CODE OF ETHICS

BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF HADDAM IN LAWFUL TOWN MEETING DULY ASSEMBLED, THAT THE FOLLOWING ORDINANCE BE ESTABLISHED BY THE TOWN OF HADDAM:

I. Declaration of Policy and Purpose

Public office is a public trust. The trust of the public in their elected and appointed officials is essential for government to function effectively. In order to keep that trust, there is established herein a Code of Ethics for all town officials, officers and employees. The purpose of this code is to establish suitable ethical standards for such individuals by prohibiting those acts not in the best interests of the Town of Haddam.

II. Applicability

1. This Code shall apply to all town officials, officers and employees, whether elected or appointed, paid or unpaid.

2. All of the above shall be referred to hereinafter as "persons governed by this Code".

3. This Ordinance shall not be applicable if it conflicts in whole or in part with any labor agreement, employment contract or statute.

III. Definitions

"Business" means any entity through which activity for profit or not for profit is conducted including, but not limited to a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.

"Complainant" means any person who signed a complaint under penalties of false statement alleging a violation of this Code.

"Confidential Information" means information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held, that is not, at the time of transmission, a matter of public record or public knowledge.

"Confidential Investigation" means the examination, prior to the finding of probable cause, of both written and oral evidence, that is not to be disclosed to any third party by anyone connected with the investigation, except upon the written request of the respondent.

"Financial Interest" means pecuniary or material benefit accruing to a town official/employee as a result of a contract, transaction, zoning decision or other matter which is, or may be, the subject of an official act or action by or with the Town of Haddam except for such contracts

or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all persons and/or property similarly situated.

"Gift" means anything of economic value in excess of $150.00. A gift does not include:

1. A political contribution, reported as required by law or a donation or payment as described in subdivision (9) or (11) of subsection (b) of 9-333b.

2. Services provided by persons volunteering their time.

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

4. A gift received from a member of a person's immediate family or fiancée.

5. Goods or services which are provided to the municipality and facilitate government actions or functions.

6. A certificate, plaque or other ceremonial award.

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

8. Printed or recorded information germane to government action or functions.

9. An honorary degree bestowed upon a public official or public official or public employee by a public or private university.

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

11. A meal provided in the home by a Haddam resident.

12. Gift giving occasions recognized by the public, including, Christmas, Chanukah, birthdays, the birth or adoption of a child, weddings, First Communions, Confirmations or Bar/Bat Mitzvahs, provided the total value of such gifts for each event shall not exceed $150.00.

    "Immediate family" means spouse, child, parent, grandchild, brother, sister, grandparent, daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, and brother-in-law.

"On The Record" means in writing, signed and dated or a directive to the secretary taking the minutes of a meeting to note in the minutes of the meeting a special disclosure or statement.

"Personal Beneficial Interest" means any interest, other than financial, which would affect the action of the official or employee, except if that interest is based solely on the responsibility of his/her town office or employment. Membership in or affiliation with a social, fraternal, charitable, service, educational, religious, governmental or similar non-profit organization is not deemed to automatically create a presumption of personal interest unless the official employee is also an employee of the organization.

"Probable Cause" Probable cause is defined by determining whether the facts would warrant a reasonable person to believe that a town official, officer or employee violated this Code; the belief should be more than a mere suspicion, but less than proof beyond a reasonable doubt.

"Respondent" means any person accused of violating this Code.

"Town Official, Officer or Employee" means an individual whether elected or appointed, whether paid or unpaid, full or part-time, including members of boards, commissions and committees in the service of the Town of Haddam.

IV. Conflict of Interest

1. Persons governed by this Code shall not engage in or participate in any business or transaction, nor have an interest, direct or indirect, which is incompatible with the proper discharge of that person or persons' official duties in the public interest, or would tend to impair that person or persons' independent judgment or action in the performance of that person or persons' official duties.

2. Persons governed by this Code shall not be financially interested or have any personal beneficial interest, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the board, agency or commission of which that person or persons is or are a member, or of which that person or persons is or are an employee(s). It is further provided, notwithstanding the above, that no member of the Board of Selectmen of the Town of Haddam and no member of the Board of Finance of the Town of Haddam shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials equipment or contractual services furnished to or used by any board, agency, or commission of the Town of Haddam.

3. a) A Town official, officer or employee shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if he/she, or a member of his/her immediate family, has a financial or personal interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to the municipality.

b) Notwithstanding the prohibition in subsection 3(a) a Town official, officer or employee 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 Haddam.

4. Persons governed by this Code shall not accept or receive, directly or indirectly, from any person or business to which any contract or purchase order may be awarded by the Town of Haddam or any of its boards, agencies or commissions any money, rebate or gifts, or any promise, obligation, or contract for future reward or compensation.

5. Persons governed by this Code who have a financial or personal interest in any transactions or contract with the Town, including but not limited to the sale of real estate, materials, supplies or services to the Town, on which that person or persons may be called upon to act in that persons official capacity shall not vote or otherwise participate in the transaction on behalf of the Town. That person (or persons) shall declare on the record that the person (or persons) has or have a conflict of interest.

6. Persons governed by this Code shall not request or permit the use of Town owned vehicles, equipment, facilities, materials, or property for personal convenience or profit, except when such are available to the public generally, or provide a municipal policy for the use of such town official/employee in the interest of the Town.

V. Municipal Ethics Commission. Members; Appointment; Qualifications; Compensation

1. There shall be a Municipal Ethics Commission consisting of three members. The members shall be appointed to investigate specific charge(s) under this ordinance and serve until their investigation is complete and a decision is rendered. The Board of Selectmen shall appoint such members. No more than two members shall be of the same political party.

2. All members shall be electors of the municipality. No member shall (1) hold or campaign for any public office; (2) hold office in any political party; or (3) serve as a member of any other municipal agency, Commission or Board. A person will not be disqualified from serving on the commission if he/she has a member of his/her immediate family employed by the Town or the Haddam Board of Education.

3. The commission shall elect a chairperson who shall preside at meetings of the commission, a vice-chairperson to preside in the absence of the chairperson and a secretary. Two members shall constitute a quorum. A majority vote of the commission shall be required for action of the commission except as otherwise specifically provided for herein.

4. Members will serve without compensation except for authorized expenses in conjunction with their duties.

VI. Duties of Ethics Commission re: Reports, Advisory Opinions, Memoranda, and Regulations, Staff

1. The secretary shall: (1) Compile and maintain a record with the Town Clerk of all reports, advisory opinions, statements, and memoranda filed by and with the commission to facilitate public access to such reports and statements; (2) issue advisory opinions with regard to the requirements of this code upon the request of any person. Advisory opinions rendered by the Ethics Commission, until amended or revoked, shall be binding and shall be deemed to be final decisions. Any advisory opinion concerning the person who requested the opinion and who acted in reliance thereon, in good faith, shall be an absolute defense in any matter brought under the provisions of this code; (3) report annually on or before February 1 to the Board of Selectmen summarizing the activities of the commission; (4) receive complaints and determine whether or not the Ethics Commission would have jurisdiction if the allegation(s) if true would be a violation of this Code.

2. The discussions of the commission held in executive session are confidential. All other minutes of the commission are public information and will be made available to the public through the Town Clerk's office.

VII. Complaints, Procedures, Time limits, Investigations, Notices, Hearings

1. Complaints.

   The Ethics Commission shall receive complaints of any alleged violation of the Code of Ethics upon referral by the Town Attorney. The Commission shall have the power and duty to investigate and hear complaints concerning allegations of violations of this Code. Complaints of violation of the Code of Ethics relate to unethical behavior as defined herein, concerning any official, officer, or employee of the Town of Haddam. The complaint may be made by any person on a form prescribed by the Ethic's Commission and signed under penalty of false statement. Included in this complaint shall be the name of the person accused (respondent), and also specific acts alleged to constitute the violation of Section IV of this code, and when they occurred. It shall also state whether or not these allegations have been presented to other administrative or judicial authorities. All information supplied to or received from the Commission during evaluation or investigation shall remain confidential, as specified by provisions of the Connecticut General Statutes, section 1-82a, in relation to operations of a Commission of Ethics, unless the Commission makes a finding of probable cause for a hearing, or unless the respondent requests in writing that the entire records and any hearings be open to the public.

2. Evaluation and acknowledgement.

   A. If the complaint is not in proper form and/or the Town Attorney determines that the allegations, even if true, would not constitute a violation of this Code then the Ethics Commission shall dismiss the complaint and duly notify the complainant of said fact

and the reasons therefore by registered or certified mail. Allegations applicable to other administrative or judicial authority will be referred to the proper authority.

B. If the Town Attorney determines that the complaint is in proper form and the allegations if true would constitute a violation of this Code then the Ethics Commission shall, not later than ten business days after said determination, provide a copy of the complaint by registered or certified mail to all respondents against whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant. The respondent(s) shall have ten business days to submit any response to the Commission.

C. Investigation of Probable Cause-Confidential Investigation

The Commission shall make or cause an investigation to be made sufficient to decide whether there is probable cause to believe a violation of this Code has occurred. The investigation shall be conducted within ninety days. In the conduct of its investigation, the Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and to require the production for examination by the Commission of any books and papers as permitted by law which are relevant in any manner under investigation or in question. During the investigation, the respondent(s) shall have the right to appear and be heard and offer any information which may tend to clear the respondent of probable cause to believe that the respondent has violated any provision of the Code of Ethics. This investigation shall be confidential pursuant to Connecticut General Statutes, Section 1-82a.

D. No Probable Cause

If the Commission finds no probable cause it shall within ten business days advise the complainant and the respondent of its finding and a summary of the reasons therefore and the complaint and the record of investigation shall remain confidential.

E. Probable Cause

If the Commission finds probable cause by a majority vote, it shall within three business days after the termination of its investigation and its decision, advise the complainant and the respondent of its findings and a summary of the reasons therefore. If probable cause is found, the Commission shall make public its finding within five business days after the termination of its investigation and decision thereon and the entire record of the investigation shall become public but the record shall not be released for a period not to exceed fourteen days during which negotiations for the resolution of the matter by stipulation, agreed settlement, or consent order and/or as provided for in Section 4-177 of the Connecticut General Statutes as referenced in Section 1-82a(e) may take place. It shall also, unless resolved as stated above, fix a date for a hearing on a complaint. It shall give notice of that date to the complainant and respondent. Such date

shall be not less than thirty days following notice, nor more than ninety days after the finding of probable cause.

F. Hearings

All hearings shall be open to the public and recorded in a manner to be determined by the Ethic's Commission. Hearings shall not be subject to evidentiary and other rules of court, except the rights (i) of an accused to confront and cross-examine his/her accuser, (ii) of every witness or party to be represented by an attorney at law of his/her choice, and (iii) of every witness to decline to answer questions in accordance with the Fifth Amendment to the Constitution of the United States. In all other respects hearings shall be conducted by the commission, with the advice and assistance of the Town Attorney acting through its Chairperson, in order to facilitate the prompt and fair disposition of the proceedings. While conducting a hearing of an alleged violation of this Code, the Commission shall have the authority to administer oaths, examine witnesses, and receive oral and documentary evidence. The commission shall have the authority to issue subpoenas or subpoenas duces tecum[i] enforceable upon application of the Superior Court for the State of Connecticut, to compel attendance of persons at hearings and the production of books, documents, records and papers, pursuant to Sections 7-148(c)(10)(B) of the Connecticut General Statutes, subject to the inherent power of the Commission to decline or limit such request where it is merely duplicative or is unnecessarily burdensome or harassing and not likely to lead to evidence which will aid the Commission in its determination.

G. Finding/Sanctions

No finding of violation of this Code shall be made except upon a majority vote of the members of the Commission. The Chairperson shall render the finding of the Commission within thirty days after conclusion of the hearing. A copy of the finding shall be sent to the complainant, respondent, and the First Selectman. Upon finding a violation of any provision of the Code, the Commission will refer the matter to the First Selectman. The Board of Selectmen will report within thirty days to the Commission the action taken, if any.

VIII. Appeals

Any person aggrieved by any final decision of the Commission may appeal such decision in accordance with the provisions of Section 4-175 or Section 4-183 of the Connecticut General Statutes. If successful, reasonable legal fees as determined by the court may be awarded to the appellant.

IX. Validity

If any part of this Code is determined to be invalid, such determination shall not affect the validity of any other part and the remainder shall remain in full force and effect. All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed.

X. Date of Effect

This Code shall take effect 15 days after its publication.

Adopted
Effective 8/28/12

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[i] A subpoena is a command to appear at a certain time and place to give testimony upon a certain matter. A subpoena duces tecum requires production of books, papers and other things.