

SEC. 132 ADOPTION OF CODE OF ETHICS

That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Winchester, being marked and designated as Code of Ethics for the Town of Winchester, be and is hereby adopted as the Code of Ethics for the Town of Winchester, and all of the provisions thereof are hereby referred to, adopted, and made a part of thereof, as if fully set out in this ordinance. **ORIGINALLY EFFECTIVE ON NOVEMBER 14, 1983, AMENDED ON FEBRUARY 7, 2005 AND EFFECTIVE MARCH 2, 2005; FURTHER AMENDED DECEMBER 4, 2017 AND EFFECTIVE DECEMBER 25, 2017.**

CODE OF ETHICS OF THE TOWN OF WINCHESTER

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut:

Section 1. Declaration of Policy

The proper operation of Town government requires that public officers and employees be independent, impartial and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; that public office and employment not be used for personal gain; and that the public have confidence in the integrity of its government. The purposes of this Code are to set forth standards of ethical conduct; to assist public officers and employees in establishing guidelines for their conduct; and to develop and maintain a tradition of responsible and effective public service.

As required by Section 7-148h(a) of the Connecticut General Statutes, as amended, the provisions of Section 1-82(a) through (c) of the Connecticut General Statutes, as amended shall apply to all investigations and hearings held under this chapter. If the Board determines that there is probable cause, it shall continue the investigation and hold such further hearings as may be necessary; and if the Board determines that the respondent has, in fact, violated the provisions of this Code, it shall file a memorandum of decision with a recommendation for appropriate action with the Board of Selectmen.

Section 2. Definitions

As used in this Section, the following words, unless a different meaning is required by the content or is specifically prescribed, shall have the following meanings:

- a. AGENCY shall include the Board of Selectmen and the Board of Education of the Town, and all commissions, committees, boards and agencies appointed by either such Board;
- b. COMMISSION shall mean the Ethics Commission established under Section 11;
- c. CODE shall mean this Code of Ethics;
- d. FINANCIAL INTEREST shall mean any financial interest, direct or indirect, which is of more value than \$100.00 to an officer, employee or member of an agency of the Town and which is not common to the interest of other citizens or nonresident taxpayers of the Town. FINANCIAL INTEREST shall include the private financial interest of a spouse or child who is a member of the household. FINANCIAL INTEREST shall also include the interest of any subcontractor of any prime contract

with the Town and the interest of any spouse or child who is a member of the household in any corporation, firm or partnership, which has a direct or indirect interest in any transaction with the Town. TRANSACTION shall include the offer, sale, or furnishing, of any real or personal property, material, supplies, or services, by any person, directly or indirectly, as vendor, prime contractor, subcontractor or otherwise, for the use and benefit of the Town for a valuable consideration;

- e. OFFICER or EMPLOYEE shall include any Town official (other than a Justice of the Peace) elected by the public, and any employee of the Town or of any agency.

Section 3. Impartiality

No officer, employee or member of an agency shall grant any special consideration, treatment or advantage to any person beyond that which is available to every other person similarly situated.

Section 4. Confidential Information

No officer, employee or member of an agency shall, without proper authorization, disclose confidential information concerning Town affairs, nor shall he use such information to advance the financial interests of himself or others.

Section 5. Use of Public Property

No officer, employee or member of an agency shall use or permit the use of Town-owned or leased vehicles, equipment, material or property for personal convenience or profit except when the use thereof is available to the public generally or is provided in conformance with established Town policies for such person in the conduct of Town business.

Section 6. Gifts and Favors

No officer, employee or member of an agency shall accept from any person in any calendar year any gifts or favors having a total value in excess of \$100.00, whether in the form of a service, a loan at less than a commercially reasonable interest rate, a material thing, or a promise from any person who to his knowledge has an interest, direct or indirect, in the business dealings of the Town; nor shall any such person accept, agree to accept or solicit any gift or favor that may tend to influence him in the discharge of his duties or to influence any improper service, favor or thing of value.

Section 7. Conflict of Interest

- a. FINANCIAL INTEREST No officer, employee or member of an agency shall have any financial interest, or engage in any transaction or professional activity or incur any obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest or which will impair his independence of judgment or action in the performance of his official duties; but the existence of such a financial interest shall not constitute a violation of this provision if the person complies in all respects with the provisions of Section 8.
- b. EMPLOYMENT No officer, employee or member of an agency shall engage in or accept private employment or render services for private interests when the employment or service is incompatible with the proper discharge of his official duties

or would tend to impair his independence of judgement or action in the performance of his official duties.

- c. **REPRESENTATION OF OTHERS BEFORE TOWN AGENCY OR AGAINST TOWN** No officer, employee or member of an agency shall knowingly render or agree to render for compensation or otherwise 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 or is the subject of litigation to which the Town is a party; but nothing in this Section shall prohibit an officer, employee or member of an agency from appearing on his own behalf before any Town agency or in any litigation.

Section 8. Disclosure

- a. If an officer, employee or member of an agency has a financial interest in the outcome of any matter coming before him in his official capacity, he shall file with the Town Clerk a written statement, regarding the existence of such interest; and he shall refrain from acting, or participating in the making of any decision, upon such matter, if the person is an employee of the Town he shall transmit a copy of the statement to the Town Manager; if the person is an employee of the Board of Education, he shall transmit a copy to the Board of Education; and if the person is a member of an agency he shall transmit a copy of the statement to the Chairman of the agency, who shall notify the other members of the agency of the receipt of the statement.
- b. If an officer, employee or member of an agency has knowledge that a parent, child, sister, brother, partner or a corporation in which he owns more than ten (10) percent of the stock is doing business or proposes to do business with the Town, he shall file with the Town Clerk a written statement to that effect, he shall transmit a copy of the statement to the appropriate person or persons referred to in paragraph a. of this Section, and he shall refrain from acting or participating in the making of any decision regarding any such proposed business.

Section 9. Future Representation of Others

The provisions of paragraph (c) of Section 7 shall apply to any former officer, employee or member of an agency if the service concerns a matter which was pending before him prior to the time he ceased to be an officer, employee or member of an agency.

Section 10. Penalties

A violation of this Code of Ethics by any appointed officer, employee or member of an agency shall constitute grounds for disciplinary action, including but not limited to reprimand, suspension and dismissal.

Section 11. Ethics Commission

- a. **ESTABLISHMENT** There is hereby established an Ethics Commission to be composed of five residents of the Town appointed by the Board of Selectmen. No more than three (3) members of the Commission shall be members of the same political party. Members shall be appointed for terms of three (3) years, except that of the initially appointed members one (1) shall serve for a term of one (1) year, two

- (2) shall serve for terms of two (2) years, and two (2) shall serve for terms of three (3) years. No person shall serve for more than two (2) consecutive terms. For individuals filling a vacancy, successive years of service will commence with the next appointed period. No individual while a member of the Commission shall:
- i. Hold or campaign for any public office, or
 - ii. Hold office in any political party or political committee.
- b. ORGANIZATION AND PROCEDURE The Commission shall elect a chairman and a clerk, and shall establish its own rules of procedure. Copies of the rules and all amendments thereof shall be filed in the office of the Town Clerk. The Commission shall keep records of its meetings and shall hold meetings at the call of the Chairman and at other such times as the Commission may determine.
- c. ADVISORY OPINIONS At the written request of the Board of Selectmen or the Board of Education, the Ethics Commission shall render advisory opinions with respect to the applicability of the Code to a particular situation. The Commission shall also render advisory opinions at the written request of any actual or prospective officer, employee or member of an agency who is personally concerned. The identity of the individual requesting the opinion shall be treated as confidential, but the opinion of the Commission shall be a matter of public record and shall be filed in the office of the Town Clerk. Reliance in good faith upon an opinion of the Commission is an absolute defense to any action brought under this Code.
- d. INVESTIGATION BY COMMISSION The following rules and procedures shall apply for the filing of complaints and the conduct of hearings in connection with such complaints.
- 1) All complaints alleging a violation of the Code of Ethics shall be in writing, conforming to the Board of Ethics Complaint Form, and must be signed and dated by all complainants. In accordance with Connecticut General Statutes Section 1-82a, as amended, all such complaints shall be confidential unless made public by the person against whom the complaint is made (herein referred to as the "respondent"). Failure by the complainant to observe the confidentiality required by the statute may result in summary dismissal of the complaint. Complaints shall address specific provisions of the Code of Ethics and/or contain sufficient detail to permit the Board to identify each section of the Code that is the subject of the complaint.
 - 2) Complaints shall be written on the Board of Ethics Complaint Form and hand-delivered or mailed to the Chair of the Board of Ethics (herein referred to as the "Board"). Copies shall be sent promptly to members of the Board and to the respondent. The Board shall convene in an executive session and determine whether the complaint justifies an investigation. If the complaint fails to provide sufficient information upon which the Board can take appropriate action or fails to fall within the Board's jurisdiction, the complaint shall be returned to complainant.
 - 3) If, after preliminary review, the Board determines that the complaint fails to address a matter that is within the purview of the Code, the Board may dismiss the complaint without further proceedings.
 - 4) If the Board determines that the complaint warrants an investigation, the Board may convene the entire Board to conduct a confidential investigation. As part of

the investigation, the respondent shall have the right to be present and heard. Upon completion of the investigation and after due discussion by the Board, the Board shall determine, by majority vote, whether or not probable cause exists that a violation of the ethics code has occurred.

- 5) Upon a finding of probable cause, the Board shall set a date for a public hearing on the complaint which is not less than 10 days nor more than 30 days after notice has been given to the respondent that the Board has found probable cause and is proceeding with a public hearing on the complaint. The date of the hearing may be set by the Board sooner than 10 days or later than 30 days for good cause shown. The reason for granting an earlier or later date shall be set forth in the minutes of the Board. Any hearing on a complaint may be adjourned by the Board for a reasonable time to allow all relevant evidence to be presented.
- 6) In accordance with Connecticut General Statutes Section 1-82a, as amended, not later than three days after the termination of the investigation, the Board shall inform the complainant and respondent of its finding and provide them a summary of its reasons for making that finding. If the Board finds no violation of the code, the complaint and the record of its investigation shall remain confidential, except upon request of the respondent. If the Board finds a violation of the code, such finding shall be forwarded, not later than five days after the termination of the investigation, to the Board of Selectmen with respect to respondents under its jurisdiction or to the Board of Education with respect to respondents under its jurisdiction. The finding shall also be made public, except as set forth in Section 1-82a, and except as may be otherwise ordered by a court of competent jurisdiction.
- 7) All hearings shall be conducted in accordance with Connecticut General Statutes Section 1-82a, as amended, with confidentiality rules strictly adhered to; provided, however, in the case of a nonpublic hearing, the respondent shall have the right to a public hearing. All parties shall have the right to legal counsel at their own expense. All parties are permitted to produce witnesses and to cross-examine witnesses. The Board reserves the right to call additional witnesses. Witnesses shall testify under oath. All parties shall have the right to be fully heard. Any party to the proceeding may introduce relevant documentary evidence. In nonpublic hearings, evidentiary documents shall be subject to the confidentiality rules.
- 8) Aside from the hearing process, the Board may conduct such other investigations as it deems necessary to reach a conclusion on a complaint, and the results of any such investigation shall be disclosed to the parties.
- 9) Upon conclusion of a hearing, the Board shall recommend to the Board of Selectmen or Board of Education, as the case may be, that the complaint be dismissed or, if not dismissed, that the respondent be reprimanded or disciplined. The Board's recommendation shall be advisory only and not binding on the Board of Selectmen or Board of Education, and they may take whatever action they deem appropriate in accordance with Code of Ethics § 13-2C(4) and other applicable law.
- 10) By Agreement of the Board and the parties in any proceeding conducted under the Code of Ethics and these rules, rules and procedures may be modified to

accommodate a particular circumstance, provided that any such modification shall be in accordance with applicable law.

- e. **EXPENSES AND COMPENSATION** The members of the Commission shall serve without compensation for their services. In the performance of its duties and in the exercise of its powers, the Commission shall not incur any expense in excess of the funds appropriated by the legislative body for such purpose.

Section 12. Severability

If any section, clause, provision, or portion of this Code shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision, or portion of this Code.

Section 13. Effective Date

This Code shall become effective fifteen (15) days after publication in a newspaper having a substantial circulation in the Town of Winchester.

Section 14. Distribution of Code

The Town Clerk shall cause a copy of this Code of Ethics, Ordinance 132, as amended, to be distributed to every current town official, member of any board, commission or agency and employee of the Town of Winchester, elected or appointed, paid or unpaid, within sixty (60) days of the enactment of this Section 14. Each town official, member of any board, commission or agency and employee elected or appointed subsequent to enactment of this Section 14 shall be furnished a copy of this Code of Ethics before entering upon the duties of his or her office or employment. A signed receipt for all copies shall be returned to the Town Clerk and retained on file.

**THE CODE ORIGINALLY BECAME EFFECTIVE SEPTEMBER 6, 1987
AMENDED ON FEBRUARY 7, 2005 AND EFFECTIVE MARCH 2, 2005;
FURTHER AMENDED DECEMBER 4, 2017, PUBLISHED IN THE
REPUBLICAN-AMERICAN DECEMBER 8, 2017; EFFECTIVE DECEMBER 25,
2017.**