ORDINANCE #173 **
AN ORDINANCE ESTABLISHING A CODE OF ETHICS FOR THE TOWN OF VERNON

The Council of the Town of Vernon hereby repeals Ordinance #55 entitled "Ordinance Concerning Conflict of Interest in the Town of Vernon" and pursuant to the provisions of Section 7-148h of the Connecticut General Statutes hereby adopts the following CODE OF ETHICS:

Section 1. DECLARATION OF POLICY

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

Section 2. BOARD OF ETHICS--CREATED; PURPOSE

There is hereby created a Board of Ethics (hereinafter referred to as "Board") for the purpose of rendering advisory opinions and making recommendations with respect to the drafting and adoption of amendments to this article.

Section 3.

a. APPOINTMENTS

The Board shall consist of five (5) regular members and two (2) alternate members, all of whom shall be electors of the Town. No more than three (3) regular members and, no more than one (1) alternate member shall be from one political party. The initial regular and all alternate members shall be appointed by the Council upon recommendation by the Mayor, from a list compiled and submitted by any member of the public or Town organization. The term shall be five (5) years except that of the initially appointed regular members, one (1) shall serve for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. The two (2) alternate members shall be appointed in the same manner for terms of five (5) years. The duties of such alternate members shall be to sit upon such Board whenever a regular member is unavailable to do so; such sitting alternate member shall have all of the obligations and duties of a regular member. A member may resign at any time by written notice to the Mayor and the Town Clerk. Any such resignation shall become effective upon date specified therein or, if no date is so specified therein, upon date of its submission. No Regular or Alternate member who serves a five (5) year full term shall be reappointed sooner than one (1) year following the completion of that term.

b. VACANCIES

Vacancies on the Board among its regular members shall be filled by the Mayor from alternate members of the Board. Vacancies on the Board among its alternate members shall be filled by the Council upon recommendation by the Mayor from a list compiled and submitted by any member of the public or any Town organization.

c. REMOVAL

Any regular or alternate member. of the Board may be removed by the Mayor subject to approval by nine (9) members of the Town Council.

d. CONFLICTS

No regular or alternate member of the Board shall render or agree to render any service to any

person-or entity other than the Town in connection with any cause, proceeding, application or other matter which is before any agency, board, department, panel, commission or other official entity of the Town, nor shall such member serve as a member of any such agency, board, department, panel, commission or entity.

Section 4. ORGANIZATION AND PROCEDURE

The Board shall annually elect a chairperson and secretary from among its members. Pursuant to the provisions of the State Freedom of Information Act, the Board shall keep records of its meetings and shall hold meetings after proper notice at the call of the chairperson and at such other times as the Board may determine. For the purpose of conducting a meeting or hearing five (5) members shall constitute a quorum. Any action taken by the Board shall be by a majority vote of the members present and voting. At least once a year, the Board shall meet for the purpose of reviewing this ordinance and making any recommendations with respect to the drafting and adoption of amendments to this ordinance.

Section 5. DUTIES AND POWERS

a. The Board may make recommendations for amendments to this Code of Ethics for adoption by the Town Council.

b. The following may submit written requests directly to the Board of Ethics regarding appropriate situations pursuant to this document: Mayor, Town Administrator, Town Council, Superintendent of Schools, Board of Education, or the public at large. The Ethics Board must respond to the submittal per Section 13 and any opinions shall be directed to the agency or person requesting them.

c. Promulgate Rules and Regulations.

d. Hear complaints and render decisions.

Section 6. EXPENSES AND COMPENSATION

The members of the Board shall serve without compensation for their services. In the performance of its duties and in the exercise of its powers, the Board shall not incur any expense in excess of the funds appropriated by the Council for such purpose.

Section 7. APPLICABILITY

The provisions of this Code shall apply to all town officials and employees, whether elected or appointed, paid or unpaid, including individuals, partnerships, corporations or other entities which have been or will be compensated by the Town for acting as an agent or consultant for the Town or any of its Boards. The term "town officials", as used in this code, shall include members of the Town Council, members of the Board of Education, and all Officials appointed by the Town Council, Board of Education, Mayor or the Town Administrator. The term "town employees", as used in this code, shall include all employees of the Town and Board of Education.

Section 8. CONFLICT OF INTEREST

A person who is subject to this Code has an interest which is in substantial conflict with proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of the State of Connecticut and the Town of Vernon if he has reason to believe or expect that he will derive a direct monetary gain or other benefit, or suffer a direct monetary loss or other detriment, as the case may be, by reason of his official activity. He does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of the State of Connecticut and the Town of Vernon if any

benefit or detriment accrues to him as a member of a business, profession, occupation or group to no greater extent than any other member of such business, profession, occupation or group. For the purpose of this Code a public officer or employee shall be deemed to have an interest in the affairs of his or her spouse.

Section 9. STANDARDS OF CONDUCT

a. Any official, employee, individual (s), partnership (s), corporation (s) or other entities, who has or may have a substantial or controlling financial or significant personal interest in any property or matter which is the subject of any pending or proposed proceeding before any town agency on which such person sits or by whom such person is employed, shall make known promptly such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon such transaction, contract or sale.

b. No official, employee, individual (s), partnership (s), corporation (s) or other entities, shall accept, during the course of any twelve (12) month period, any individual gift over the sum of fifty (50) dollars or any gifts which in the aggregate costs one hundred (100) dollars. The limits on gifts may be changed from time to time by resolution of the Town Council. Gifts, as used above, may take the form of service, loan, thing or promise from any person, firm or corporation which, to his knowledge, is interested in-directly or indirectly, in any manner whatsoever, in business dealings with the town having any relationship or connection with such official or employees in the discharge of his duties.

c. No official, employee, individual (s), partnership(s), corporation (s) or other entities, without proper legal authorization, shall disclose confidential information except as required under the Freedom of Information laws of the State of Connecticut, concerning the property, government or affairs of the town. No official, employee, individual (s), partnership (s), corporation (s) or other entities, shall use information acquired in the course of his public duties, to advance the financial or other private interest of himself or any other.

d. No official, employee, individuals, partnerships corporation (s) or other entities, shall request or permit the use of town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official, employee, individuals, partnerships, corporations or other entities, in the conduct of official business or such use as in connection with exchange of private equipment for use by the town. No official, employee, individual (s), partnership (s), corporation (s) or other entities, shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

e. No official, employee, individual (s), partnership (s), corporation (s) or other entities, shall for the period of one (1) year after the termination of service or employment with such municipality, appear before any board or agency of the Town or in any matter in litigation in which the Town is a party in interest, except on behalf of the Town for compensation by any private interest to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

f. To the extent that he knows thereof, all officials, employees, individual (s), partnership (s), corporation (s) or other entities of the town, whether paid or unpaid, who participate in the discussion or give official opinions to boards and commissions or to a town meeting on pending legislation, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

g. No official, employee, individual (s), partnership (s), corporation(s) or other entities shall render or agree to render for compensation any service to any person or party other than the Town, in connection with any cause, proceeding, application or other matter which is before any town agency over which he has direct control or involvement. This does not prohibit any town official, employee, individual (s), partnership (s), corporation (s) or other entities from appearing before any board or commission on such person's own behalf or as official spokesman for an organization of which he is a member, provided such appearance does not violate Sections 8-11 and 8-21 and 22a-42 of the Connecticut General Statutes and Public Act 83-540 or any other provision of the Code.

h. No town official, employee, individual (s), partnership (s), corporation (s) or other entities who in their capacity as such officer or employee participates in the making of a contract or accepts a purchase order in which they have a private pecuniary interest, direct or indirect, shall enter into any contract or accept any purchase order from the Town of Board of education unless:

1. The contract or purchase is awarded through the process of public notice and competitive bidding as required by the Town Charter and Board of Education Policy.

2. The Town Administrator for the Town, or Superintendent of Schools for the Board of Education waives the requirements of this Section after determining that is in the best interest of the Town to do so.

i. No employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided in this Code.

Section 10. EXCEPTIONS TO CODE

a. Nothing stated herein shall bar members of the Town Council who are employed as teachers in the Town of Vernon, or whose spouses or other family members are so employed from taking part in deliberations and voting regarding the Board of Education budget if at such time teacher compensation for the forthcoming year has been established and is not directly affected by such votes.

b. Nothing stated herein shall bar members of the Board of Education or their employees from discharging its responsibilities according to applicable state education mandates, statutes, and regulations. Where conflicts exist between state law and this Code, state law shall prevail.

c. A commercially reasonable loan made in the ordinary course of business, by an institution authorized by the laws of this state to engage in the making of such loans shall not be deemed to create an interest in violation of this code.

d. The ownership of less than five (5%) percent of the outstanding stock in a publicly held corporation shall not be considered a substantial financial or personal interest.

Section 11. ADVISORY OPINIONS

a. Where any public officer or employee, individual (s), partnership (s), corporation (s) or other entities has a doubt as to the applicability of any provision of this code to a particular situation, or as to the definition of terms used herein, he may apply to the Board for an advisory opinion. The officer, employee, individual (s), partnership (s), corporation (s) or other entities shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made.

b. Such opinion until amended or revoked shall be binding on the town, the Town Council, and the Board of Education in any subsequent actions concerning the public officer, employee, individual (s), partnerships, corporation(s) or other entities who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

c. Any advisory opinion prepared by the Board shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the Board unless the public officer, employee, individual (s), partnership (s), corporation (s) or other entities waives such confidentiality or where the Board deems the public official to have-failed to act in good faith in requesting the opinion or in conforming with the opinion or to have failed to act in conformance with the opinion.

Section 12. SEPARABILITY

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

Section 13. SANCTIONS

Violations of any provisions of this Code should raise conscientious questions for the official concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the Town. Violation may, upon determination by the Council or the Board of Education, constitute a cause for censure, suspension, removal from office or other appropriate legal proceedings. In the case of suspension or removal from office the Town Charter Provisions will be in force. If a commission member's status is to be changed, then it would be up to the Mayor to proceed.

Section 14. PROCEDURE FOR HANDLING COMPLAINTS

a. The Board of Ethics will conduct its investigations as a fact-finding body, adhering to strict confidentiality in all matters concerned, and will render advisory opinions containing its findings and conclusions.

b. Requests concerning complaints shall be received by the Board of Ethics only in compliance with Section 5 of the Code.

c. Upon receipt of a complaint, the Board shall determine whether said complaint falls within its jurisdiction within ten (10) working days.

1. If said complaint does not fall within the jurisdiction of the Board, the case will be dismissed and the complainant and the accused will be so notified in writing.

2a. If the Board has any questions concerning jurisdiction, the complainant will be notified in writing to meet with the Board to clarify the allegation in detail, with said meeting to take place within thirty (30) days of notification to the complainant.

2b. After meeting with the complainant, the Board shall make a final determination as to jurisdiction.

3. If the Board determines it has jurisdiction, then within five (5) working days after such determination the accused shall be notified in writing of the alleged violation of the Code of Ethics and that he/she may elect to have all proceedings open according to the Freedom of information Act. Upon

receipt of said notice, the party so notified shall have the right to file a response within ten (10) working days and may, within said time period, demand a hearing by the Board. If a hearing is so requested, it shall be convened within twenty (20) working days after such request. If no request for a hearing is made, the Board by a vote of at least three (3) members, shall determine within thirty (30) working days after the mailing of the notice of such complaint whether a hearing is required. In the event a hearing is held, the person against whom such complaint is filed, shall be notified in writing of the date, time and place of the hearing, within five (5) working days, as will the person who filed the complaint. In such hearing, the person against whom such complaint is filed shall have the right to counsel, to confrontation of all witnesses, to cross-examination and to present evidence an his or her behalf. All notices to the person about whom such complaint was made shall be mailed by certified mail.

d. All hearings and investigatory meetings are subject to the provisions of the Freedom of Information Act (CGS 1-18a through 1-21k as may be amended).

e. All affected parties to be interviewed shall be notified that the meeting is being held in open or executive session, sworn in, and cautioned to observe confidentiality in the event of an executive session.

f. The Board, pursuant to Connecticut General Statutes Section 7-148h, may issue subpoenas or subpoenas duces tecum, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers.

g. If hearings or investigatory meetings are held in executive sessions, the accused shall be afforded the opportunity to be present during said executive sessions.

h. The Board shall issue a written decision with respect to violations of this Code on each case within ten (10) working days in which it shall give facts and the rationale for the decision.

i. Copies of the decisions shall be forwarded to the initiator of the request (Town Council or Town Administrator or Mayor; Board of Education or Superintendent of Schools or complainant), and the subject of the complaint.

j. The Board of Ethics shall maintain a record of all complaints filed. If, in the Board's opinion, it perceives abuse in filing of baseless or frivolous complaints by an individual or organization, the Board shall be empowered to apply sanctions against said complainants according to policies it adopts as enacted by Town Council.

Section 15. REPORT TO COUNCIL OR BOARD OF EDUCATION

The Board shall report to the Council or Board of Education, as jurisdictionally appropriate, its findings as to a violation of the Code of Ethics, together with recommendations as to disposition to be made. If there was a defined violation of this Code, the Council or Board of Education shall consider such findings and shall determine what disposition shall be made. If the Council or Board of Education wishes to proceed on the recommendation of the Board of Ethics, it shall take the appropriate action as may be indicated in Section 13 of this ordinance. Upon written request of the accused, the Council or Board of Education may elect to follow the general outline of Section 14, however, the process shall take no longer than twenty (20) working days. A special exception may be granted to the time period at the discretion of the Council or Board of Education.

Section 16. GENERAL GUIDELINES FOR TOWN OFFICIALS

The requirements herein set forth shall constitute a Code of Ethics establishing reasonable

standards and guidelines for the ethical conduct of town officers of the Town of Vernon. The purpose of these guidelines is to encourage town officials to actively participate and vote on as many issues as their conscience allows but still act in a consistent manner. If a town official finds that he or she is abstaining from voting frequently they should obtain an advisory recommendation from the Ethics Commission or consider resigning.

Town officials of any commission or board who are officers, or directors of a non-governmental civic group, social, charitable or a religious organization which is seeking financial or other legislative action from that body shall not vote on such matters. Regular members of any organization who are not actively involved in seeking that specific legislative aid may vote on any legislation and need not disclose they are members of that organization.

Town officials of any commission or board who are officers, directors, or active in negotiations of a union that is affiliated with any union of town employees shall disclose that relationship and shall not vote in any matters that affect that union or conditions of employment of any union of town employees.

Town officials of any commission or board who are employed in a profession or by a company which may be affected by legislation shall disclose that fact, but may vote on such legislation as long as they receive no direct compensation or benefit or will be affected in any way different from all individuals employed by that company or in that profession.

Town officials who are members of any commission or board who are state legislators, or are active in promoting, lobbying for or drafting related legislation at the state level shall disclose that interest and may vote on such legislation at the town level.

Section 17. DISTRIBUTION OF CODE OF ETHICS

The Town Clerk shall cause a copy of this Code of Ethics to be distributed to every Town officer and employee of the Town within thirty (30) days after enactment of this code. This code shall be made known and available to individual (s) If partnership (s), corporation (s), or other entities doing business with the town. Each public officer and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon the duties of this office or employment.

Introduced:	August 18, 1987
Advertised:	August 25, 1987
Public Hearing:	September 1, 1987
Council Action:	September 1, 1987
Advertised:	September 5, 1987
Effective Date:	September 20, 1987

Amended by Ordinance #175 (page 304)

ORDINANCE #175
ORDINANCE AMENDING ORDINANCE #173 ENTITLED "ORDINANCE ESTABLISHING A CODE OF ETHICS FOR THE TOWN OF VERNON"

BE IT ORDAINED:

By the Council of the Town of Vernon that Subsection h. of Section 9. of Ordinance #173 entitled "Ordinance Establishing a Code of Ethics for the Town of Vernon" is hereby repealed and the following is substituted in its place:

h. No town official, employee, individual (s), partnership (s), corporation (s) or other entities who in their capacity as such officer or employee participates in the making of a contract or accepts a purchase order in which they have a private pecuniary interest, direct or indirect, shall bid upon nor enter into any contract or bid upon nor accept any purchase order from the Town or Board of Education unless the Town Administrator for the Town, or Superintendent of Schools for the Board of Education waives the requirements of this Section after determining that it is in the best interest of the Town to do so.

Introduced:	August 2, 1988
Advertised:	August 24, 1988
Public Hearing:	September 6, 1988
Council Action:	November 1, 1988
Advertised:	November 5, 1988
Effective Date:	November 20, 1988