

Chapter ___ - CODE OF ETHICS

§ ___-1. Establishment; purpose.

There is hereby established a Code of Ethics (hereinafter referred to as "the Code") for all officials and employees of the Town of Madison (hereinafter referred to as "the Town"). The purpose of the Code is to establish ethical standards of conduct that will:

- A. Ensure that the affairs, decisions, and actions of the Town are conducted without favoritism or conflict of interest, consistent with the highest ethical standards;
- B. Outline acceptable practices and conduct for all those who serve the Town in any capacity, or who engage in or may engage in business with the Town; and
- C. Provide orderly procedures for the receipt and consideration of complaints, requests for advisory opinions, or other issues which may arise from time to time.

§ ___-2. Definitions.

Confidential information is any information concerning the property, business, or affairs of the Town not available to the general public.

Consultant is any independent contractor, professional person, or representative of an entity engaged by and receiving compensation from the Town or any of its boards, commissions, committees, officials or employees and who is in a position to influence any decision of any board, commission, committees, officials or employees. For the purposes of this document, the term employee shall encompass consultant.

Employee means a person, other than an elected public official, employed and paid a salary to work for the Town of Madison, whether full-time or part-time, or on a contract basis. This definition includes those officially selected but not yet serving, and also includes for purposes of this Ethics Code, consultants and other independent contractors providing goods and services to the Town.

Official is any person holding elective or appointive Town office including members and alternate members of Town agencies, boards, commissions, and committees appointed to oversee the construction or improvement of Town facilities, or any other board, commission, or agency that exercises administrative, legislative or judicial functions, or financial authority over the affairs of the Town. Any volunteer providing services on behalf of the Town shall be considered an official of the Town for purposes of this Ethics Code.

Volunteer is an individual, not otherwise defined above, who serves the Town without receiving compensation. For the purposes of this document, the term official shall encompass volunteers.

Related person is any person directly related by blood, adoption, marriage, civil union, domestic partnership, or any other family relationship including a spouse, sibling, children, parents, spouse's parents and other members of such official or employee's household.

Substantial interest is a circumstance in which a person or his/her related persons as defined above have the possibility for significant gain or loss as a result of an action taken or not taken in the course of carrying out the person's duties and responsibilities for the Town.

§ ___-3. Applicability and gender neutral interpretation.

The Code shall be applicable to all officials and employees of the Town as defined above. Words of gender shall be interpreted interchangeably and, whenever practicable, shall be interpreted gender neutral.

§ ___-4. Ethics Commission

A. Creation; membership; appointment

Pursuant to the Town Charter and C.G.S. § 7-148h(a), there shall be an Ethics Commission consisting of five (5) members and three (3) alternates, all resident electors, appointed by the Board of Selectmen and charged with the administration of the Ethics Code.

Of the five (5) Commission members, no more than two (2) shall be of the same political party. Of the five (5) members initially appointed, three (3) shall be appointed for a term of four (4) years and two (2) for a term of two (2) years. All subsequent appointments shall be for a term of four (4) years. Any regular Commission member having served for eight (8) years in succession shall be ineligible for reappointment to the Commission for a period of four (4) years.

The Ethics Commission shall elect from among its members a chair, a vice-chair, and other positions as deemed necessary.

At least three (3) Commission members must be present and participating in order to constitute a quorum.

B. Duties And Powers

The role of the Ethics Commission is to:

1. To provide advisory opinions regarding potential ethics violations, and
2. To review and evaluate reports of perceived ethics violations by persons under the jurisdiction of the Ethics Code.

The Ethics Commission is advisory only. Actions reviewed by the Commission and found to represent misconduct will be referred to the appropriate authority for further action. Any disciplinary action or counseling shall be administered by the appropriate authority and in compliance with the Town Charter.

The Ethics Commission shall promptly report suspected illegal activity to the appropriate authority.

C. Confidentiality

Unless contrary to law, proceedings of the Ethics Commission and all material submitted in support thereof shall be kept confidential. This shall include any investigation of a complaint and all related materials, including minutes, records of testimony, and all other documents. The Chair shall be responsible for the securing of confidential materials.

No provision of this section shall prevent the Commission from referring a finding of ethical misconduct to the appropriate group (Board of Selectmen, Police Commission, Board of Education) or reporting a possible crime to the appropriate authority.

D. Processes and Procedures

A complaint of an ethics violation or a request for an advisory opinion is deemed to have been received by the Ethics Commission upon its delivery to the Town Clerk in a sealed envelope addressed to the Chair of the Ethics Commission. Verbal, emailed, or unsealed inquiries and complaints will not be reviewed by the Ethics Commission.

Upon receipt of correspondence addressed to the Chair of the Ethics Commission, the Town Clerk shall date-stamp the *unopened* envelope, apply a consecutive correspondence number, and inform the Chair of the Ethics Commission that correspondence has been received. The Town Clerk shall maintain the correspondence under her/his control until turned over to the Chair or Vice Chair of the Ethics Commission. The Town Clerk shall also maintain a log of correspondence numbers with dates received and dates turned over to the Chair.

The Commission Chair or Vice Chair shall claim the correspondence from the Town Clerk, and if it concerns an alleged ethics violation or a request for an advisory opinion, shall acknowledge receipt to the correspondent in writing within 10 business days. The Chair or Vice Chair will convene a meeting of the Ethics Commission within 15 business days of the receipt of the correspondence by the Town Clerk to review the

correspondence and consider the appropriate course of action. The inquiry may be continued to additional meetings provided that all such meetings shall occur within 90 business days of the receipt of the initial correspondence.

The Commission may conduct further investigation that may involve meeting with the inquirer or complainant, and contacting others, including all parties named in the complaint for discussion and clarification.

The findings of the Ethics Commission shall be determined by a simple majority vote of all Commission members. At least three (3) Commission members must be present and participate in such vote in order to constitute a quorum.

1. Procedure to Request an Advisory Opinion

Any public official, employee, volunteer, consultant, or Townsperson who has a question as to the applicability of any provisions of this Ethics Code may submit a written request for an advisory opinion to the Ethics Commission. A form for this purpose may be obtained from the Town Clerk's office, on the Town web site, or from any member of the Ethics Commission.

The following information is required in a request for an advisory opinion:

- Name, address, and telephone number of the inquirer.
- Name and position of person(s) of concern in the inquiry.
- A statement of the facts and circumstances of the possible ethics issue.

An inquiry into a request for an advisory opinion will determine the following:

- Is the matter under consideration under the purview of the Ethics Commission?
- Do the circumstances presented represent a potential violation of the Ethics Code?
- Are the circumstances of the inquiry governed by a collective bargaining agreement, employment contract, or other agreement or policy, the provisions of which would take precedence over a finding of the Ethics Commission?

The inquirer will receive a written opinion from the Ethics Commission.

2. Procedure to Report a Perceived Ethics Violations

Any public official, employee, volunteer, consultant, or Townsperson who believes a person covered by the Ethics Code has committed an ethics violation may submit a written report of the perceived violation to the Ethics Commission. A form for this purpose may be obtained from the Town Clerk's office, on the Town web site, or from the Chair of the Ethics Commission.

The following information is required in a complaint of an Ethics Code violation:

- Name, address, and telephone number of the complainant.
- Name and position of the respondent (e.g. perceived to have violated the Ethics Code).

- Section of the Ethics Code allegedly violated.
- Date, time, and place of the matter in question.
- A short statement of the facts and circumstances alleged to constitute the violation including names and addresses of witnesses or persons involved.
- A signed statement by the complainant certifying the truth of the facts alleged.

An inquiry into a perceived ethics violation will determine the following:

- Is the matter under consideration within the purview of the Ethics Commission?
- Would the acts alleged in the complaint, if proven, constitute a violation of the Ethics Code?
- Is there information that substantiates the complaint sufficient to warrant further proceedings?
- Are the respondent and the circumstances of the complaint governed by a collective bargaining agreement, employment contract, or other agreement or Ethics Code, the provisions of which would take precedence over a finding of the Ethics Commission?

In making a decision regarding an alleged violation, the Ethics Commission shall either...

- A. Dismiss the complaint if it finds that there has been no Ethics Code Violation; or
- B. Find that there is evidence that an Ethics Code violation has occurred.

If the Commission finds that an ethics violation has occurred, the Commission will issue a written recommendation to the body with jurisdiction with copies to the complainant and respondent.

Copies of the complaint, and all records and documents pertaining thereto will be forwarded to the body with jurisdiction.

If the Commission makes a finding of no ethics violation, the complainant will be notified of the finding in writing. The complaint and the record of its investigation shall remain confidential, except upon the request of the respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party, or board or staff member shall disclose any information about the investigation, including knowledge of the existence of a complaint. Such a disclosure would, itself, be considered an ethics violation.

The Commission Chair shall maintain a separate file for each complaint to be maintained under seal in the office of the Town Clerk. Meetings of the Commission will be recorded in minutes that will also be maintained under seal in the Office of the Town Clerk.

§ ____-5. Consultants and Independent Contractors.

Any independent contractor, consultant, professional person, or representative of an entity engaged by and receiving compensation from the Town or any of its boards, commissions, authorities, committees or officials and who is in a position to influence any decision of any board, commission, authority, committee or official, shall be bound to avoid the prohibited activities set forth in this Ethics Code. Any complaint received claiming a violation of the Code by a consultant shall be processed by the Ethics Commission as an official. A consultant shall be entitled to all of the rights of an official under this Ethics Code.

§ ____-6. Disclosure of interest.

An official shall disclose to the Chairperson of the board, commission, authority or committee on which such official serves or, if such official is then acting as Chairperson, to another officer of such board, commission, authority or committee or, if such official is an employee of the Town, to the person in charge of such official's department when such official or any related person has a substantial financial interest in any matter under consideration by such board, commission, authority, committee or department, and such official shall recuse himself or herself from any participation in the consideration of such matter.

§ ____-7. Prohibited activities.

A. Conflict of interest. No official or employee shall accept any employment or have any substantial financial interest in, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of such official's duties on behalf of the Town or which will tend to impair such official's independence of judgment or action in the performance of official duties. "Substantial financial interest," as used in this Code, shall mean an interest of a greater than nominal value that is not common to the general public or a large segment thereof.

B. Use of Town assets, services or property. No official or employee shall use or permit the use of Town funds, accounts, services, property, equipment, owned or leased vehicles or materials for personal convenience or profit, except when such uses or services are available to the public generally or are provided in conformance with established Town policies or written agreement with respect to such official.

C. Impartiality. No official or employee shall grant any exceptional consideration, treatment or advantage to any person beyond that which is available to every other person in a similar situation.

D. Confidentiality. No official or employee shall willfully disclose any confidential information obtained in an official capacity to any person, except when required in the performance of such official's official duties, or use any such confidential information for the purpose of advancing the financial or personal interest of such official or others. This obligation shall continue for as long as the information remains confidential.

E. Prohibited gifts and compensation. No official or employee, or their related persons, shall solicit or accept any gift having a greater-than-nominal value, whether in the form of service, cash, loan, thing, promise or any other form, except for campaign contributions as regulated by state or federal law, from any person who, to such official's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the board, commission, authority or committee on which such official is then serving or, if such official is an employee of the Town, with the Town.

F. Prohibited business solicitation. No official or employee shall solicit any business, directly or indirectly, from another official or employee over whom such person has any direct or indirect control or influence with respect to tenure, compensation or duties.

G. Whistleblower protection. No official or employee shall take or threaten to take official or personal action, directly or indirectly, against any person (or related person), including but not limited to discharge, discipline, personal attack, harassment, intimidation or change in job, salary or responsibilities, because that person, or a person acting on his behalf files a complaint with the Ethics Commission.

H. Use of influence.

- (1) No official or employee shall use his position or personal influence to effect favoritism, nepotism or cronyism.
- (2) No official or employee shall use his position or personal influence to obtain a personal advantage for himself, a friend, or family member (hereinafter "personal advantage") in an effort to obtain employment with the Town.
- (3) No official or employee shall use his position or personal influence to gain personal advantage by varying from the hiring, retention, or promotional opportunity policies of record of the Town and its Board of Education.
- (4) No official or employee shall use his position or personal influence to gain personal advantage in doing business with the Town, including the awarding of contracts and issuance of purchase orders, by varying from the business policies of record of the Town and its Board of Education.