure of which invades the personal privacy [as that term is used in C.G.S. § 1-19(b)(2)] of any individual shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Board may make available to the public such advisory opinions which do not invade personal privacy and take other appropriate steps in an effort to increase public awareness of this Code of Ethics.

B.

The Board shall establish procedures by which the public may initiate complaints alleging violations of this Code. The Board itself may also initiate such complaints. The Board shall have the power to hold hearings concerning the application of this Code and its violation and may administer oaths and compel attendance of witnesses by subpoena. Such hearings shall be closed to the public unless the respondent requests otherwise. If the Board determines the respondent has, in fact, violated the provisions of this Code, it shall file a memorandum of decision which may include a recommendation for action, with the Town Council or other appropriate body. The recommended action may include reprimand, public censure, termination or suspension of employment, removal or suspension from appointive office or termination of contractual status, except that no action may be recommended which would violate the provisions of the state or federal law. 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 Town Council under the Charter of the town or under any ordinance, statute or any other law. Any discussion by the Town Council or other body 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.

C.

Any complaint received by the Board must be in writing and signed under oath by the individual making said complaint, under penalty of false statement (C.G.S. § 53a-157b).

§ 25-8 **Annual report.**

Each year, at a time to be determined by the Board, it shall prepare and submit to the Town Council an annual report of its actions during the preceding twelve (12) months and its recommendations, if any. Additional reports, opinions and recommendations may be submitted by the Board to the Town Council at any time. In all such submissions, the Board shall be scrupulous in its avoidance of the undue invasion of the personal privacy of any individual.

§ 25-9 **Distribution of Code of Ethics.**

In order that all public officials and employees are aware of what constitutes ethical conduct in the operations of the government of the Town of Mansfield, the Town Clerk shall cause a copy of this Code of Ethics to be distributed to each and every official and employee of the town.

§ 25-10 **Appeals.**

A decision by the Board of Ethics may be appealed in the manner allowed by the general statutes.

§ 25-11 **Severability; conflicts with other provisions.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter. Furthermore, should any such provisions of this chapter conflict with any provisions of the Personnel Rules of the Town of Mansfield, the collective bargaining agreements of the Town of Mansfield or the Connecticut General Statutes, the relevant provisions of the Personnel Rules, collective bargaining agreements and/or the Connecticut General Statutes shall prevail.

The following are the Ethics Board's recommended revisions to the Ethics Code¹ as of January 7, 2010. These recommendations should replace any previous recommended changes submitted to the Town Council and the Personnel Committee by the Board.

Recommended Changes

- Strikethrough = recommended deletions reached by consensus or majority of members
- Bold/Italics = recommended revisions by consensus or majority of members

Chapter 25 of the Mansfield Code – Ethics Ordinance

§ 25-1. Title.

This chapter shall be known and may be cited as the "Code of Ethics."

§ 25-2. Purpose.

- A. 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 decisionmaking process~~. It is intended to strengthen the tradition of **good** government in the Town.
- B. Good government depends on decisions which are based upon the merits of the issue and are in the best interests of the Town as a whole, without regard to personal gain.
- C. In pursuit of that goal, these standards are provided to aid those involved in decisionmaking to act in accordance with the public interest, use objective judgment, assure accountability, provide democratic leadership and uphold the respectability of the government.

§ 25-3. Definitions.

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

- A. ***APPEAR***— ***Any form of communication including: in person, through another person, by letter, by telephone or by electronic media.***
- B. **CONFIDENTIAL INFORMATION** — ~~Any information concerning the property, business or affairs of the Town not generally available to the public. ***not discloseable under or subject to FOI rules (chapter 14, § 1-210 C.G.S.) Any information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such a nature that it is not, at the time of transmission, a matter of public record or public knowledge as defined by Chapter 14, § 1-210 C.G.S.***~~
- C. **CONFLICT OF INTEREST** - ***An official or employee's use of his/her position may not result in a financial benefit not shared with a substantial segment of the Town's population for any of the following:***

¹ At its January 7, 2010 meeting of the Ethics Board Ms. Stevens made a motion that, "Proposed revisions as amended be sent to the Personnel Committee and to note in the forwarding copy that the Board chose not to address outside employer under definitions and annual disclosure statement by candidates for public office." The motion was seconded by Mr. Smith. With no objections, the motion passed with all in favor.

- (1) *himself or herself;*
- (2) *a member of his or her immediate family;*
- (3) *an outside employer/business of his or hers, or of a member of his or her immediate family;*
- (4) *a customer or client;*
- (5) *person or entity from whom the official has received an election campaign contribution totaling more than \$200 in the aggregate during the past election cycle (this amount includes contributions from a person's immediate family or business);*
- (6) *a substantial debtor or creditor of his or hers, or of members of his or her household; or*
- (7) *a nongovernmental civic group, union, social, charitable, or religious organization of which he or she (or a member of his or her immediate family) is an officer or director.*

- D. EMPLOYEE — Any person receiving a salary, wages or compensation from the Town for services rendered.
- E. IMMEDIATE FAMILY — Any parent, brother, sister, child spouse or co-habiting partner of an individual. ~~as well as~~ The parent, brother, sister or child of said spouse or co-habiting partner. **and Also**, the spouse or co-habiting partner of any such child or any dependent relative who resides in said individual's household.
- F. INTEREST IN A PERSONAL OR FINANCIAL SENSE — ***A relationship in which a direct or indirect financial benefit might be received. "Financial benefit" includes: money, service, entertainment, or any promise of these or anything else of value. This term does not include campaign contributions authorized by law.***

For the purpose of this Code, the same meaning as the courts of this state apply, from time to time, to the same phrase as used in §§ 8-11 and 8-21, C.G.S. 2.

- G. OFFICIAL — Any person holding elective or appointive Town office, paid or unpaid, including members and alternate members of Town agencies, boards and commissions, and committees appointed to oversee the construction or improvement of Town facilities, or any other board, commission or agency that perform legislative or judicial functions or exercise financial authority (collectively hereinafter referred to as "body"). ***An official does not mean a member of an advisory board if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the Town or to restrict the authority of the Town to act.***
- H. ***OUTSIDE EMPLOYER OR BUSINESS—This term includes: any substantial business activity other than service to the Town; any entity of which the official/employee is a member, official, or employee, and from which he or she receives compensation; any entity located in the Town or which does business with the Town, in which the official/employee has an ownership interest; and any entity to which the official or employee owes, or is owed, more than \$10,000. For purposes of this definition, "compensation" does not include reimbursement for expenses.***

- I. ***SUBORDINATE - Another official/employee whose activities an official or employee directs/supervises.***

§ 25-4. Guidelines established.

If an official or employee is speaking before a body as an elector during public comment, said person shall disclose their name, address, and public affiliation, regardless of whether the affiliation is indirect or direct to the matter in which the person is speaking.

- A. Use of Town assets. No official or employee shall use or permit the use of Town funds, services, property, 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 **written** Town policies for the use of such officials or employees. ***This applies not only to objects such as cars and trucks, but also to travel and other expense reimbursement requests.***
- B. Fair and equal treatment.
 - (1) ***Special Consideration*** - 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.
 - (2) ***Representation*** - ***An official/employee may not represent any other person or entity before the Town, nor appear in any matter not before the Town, but against the interests of the Town. However, it is acceptable for elected officials to represent constituents without compensation in matters of public advocacy. Volunteer members of established boards and commissions may represent persons and entities before, or appear before, any Town department, agency, board, or commission other than their own.***
 - (3) ***Appearances*** - ***An official or employee may not appear before any Town department, agency, board or commission, except on his or her own behalf or on behalf of the Town. Every time an official or employee appears or when he or she writes a letter to the editor or other publicly distributed correspondence regarding the Town, he or she is required to disclose whether he or she is appearing in an official capacity or as a private citizen.***
 - (4) ***Political Solicitation*** - ***An official/employee may not request, 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, or with the use of Town funds, supplies, vehicles, or facilities.***
 - (5) ***Patronage*** - ***No official or employee may use his or her influence to obtain an appointment of another person to any position as a reward for political activity or contribution.***
 - (6) ***Nepotism*** - ***No official or employee may appoint or hire a member of his or her immediate family to any type of employment with the Town without first obtaining a waiver pursuant to 25-7E. No official or employee may supervise or be in a direct line of supervision of a member of his or her immediate family without obtaining a waiver pursuant to 25-7E.***
- C. Conflict of interest.

- (1) Disqualification in matters involving a personal or financial interest. No employee or official shall participate in the hearing or decision of the body of which he or she is a member upon any matter in which he or she is interested in a personal or financial sense. The fact of such disqualification shall be entered on the records of such body. Nothing contained herein shall be construed as to prevent any elected official or employee from submitting a competitive sealed bid in response to an invitation to bid from any body of the Town, provided that such person does not thereby violate Subsection C(2) of this section.
- (2) Disclosure of confidential information. No official or employee shall disclose or use any confidential information obtained in an official capacity for the purpose of advancing his or her financial or personal interest or that of others.
- (3) Gifts and favors. No official or employee or member of his or her immediate family shall solicit or accept any gift or gifts having a value of fifty dollars (\$50.) or more ~~in value in~~ any calendar year, whether in the form of service, loan, ~~thing~~ **object**, promise or any other form **consideration**, from any person or persons who to his or her knowledge is interested directly or indirectly in business dealings with the Town. This prohibition shall not apply to lawful political contributors as defined in § 9-333(b), C.G.S. ***Gifts of property, money, or services received by an official or employee and given nominally to the Town must be accepted by a resolution of the Council.***
- (4) Use of influence. No official or employee shall ~~solicit any business~~ **may engage in a financial transaction including charitable contributions**, directly or indirectly, from another official or employee **especially one** over whom he/*she* has any direct or indirect control or influence with respect to tenure, compensation or duties. ***Charitable events or fundraising activities subject to general sponsorship by the Town are exempted from this section.***
- (5) Representation of private or adverse interest. No official or employee shall appear on behalf of a private interest before any body of the Town, nor shall he or she represent an adverse interest in any litigation involving the Town.
- (6) Disclosure of interest. Any official or employee who has a personal or financial interest in any matter coming before any body of the Town shall make the same known to such body ~~in a timely manner~~ **immediately before any action.** ~~and~~ Such interest shall be disclosed on the records of such body.
 - a. ***Annual Disclosure. Elected officials, department heads and those authorized to act on their behalf (e.g., first deputies), candidates for elected office and political party committee officers are required to file annual disclosure statements. Annual disclosure statements (for the calendar year) are to be filed with the Ethics Board:***
 - i. ***Within one-hundred-and-twenty days after the effective date of this section;***
 - ii. ***Within thirty days after taking one of the job titles or positions listed in subsection a of this section; and***
 - iii. ***No later than May 15 of each year thereafter***
 - iv. ***Candidates for elected office, shall file the annual disclosure statement with their filing of the certificate of candidacy or declaration of intent and no later than May 15 of each year thereafter.***

The annual disclosure statement will include the location of any real estate in the Town, or within one mile of the boundary of the Town, in which the person disclosing, or his or her immediate family, has a financial interest, and the type of financial interest. This section does not apply to an official or employee's primary residence.

The disclosure statement will also include with respect to each outside employer or business of the person disclosing: its name (if any); the nature of its business or if it is an entity, the type of entity; the person disclosing's relationship to it, such as sole proprietor, owner, partner, official, director, member, employee, bondholder, or shareholder.

The disclosure statement will also include the names and addresses of all immediate family employed by the Town as employees, contractors, or consultants, including immediate family who work for or are subcontractors of contractors, consultants, or subcontractors.

Failure to disclose the information with respect to other immediate family members does not constitute a violation of that subsection if the person disclosing made a good faith effort to obtain the information.

b. Recusal.

i. An official or employee must refrain from acting on or discussing a matter before the Town, if acting on the matter, or failing to act on the matter represents a conflict of interest. Such an official or employee should join the public if the recusal occurs at a public meeting, leave the room if it is not a public meeting, and file with the Town Clerk a signed statement disclosing the reasons for recusal, or state this information on the public record of that board or commission.

ii. If a board or agency member is requested to recuse himself or herself with respect to a matter because he or she has a conflict of interest, the member must decide whether to recuse himself or herself. If the member decides not to recuse himself or herself, the remaining 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.

iii. Rule of Necessity. If recusal would leave a board with less than a quorum capable of acting, or if the official/employee is the only person authorized by law to act, the official/employee must disclose the nature and circumstances of the conflict to the Ethics Board and ask for an advisory opinion.

- (7) First year after termination. No official or employee shall, during ~~the first~~ ***within one*** year after termination of ***his or her last date of*** service or employment with the Town, appear before any body of the Town or apply to any department in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or**

employment, or which was under his or her active consideration **official responsibility as a municipal employee.**

- (8) **First Year of Employment.** No official or employee shall award a contract or participate in an action benefiting a person that formerly employed him or her within one year of entering Town employment or service.
- (9) **Private employment.** No official or employee shall engage in or accept private employment or render service that is incompatible with the 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 official duties or give the appearance of impropriety, unless otherwise permitted by law.
- (10) **Post-Employment Employment.** Any official/employee shall not accept employment with a party to a contract with the Town, within a year after the contract was signed, when he or she participated substantially in the negotiation or award a contract of \$50,000 or more.
- (11) **Quid Pro Quo.** No official or employee shall discuss or accept an offer of future employment with any person doing or seeking to do business with the Town if the official or employee has reason to believe that the offer of employment is intended as reward for an action or failure to act.
- (12) **Fees and Honorariums.** No official or employee may accept a fee or honorarium for an article, appearance, or speech in his or her official capacity. He or she may receive payment or reimbursement for necessary expenses related to any such activity.
- (13) **Endorsements.** No official or employee in his or her official capacity may publicly endorse products or services; this does not prohibit an official or employee from answering inquiries by other governmental officials, consumer organizations, or product information services regarding products or services.

D. Reporting Requirements and Whistleblower Provisions.

- (1) **Complicity with or Knowledge of Others' Violations.** No one may encourage anyone to violate any provision of this Code. If an official/employee suspects that someone has violated this Code, he or she is required to report it to the relevant individual, either the employee's supervisor, appointing authority, or the Ethics Board. Anyone who reports a violation in good faith will be protected by the provisions of Section 25-4D(2).
- (2) **Whistle-Blower Protection.** Neither the Town nor any person, including officials and employees, may take or threaten to take official or personal action against any official, employee, or against any member of their family because that person, or a person acting on his or her behalf, (a) reports or files a complaint with the Ethics Board regarding an alleged violation of this Code, or (b) is requested by the Ethics Board to participate in an investigation, hearing, or inquiry of the Ethics Board. The provisions of this section are not applicable when the reporter of a violation knowingly made accusations or other statements that were malicious and false.

§ 25-5. Board of Ethics.

- A. There is hereby established a Board of Ethics consisting of five (5) members who

shall be electors of the Town. The members shall be appointed by the Town Council and shall serve for a term of three (3) years, ~~except that, of the initial Board, two (2) members shall serve for a term of two (2) years, and one (1) member for a term of one (1) year.~~

- B. Alternate members. In addition to the regular members, the Town Council shall appoint two (2) alternate members who shall serve in the absence of a regular member. ~~The initial appointments shall be for a term to expire on June 30, 1996. Thereafter, all **Alternate member** appointments shall be for two-year terms.~~
- C. No more than three (3) members and no more than one (1) alternate member shall be of the same political party at any time.
- D. ~~No member or alternate shall contemporaneously be an employee or official of the Town on any other board. **Members of the Board may also serve as members of advisory committees. Members of the Board should not simultaneously serve as a member of an elected board of the Town or be an employee of the Town.**~~

§ 25-6. Organization and procedure.

- A. ~~The Board of Ethics shall elect a **Chair, Vice Chair, and Secretary annually. Rules and procedures shall be established. Confidentiality must be maintained in order to protect the privacy of public officials, employees and citizens, including the provisions of Sec 1-82(a)-(f) of the Connecticut General Statutes. The Board shall keep records of its meetings, planning to meet at least four times a year and at such other times as deemed necessary by any member.** Chairperson and a Secretary and shall establish its own rules and procedures, which shall be available to any elector of the Town through the Town Clerk's office. Rules and procedures shall be established within six (6) months of the initial appointment of all members and alternates. The need to maintain confidentiality in order to protect the privacy of public officials and employees and citizens [including the provisions of § 1-82a(a) through (f), C.G.S.] shall be considered when establishing the rules and procedures. The Board 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.~~
- B. **Practices regarding recordkeeping, release of documents, and notice of meetings will be consistent with Connecticut general statutes pertaining to freedom of information and ethics boards. The Town Clerk's Office must maintain on file for public inspection:**
 - (1) **A copy of the Code of ethics and amendments thereto;**
 - (2) **A statement that the Town has established an Ethics Board, and its members;**
 - (3) **A copy of the form of annual statement of financial disclosure;**
 - (4) **A list of the names and offices, or positions, of all officials and employees required to file annual disclosure statements;**
 - (5) **Copies of all annual disclosure statements filed pursuant to this Code.**
 - (6) **Other records of the Ethics Board subject to disclosure.**
- C. **The provisions of this Code will be reviewed and updated when necessary, but not less than every five years.**

§ 25-7. Powers and duties.

- A. **Advisory Opinions.** *Advisory opinions may be sought by an official, employee, or body of the Town regarding whether his, her, or its own action might violate a provision of this Code.* The Board may also issue guidelines on such **general ethics** issues as, ~~for example, ex parte communication.~~ Such opinions and guidelines, until amended or revoked, shall be binding on the Board and reliance upon them in good faith by any officer or employee in any action brought under the provisions of this chapter. Any request or opinion the disclosure of which invades the personal privacy [as that term is used in C.G.S. § 1-19(b)(2)] of any individual shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Board may make available to the public such advisory opinions which do not invade personal privacy. ~~and take other appropriate steps in an effort to increase public and officials' awareness of this Code of Ethics.~~
- B. **Complaints.** The Board shall establish procedures by which the public may initiate complaints alleging violations of this Code. The Board itself may also initiate such complaints. The Board shall have the power to hold hearings concerning the application of this Code and its violation and may administer oaths and compel attendance of witnesses by subpoena. Such hearings shall be closed to the public unless the respondent requests otherwise. If the Board determines the respondent has, in fact, violated the provisions of this Code, it shall file a memorandum of decision which may include a recommendation for action, with the Town Council or other appropriate body. The recommended action may include reprimand, public censure, termination or suspension of employment, removal or suspension from appointive office or termination of contractual status, except that no action may be recommended which would violate the provisions of the state or federal law. 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 Town Council under the Charter of the Town or under any ordinance, statute or any other law. Any discussion by the Town Council or other body 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.
- C. Any complaint received by the Board must be in writing and signed under oath by the individual making said complaint, under penalty of false statement (C.G.S. § 53a-157b).
- D. **Correspondence.** *The Board welcomes and encourages communications from the public regarding ethics issues relevant to this Code, even if they do not fall within the categories of an advisory opinion, or complaint. Communications will be handled on a case-by-case basis and at the discretion of the Board. The Board will take appropriate steps in an effort to increase public and officials' awareness of this Code of Ethics.*
- E. **Waivers.** *If an official or employee comes into a direct line of supervision of a member of his or her household, he or she will have six months to obtain a waiver.*
- (1) *Upon written application and a showing of compelling need, at an open*

session after public notice, the Ethics Board may in exceptional circumstances grant a waiver of subsections 25-4B(6). Waiver applications should be submitted by the supervisor seeking the waiver.

- (2) *Waivers must be in writing and must state the grounds upon which they are granted. Within ten days after granting a waiver, the Ethics Board must publish a notice setting forth the name of the person or entity requesting the waiver and a general description of the nature of the waiver.*

§ 25-8. Annual report.

Each year, at a time to be determined by the Board, it shall prepare and submit to the Town Council an annual report of its actions during the preceding twelve (12) months and its recommendations, if any. Additional reports, opinions and recommendations may be submitted by the Board to the Town Council at any time. In all such submissions, the Board shall be scrupulous in **avoiding invading** ~~its avoidance of the undue invasion of~~ the personal privacy of any individual.

§ 25-9. Distribution of Code of Ethics, Training

A. **Distribution of Code.** In order that all public officials and employees are aware of what constitutes ethical conduct in the operations of the government of the Town of Mansfield, ~~the Town Clerk~~ **appropriate officials** shall cause **make available** a copy of this Code of Ethics ~~to be distributed~~ to each and every official **and employee.**

B. **Training and Education.** *The Ethics Board will hold an annual workshop for new and current officials and employees to discuss this Code, its values and goals, its enforcement, and the ways in which it has affected their work and the working of the Town government.*

§ 25-10. Appeals.

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

§ 25-11. Severability; conflicts with other provisions.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter. Furthermore, should any such provisions of this chapter conflict with any provisions of the Personnel Rules of the Town of Mansfield, the collective bargaining agreements of the Town of Mansfield or the Connecticut General Statutes, the relevant provisions of the Personnel Rules, collective bargaining agreements and/or the Connecticut General Statutes shall prevail.

Ethics Ordinance Draft – September 8, 2011

[HISTORY: Adopted by the Town Council of the Town of Mansfield 6-26-1995, effective 8-7-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Authorities — See Ch. 5.
Conservation Commission — See Ch. 11.
Economic Development Commission — See Ch. 17.
Housing Partnership — See Ch. 34.
Inland Wetlands Agency — See Ch. 40.
Personnel Appeals Board — See Ch. 63.
Planning and Zoning Commission — See Ch. 67.
Police — See Ch. 70.
Regional Planning Agency — See Ch. 82.
Zoning Board of Appeals — See Ch. 94.
Affirmative action — See Ch. A191.
Committees, boards and authorities — See Ch. A192.
Housing Authority — See Ch. A193.

§ 25-1 Title.

This chapter shall be known and may be cited as the "Code of Ethics."

§ 25-2 Authority

This Code is legally authorized by Connecticut General Statutes section 7-148h, and Town of Mansfield Charter section C304.

§ 25-3 Purpose.

Public office or employment is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of the municipality, and it must be based on honest and fair deliberations and decisions. Good government depends on decisions which are based upon the merits of the issue and are in the best interests of the town as a whole, without regard to personal gain. This process must be free from threats, favoritism, undue influence and all forms of impropriety so that the confidence of the public is not eroded. By enacting this Code, the Town of Mansfield seeks to maintain and increase the confidence of our citizens in the integrity and fairness of their Town government. In pursuit of that goal, these standards are provided to aid those involved in decision making to act in accordance with the public interest, use objective judgment, assure accountability, provide democratic leadership, and uphold the respectability of our Town government.

§ 25-4 Definitions.

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

ADVISORY BOARD

Any appointed board, committee, commission or agency of the Town of Mansfield without legal authority to finally and effectively require implementation of its

determinations, or to legally bind the Town, or to restrict or limit the authority of the Town to take action.

BOARD

The Town of Mansfield Board of Ethics established in section 25-5 of this ordinance.

BUSINESS

Any entity through which business for profit or not for profit is conducted, including a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.

BUSINESS WITH WHICH ONE IS ASSOCIATED

A business of which the person or a member of their immediate family is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stock of any class.

CONFIDENTIAL INFORMATION

Any information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such nature that it is not at the time of transmission a matter of public record per the Connecticut Freedom of Information Act, C.G.S. section 1-200, et seq., or public knowledge.

EMPLOYEE

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

FINANCIAL INTEREST

Any interest representing an actual or potential economic gain or loss, which is neither trivial nor shared by the general public.

GIFT

Anything of value, including entertainment, food, beverage, travel and lodging given or paid to a public official or public employee, to the extent that a benefit of equal or greater value is not received.

A gift does not include:

A political contribution otherwise reported as required by law or a donation or payment as described or defined in subdivision (9) or (11) of subsection (b) of Conn. General Statutes section 9-601a;

Services provided by persons volunteering their time;

A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;

A gift received from an individual's spouse, fiancé or fiancée, the parent, brother or sister of such spouse or such individual, or the child of such individual or the spouse of such child;

Goods or services which are provided to the municipality and facilitate governmental action or functions;

A certificate, plaque or other ceremonial award costing less than one hundred dollars;

A rebate or discount on the price of anything of value made in the ordinary course of a business without regard to that person's status;

Printed or recorded informational material germane to governmental action or functions;

Items of nominal value, not to exceed twenty dollars, containing or displaying promotional material;

An honorary degree bestowed upon a public official or public employee by a public or private university or college;

A meal provided at an event and/or the registration or entrance fee to attend such an event, in which the public employee or public official participates in his official capacity;

A meal provided in the home by an individual who resides in the municipality;

Gifts in-kind of nominal value not to exceed \$25.00 tendered on gift-giving occasions generally recognized by the public, provided the total value of such gifts in any calendar year from all donors do not combine to exceed one hundred dollars;

A gift worth no more than \$500.00 made in recognition of a "life event" like a wedding, birth or retirement.

IMMEDIATE FAMILY

Any spouse, child, parent or sibling of any age or residence, or any other individual who resides in the household of the public official or employee.

INDIVIDUAL

Any natural person.

INDIVIDUAL WITH WHOM ONE IS ASSOCIATED

Any individual with whom the person or a member of their immediate family mutually has an interest in any business.

OFFICIAL RESPONSIBILITY

The direct administrative or operating authority, whether exercised personally or through subordinates, to approve, disapprove, or to otherwise direct Town government action.

PERSON

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

PUBLIC OFFICIAL

Any elected or appointed official, whether paid or unpaid or full or part-time, of the Town or a political subdivision thereof, including members and alternate members of town agencies, boards and commissions, and committees, or any other board, commission or agency that performs legislative, administrative, or judicial functions or exercises financial authority (collectively hereinafter referred to as "body"), including candidates for any such office, except for any member of an advisory board. Town agencies, boards, commissions and committees that have sufficient authority to qualify as Public Officials subject to the requirements of this Code are the Town Council, Board of Education, Planning and Zoning Commission, Inland Wetlands Agency, Zoning Board of Appeals, Conservation Commission, Board of Assessment Appeals, Board of Ethics, Building Board of Appeals, Housing Code Board of Appeals, Historic District Commission, Personnel Appeals Board, the Advisory Committee on the Needs of Persons with Disabilities when it is functioning as the ADA Grievance Committee, and any hearing officer appointed per section 129-4 of the Hearing Procedure for Citations Ordinance, or section 189-6A of the Zoning Violations Ordinance, of the Code of the Town of Mansfield.

§ 25-5 Board of Ethics.

A. There is hereby established a Board of Ethics consisting of five (5) members. The members shall be appointed by the Town Council and shall serve for a term of three (3) years, except for the initial Board upon which two (2) members served for a term of two (2) years, and one (1) member served for a term of one (1) year. Terms shall commence on the first day of the month after the date of appointment. Any vacancy that occurs shall be filled for the unexpired portion of the term.

B. Alternate members. In addition to the regular members, the Town Council shall appoint two (2) alternate members to serve in the absence of any regular member(s). The initial appointments were for a term that expired on June 30, 1996. Thereafter, all terms have been and shall continue to be for two years.

C. No more than three (3) members and no more than one (1) alternate member shall be of the same political party at any time.

D. All members and alternates shall be electors of the Town. No member or alternate shall (1) hold or campaign for any public office; (2) hold office in any political party or political committees; (3) serve as a public official as defined in section 25-4 of this Code.

E. Any member of the Board of Ethics shall have an unrestricted right to vote, make political contributions, attend or buy a ticket to fundraising or other political events, identify himself or herself as a member of a political party, be politically active in connection with a question that is not specifically identified with a candidate for any Town office subject to the jurisdiction of the Board of Ethics such as a referendum or approval of a municipal ordinance, or any other question or issue of a similar character, and otherwise participate fully in public affairs. No member or employee of the Board of Ethics may, however, publicly endorse or publicly oppose any candidate for any Town office subject to the jurisdiction of the Board of Ethics per this Code, in a speech, public advertisement, political advertisement, broadcast, campaign literature, or similar action or material; take any part in managing the political campaign of any such candidate, or initiate or circulate a nomination petition, work as a driver transporting voters to the polls during an election, or directly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for any such candidate; place a sign or sticker supporting or opposing a candidate for any such Town office on real or personal property owned by the placer of such sign or sticker; or become a candidate for any such Town office.

§ 25-6 Rules

A. No public employee or public 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 their official responsibilities in the public interest or which would tend to impair their independent judgment or action in the performance of their official responsibilities.

B. (1) No public employee or public official shall solicit or accept any gift from any person which to their knowledge is interested in any pending matter within such individual's official responsibility. (2) If a prohibited gift is offered, the employee or official must refuse it, return it, pay the donor the full value of the gift, or donate it to a non-profit organization provided that the employee or official does not take the corresponding tax deduction. Alternatively, it may be considered a gift to the Town of Mansfield provided it remains in the Town's possession permanently.

C. (1) A public official or public employee shall not vote upon or otherwise participate to any extent in any matter on behalf of the Town of Mansfield if he or she, a business with which they are associated, an individual with whom they are associated, or a member of his or her immediate family has a financial interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to the Town of Mansfield. (2) If such participation is within the scope of the official responsibility of the public employee or public official, as soon as possible after they become aware of such conflict of interest, they shall submit written disclosure which sets forth in detail the nature and extent of such interest to their agency or supervisor as the case may be, and to the Board of Ethics. (3) Notwithstanding the prohibition in subsection (C)(1), a public employee or public official may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the Town of Mansfield. (4) Also notwithstanding the prohibition set forth in subsection (C)(1), a public employee or public official who is employed by the University of Connecticut may vote or otherwise participate in a matter if it involves the University of Connecticut and the interest is shared with a substantial segment of the population of the Town of Mansfield and also with a substantial portion of persons employed by the University outside of the department or unit in which the public employee or public official is employed.

D. (1) Except for a public official who receives no compensation for their service to the Town other than per diem payments or reimbursement of expenses, no public employee or public official shall appear on behalf of private interests before any board, agency, commission or committee of the Town of Mansfield. (2) Except for a public official who receives no compensation for their service to the Town other than per diem payments or reimbursement of expenses, no public employee or public official shall represent private interests against the interest of the Town in any litigation to which the Town is a party.

E. Nothing contained in this Code of Ethics shall prohibit or restrict a public employee or public official from appearing before any board, agency, commission or committee of the Town of Mansfield on their own behalf, or from being a party in any action, proceeding or litigation brought by or against the public employee or public official to which the Town of Mansfield is a party.

F. No public employee or public official shall disclose confidential information, as defined in section 25-4 of this Code, concerning Town affairs, nor shall such employee or official use such information for the financial interests of himself or herself or others.

G. No public employee or public official shall request or permit the use of Town funds, services, Town owned vehicles, equipment, facilities, materials or property for personal use, except when such are available to the public generally or are provided by official Town policy or contract for the use of such public employee or public official.

H. No public employee or public official, or a business with which they are associated, or member of their immediate family shall enter into a contract with the Town of Mansfield unless it is awarded per the requirements of prevailing law, and in particular, Chapter 76 of the Code of the Town of Mansfield, "The Ordinance for Obtaining Goods and Services."

I. No public employee or public official may use their position or office for the financial benefit of themselves, a business with which they are associated, an individual with which they are associated, or a member of their immediate family.

J. No public employee or public official acting in their official capacity shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event.

K. No public employee or public official, or member of such individual's immediate family or business with which they are associated, 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 the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.

L. Any public official or employee who presents or speaks to any board, committee, commission or agency during the time set aside during any meeting of any such body for public comment shall at that time disclose their name, address, and Town of Mansfield public affiliation, regardless of whether said affiliation is related to the matter being addressed by the speaker.

M. No public official or employee may request, or authorize any other official or employee to request that a subordinate employee of the Town actively participate in an election campaign or make a political contribution. No public official or employee may engage in any political activity while on duty for the Town, or with the use of Town funds, supplies, vehicles or facilities.

Political activity includes voting, making political contributions, buying a ticket to fundraising or other political events; being politically active in connection with a question such as a referendum or approval of a municipal ordinance, or any other question or issue of a similar character, and otherwise participating in political affairs; endorsing or opposing any candidate for any public office; taking any part in managing the political campaign of any such candidate, or initiating or circulating a nomination petition, working as a driver transporting voters to the polls during an election, or directly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for any such candidate; placing or wearing a sign or sticker supporting or opposing a candidate for any public office; becoming or acting as a candidate for any public office. **However, no Mansfield voter may be prohibited from voting at any Town Meeting based on their status as a public official or employee.** Activity legally authorized by Connecticut General Statutes section 9-369b, regarding the preparation, printing and dissemination of certain explanatory materials pertaining to referendum questions and proposals, is exempt from such restriction.

§ 25-7 Organization and Procedure.

A. The Board of Ethics shall elect a chairperson who shall preside at meetings of the Board, a vice-chairperson to preside in the absence of the chairperson, and a secretary. In the absence of both the chairperson and vice-chairperson, Board members shall elect a temporary chairperson. Three members shall constitute a quorum. Except for its final determination of a complaint after a hearing per section 25-8(G) of this ordinance, a majority vote of the Board shall be required for action of the Board. The chairperson, vice-chairperson in the absence of the chair, or any three regular members may call a special meeting of the Board.

B. The Board of Ethics shall (1) Compile and maintain a record of all reports, advisory opinions, statements, and memoranda filed with the Board to facilitate public access to such reports and statements in instances in which such public disclosure is legally permissible; (2) Issue advisory opinions with regard to the requirements of this Code of Ethics upon the request of any public official, employee or agency of the Town regarding whether their own present or potential action may violate any provision of this Code. Advisory opinions rendered by the Board of Ethics shall be binding on the Board and shall be deemed to be final decisions of the Board. Any advisory opinion concerning an official or employee who requested the opinion and who acted in reliance thereon in good faith, shall be an absolute defense in any subsequent matter regarding the same issue(s) brought under the provisions of this Code; The Board may make available to the public such advisory opinions which do not invade personal privacy and take other appropriate steps in an effort to increase public awareness of this Code of Ethics; (3) The Board of Ethics shall prepare and submit to the Town Council an annual report of its actions during the preceding twelve (12) months and its recommendations, if any. Additional reports, opinions and recommendations may be submitted by the Board to the Town Council at any time. In all such submissions, the Board shall be careful to protect and uphold the confidentiality of all information regarding cases in which no final determination of violation has been made.

C. The Board of Ethics shall establish and from time to time amend its own rules and procedures, which shall be made available to the public at the Office of the Town Clerk.

D. The Board of Ethics may utilize or employ necessary staff or outside counsel within available appropriations and in accordance with existing rules and procedures of the Town of Mansfield.

§ 25-8 Powers and Duties. Complaints and Investigations. Confidentiality

A. Upon the complaint of any person on a form prescribed by the Board of Ethics, signed under penalty of false statement, or upon its own complaint, the Board of Ethics shall investigate any alleged violation of this Code. Unless and until the Board of Ethics makes a finding of a violation, a complaint alleging a violation of this Code shall be confidential except upon the request of the respondent.

B. (1) No later than ten (10) days after the receipt or issuance of such complaint, the Board shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed, and shall provide notice of the receipt of such complaint to the complainant. (2) The Board of Ethics shall review and investigate the complaint to determine whether the allegations contained therein constitute a violation of any provision of the Code. This investigation shall be confidential except upon the request of the respondent. If the investigation is confidential, any allegations and any information supplied to or received from the Board of Ethics shall not be disclosed to any third party by a complainant, witness, designated party, or Board of Ethics member.

C. (1) In the conduct of its investigation of an alleged violation of this Code, the Board of Ethics shall have the power to hold investigative hearings, administer oaths, examine witnesses, receive oral, documentary and demonstrative evidence, subpoena witnesses and require by subpoena duces tecum the production for examination by the Board of any books and papers which the Board deems relevant in any matter under investigation. In the exercise of such powers, the Board may use the services of the Town police, who shall provide the same upon the request of the Board. Any such subpoena is enforceable upon application to the Superior Court for Tolland County. (2) If any such investigative hearing is scheduled, the Board of Ethics shall consult forthwith with the town attorney or outside counsel authorized per section 25-7D of this Code. The respondent shall have the right to appear, to be represented by legal counsel and to examine and cross-examine witnesses.

D. (1) If, after investigation, the Board of Ethics determines that the complaint does not allege sufficient facts to constitute probable cause of a violation, the Board shall dismiss the complaint. The Board shall inform the complainant and the respondent of its finding of dismissal by registered or certified mail not later than three business days after such determination of dismissal. (2) After any such finding of no violation, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No complainant, witness, designated party, or Board of Ethics or 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.

E. If, after investigation, the Board of Ethics determines that the complaint alleges sufficient acts to constitute probable cause of any violation, then the Board shall send notice of said finding of probable cause to the complainant and respondent by registered or certified mail within three business days and fix a date for the hearing on the allegations of the complaint to begin no later than thirty (30) calendar days after said issuance of notice, The hearing date regarding any complaint shall be not more than sixty (60) calendar days after the filing of the complaint. If any such hearing is scheduled, the Board of Ethics shall consult forthwith with the town attorney or outside counsel authorized per section 25-7D of this Code.

F. (1) A hearing conducted by the Board of Ethics shall be governed by the administrative rules of evidence. Any such hearing shall be closed to the public unless the respondent requests otherwise. (2) In the conduct of its hearing of an alleged violation of this Code, the Board of Ethics shall have the power to administer oaths, examine witnesses, receive oral, documentary and demonstrative evidence, subpoena witnesses and require by subpoena duces tecum the production for examination by the Board of Ethics of any books and papers which the Board deems relevant in any matter under investigation or in question. In the exercise of such powers, the Board may use the services of the Town police, who shall provide the same upon the request of the Board. Any such subpoena is enforceable upon application to the Superior Court for Tolland County. (3) The respondent shall have the right to appear, to be represented by legal counsel and to examine and cross-examine witnesses.

G. (1) If, after a hearing on a complaint for which probable cause has previously been found, the Board of Ethics finds by a vote of at least four of its members based on clear and convincing evidence that any violation of this Code of Ethics has occurred, the Board shall submit a memorandum of decision, which may include recommendations for action, to the Town Council, Town Manager, and any other appropriate Town agency. (2) The recommendations of the Board of Ethics may include, but not be limited to, any combination of the following: recusal, reprimand, public censure, termination or suspension of employment, removal or suspension from appointive office, termination of contractual status, or the pursuit of injunctive relief. No such recommendation may be acted upon in violation of federal or state law or the Charter, ordinances, legally adopted policies, or collective bargaining agreements of the Town of Mansfield. Any discussion by the Town Council or other Town agency regarding any such memorandum of decision shall be in executive session, subject to the requirements of state law, unless the affected individual requests that such discussion be held in open session.

H.. The Board of Ethics shall make public any finding of a violation not later than five business days after the termination of the hearing. At such time, the entire record of the investigation shall become public. The Board of Ethics shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making such finding by registered or certified mail not later than three business days after termination of the hearing.

I. No complaint may be made under this Code except within two years of the date of knowledge of the alleged violation, but no more than four years after the date of the alleged violation.

J. No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the Board of Ethics under the provisions of this Code. After receipt of information from an individual, the Board of Ethics shall not disclose the identity of such individual without his consent unless the Board determines that such disclosure is unavoidable during the course of an investigation or hearing.

§ 25-9 Former Public Officials/Employees (NEW)

A. No former public employee or public official, as defined in section 25-4 of this Code, shall appear for compensation before any Town of Mansfield board, commission or agency in which they were formerly employed or involved at any time within a period of one year after termination of their service with the Town.

B. No such former public employee or public official shall represent anyone other than the Town of Mansfield concerning any particular matter in which they participated personally and substantially while in the service of the Town.

C. No such former public employee or public official shall disclose or use confidential information acquired in the course of and by reason of their official duties in the service of the Town of Mansfield, for financial gain for themselves or others.

D. No such former public employee or public official who participated substantially in the negotiation or award of a Town of Mansfield contract obliging the Town to pay \$100,000.00 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 Town of Mansfield for a period of one year after such contract is finally executed.

§ 25-10 Distribution of Code of Ethics.

Copies of this Code of Ethics shall be made available to the Town Clerk for filing and to the Town Clerk and Town Manager for distribution. The Town Clerk shall cause a copy of this Code of Ethics to be distributed to every public official of the Town of Mansfield within thirty days of the effective date of this Code or any amendment thereto. The Town Manager shall cause a copy of this Code of Ethics to be distributed to every employee of the Town of Mansfield within thirty days of the effective date of this Code or any amendment thereto. Each new public employee and public official shall be furnished a copy of this Code before entering upon the duties of their office or employment.

§ 25-11 Severability; Conflicts with other Provisions.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter. Furthermore, should any such provisions of this chapter conflict with any provisions of the Personnel Rules of the Town of Mansfield, the collective bargaining agreements of the Town of Mansfield or the Connecticut General Statutes, the relevant provisions of the Personnel Rules, collective bargaining agreements and/or the Connecticut General Statutes shall prevail.

MEMORANDUM

Town of Mansfield
Town Manager's Office
4 So. Eagleville Rd., Mansfield, CT 06268
860-429-3336
maria.capriola@mansfieldct.org



To: Ethics Board

From: Maria Capriola,
on behalf of and at the request of the Town Council Personnel Committee

Date: April 20, 2011

Re: Review of Draft Ethics Ordinance

As you know, the Personnel Committee has been reviewing and discussing potential revisions to the Ethics Ordinance since January of 2010. After much deliberation, a revised draft has been developed. The Personnel Committee respectfully requests the Ethics Board to review the draft and submit comments to the Personnel Committee by July 14, 2011. The goal is for the Personnel Committee to present its recommendations to the Town Council as a whole in August 2011.

If you have any questions, please contact Maria Capriola or Deputy Mayor Toni Moran.

C: Personnel Committee

Minutes for 5/5/11 Ethics board meeting

Called to order at 4:30 pm

Attendance Smith, Ferraro, Sikoski Nesselroth, Barry, Stevens
OBrien, Capriola (staff)

I. Public comment

Ric Hossack spoke about changes to 25-6c4 Employer exclusions and 25-6G use of town assets

David Freudman spoke about same issues

II. Approval of Minutes Smith made motion to approve minutes of 3/3/11 with one change (Nesselroth's term not expiring) Sikoski Seconded all in favor.

Minutes of 3/7/11 were tabled till end of meeting. where discussion was had of when the meeting started, Sikoski made motion to accept minutes as presented by Vice chair Nesselroth, seconded by Smith, all in favor.

III. Communications

Report of FOI complaint 365 was accepted with no comments

Memo from personnel committee

IV. Discussion of personnel committee draft of ethics code.

Along with noted grammatical changes, discussion was had on 25-5 (political activities) 25-6C 4 (UCONN employees) 25-8I (Limited complaint time)

V, Adjournment Sikoski made motion seconded by Stevens meeting adjourned at 5:50 pm

Summary of remarks from Ethics Board regarding Draft Ethics Code, 5-5-2011:

- Page 2, Gift definition. “Services provided by persons volunteering their time” could be clarified more or include examples. A financial limit/value could be identified.
- Page 5, 25-5E. By consensus the Committee agreed that the words “or publicly endorsing a candidate. No candidate...supports their candidacy” should be stricken from the language.
- Page 5, 25-6C(1). Grammar/style of sentence is awkward.
- Page 5, 25-6C(4). Extensive discussion occurred regarding whether or not this language was needed and whether UCONN should be identified. The Board recommended no changes to this language.
- Page 9, 25-8(I). By consensus, the Committee recommends this alternate but similar language, “No complaint may be made under this Code except within two years of the date of knowledge of the alleged violation, but no more than four years after the date of the alleged violation.