

Chapter 35

ETHICS, CODE OF

[HISTORY: Adopted by the Town of Redding 6-22-1973; amended 3-14-1979; 10-15-2001. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Rules and Regulations of the Board of Ethics — See Ch. A501.

§ 35-1. Findings; purpose; applicability.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; that the public have confidence in the integrity of its government; and that all officials and employees of the Town shall carry out the objectives expressed by the electorate and the programs and policies developed to attain those objectives. In recognition of these goals, there is hereby established in the Town of Redding a Code of Ethics setting forth standards of ethical conduct for all Town officials, including all members of boards and commissions, whether such officials and members are elected or appointed, and all employees of the Town, with the exception of employees of the Board of Education who shall be governed by regulations of the Board and state statutes.

§ 35-2. Responsibilities of public office.

- A. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the laws of the nation, state, and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.
- B. "Employee" means a person working on a salary or hourly basis for the Town of Redding and includes all stenographic, secretarial and clerical employees, Highway Department employees and persons appointed to positions, for example and not by way of limitation, such as Assistant Town Clerk, Sanitary, Zoning, Building and Subdivision Enforcement Officers, Comptroller and Assessor.

§ 35-3. Dedicated service.

Town officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and

employees unless prohibited from so doing by law or by the officially recognized confidentiality of their work.

§ 35-4. Fair and equal treatment.

- A. Use of public property. No Town official or employee 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 Town official or employee in the conduct of official business; and
- B. Obligations to citizens. No Town official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

§ 35-5. Conflict of interest.

No Town official, employee or person who is paid to render services to the Town shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of those duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association. No definition herein shall be construed to be less demanding than the relevant state statutes or state court decisions. Specific conflicts of interest are enumerated below for the guidance of all Town officials, employees and persons who are paid for services rendered to the Town.

- A. Incompatible employment. No Town official, employee or person who is paid to render services to the Town shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of those duties.
- B. Disclosure of confidential information. No Town official, employee or person who is paid to render services to the Town shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the Town, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.
- C. Gifts and favors. No Town official, employee or person who is paid to render services to the Town shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person who, or firm or corporation which, to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town, nor shall any such Town official, employee or person who is paid to render services to the Town:
 - (1) Accept any gift, favor or thing of value that may tend to influence him or her

in the discharge of his or her duties in the public interest; or

- (2) Grant in the discharge of those duties any improper favor, service, or thing of value.
- D. Representing private interests before Town agencies or courts. No Town official, employee or person who is paid to render services to the Town shall appear in behalf of private interests before any agency of the Town. He or she shall not represent private interests in any action or proceeding against the interests of the Town in any litigation to which the Town is a party.
- E. Contracts with the Town. Any Town official or employee who has a direct or indirect interest, either individually or through a business entity, in any transaction or contract with the Town, or in the sale of real estate, materials, supplies, or services to the Town, shall make known to the proper authority such interest in any matter on which he or she may be called to act in his or her official capacity.
- F. Disclosure of interest.
- (1) Any Town official, employee or person who is paid to render services to the Town who usually participates in or is asked to participate in discussion with or usually gives or is asked to give an official opinion to a Town official, board, or commission and who has a financial or other personal interest in the matter before such Town official, board or commission shall disclose on the record the nature and intent of such interest and shall abstain from participating in the decision on such matter because of possible conflict of interest.
 - (2) Any Town official, employee or person who is paid to render services to the Town and who has a financial or other personal interest in a matter involving the Town before any regional, state, or federal authorities shall disclose on the record the nature and extent of such interest and shall abstain from participating in the decision on such matter because of possible conflict of interest.
 - (3) The above does not preclude the Town official, board, or commission from requesting facts within the knowledge of such abstaining Town official, employee or person who is paid to render services to the Town.
- G. Abstaining from participation. When a person, or relative of that person, has a matter pending before any Town board or commission of which he or she is a member, that person shall neither participate in discussions about nor vote on that matter until after the matter shall have been settled, including any appeals therefrom which may return the matter to the board or commission. However, the board or commission may request information from the member in the course of its deliberations. The member may continue to discuss and vote on other matters. (As in Subsection F the above does not preclude any Town official, board or commission from requesting facts within the knowledge of such abstaining person.)

§ 35-6. Political activity.

- A. Use of position. No Town official or employee shall use the prestige of his or her position on behalf of any political party.
- B. Solicitation. No Town official or employee shall orally, by letter, or otherwise solicit any assessment, subscription, or contribution to any local political party.
- C. Promise of reward. No Town official or employee shall promise an appointment to any municipal position as a reward for any local political activity.
- D. Acceptable activities. All Town officials and employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and these regulations. Each employee retains the right to register and vote in any election; express his or her opinion as an individual privately and publicly on political subjects and candidates; display a political picture, sticker, badge or button; participate in the nonpartisan activities of a civic, community, social, labor or professional organization or of a similar organization; be a member of a political party or other political organization and participate in its activities to the extent consistent with law; attend a political convention, rally, fund-raising function, or other political gathering; sign a political petition as an individual; make a financial contribution to a political party or organization; take an active part, as a candidate or in support of a candidate, in a nonpartisan election; be politically active in connection with a question which is not specifically identified with a political party, such as constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character; serve as an election judge or clerk or in a similar position to perform nonpartisan duties as prescribed by law; and otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency or integrity of his or her administration of Town programs.
- E. Prohibited activities. Subsection D of this section does not authorize an official or an employee to engage in political activity in violation of federal, state or local law or the regulations of this code while on duty as an employee or while performing an official function.

§ 35-7. Board of Ethics.

- A. Appointment and tenure. The Board of Selectmen shall appoint a Board of Ethics, consisting of five electors of the Town, not more than three of whom shall be members of the same political party and none of whom shall hold any other appointed or elected Town office or be a Town employee. Effective August 1, 1973, three members of the Board of Ethics shall be appointed for a two-year term and two members shall be appointed for a one-year term. Their successors shall be appointed to serve for a term of two years; such term shall commence with the date of appointment. The Board of Selectmen shall appoint an elector of the Town to serve as an alternate. The initial term of said alternate shall be from the time of appointment until the following August 1, and said alternate shall thereafter be appointed for a two-year term. The alternate may be appointed to serve for successive two-year terms. In the event that the alternate is appointed as a full

member of the Board during his or her term as an alternate, his or her initial date of appointment shall be that on which he or she was first appointed to serve as alternate. No elector may serve more than six consecutive years, including service as an alternate. After a lapse of one year from the end of the last term such elector shall again be eligible for appointment to the Board. Vacancies shall be filled by appointment by the Board of Selectmen.

- B. Rules, regulations and amendments. The Board of Ethics may adopt, after a public hearing, reasonable rules and regulations not inconsistent with this code for the administration of this code. Prior to adoption of rules, regulations or amendments thereto, the Board shall file with the Town Clerk and the First Selectman, 15 days before the public hearing, a full copy of the text of the proposed rules, regulations and amendments thereto and shall publish a notice of the time, place, date and general purpose of the public hearing in a newspaper having general circulation in the Town. Any rules, regulations or amendments thereto shall become effective after adoption on the date the full text of the same is filed with the Town Clerk's office.¹
- C. Receiving complaints. The Board shall receive complaints of violations of this code and shall, upon such complaint or on its own initiative, make such inquiry of the pertinent facts stated in the complaint as may be necessary to ascertain their truth and accuracy and may hold hearings thereon; provided, however, that the Board shall hold a hearing at the request of any person whose conduct is called into question. Such hearing shall afford such person the opportunity to cross-examine anyone complaining of his or her conduct and to meet and answer any complaint made of his or her conduct.
- D. Report of findings. The Board shall, not later than 31 days after the hearing, file with the Board of Selectmen and deliver by hand or send by certified mail to the person who is the subject of the hearing a copy of the report of its findings as to whether or not a violation of this code has occurred with its reasons for its decision. The Board of Selectmen shall thereupon take such action as it may deem appropriate.
- E. Advisory opinions. The Board may render advisory opinions to any official or employee and to any resident of the Town pursuant to written request.
- F. Hypothetical situations. Hypothetical situations will not be reviewed by the Board.
- G. Report of findings. The Board may make public its findings and opinions with such deletions as it may deem necessary or desirable if it wishes to prevent disclosure of the identity of the official or employee involved.

§ 35-8. Advisory opinions.

When a Town official, employee or resident has doubt as to the applicability of a provision of this code to a particular situation, he or she shall apply to the Board of Ethics

1. Editor's Note: See Ch. A501, Rules and Regulations of the Board of Ethics.

for an advisory opinion and be guided by that opinion when given. The official, employee or resident shall have the opportunity to present his or her interpretation of the facts at issue and of the applicable provisions of the code before such advisory decision is made.

§ 35-9. Employment after termination of municipal service.

No municipal employee or official shall enter the employment of any person, firm or corporation who or which is involved in transactions or who or which has contracts pending with the municipality for a period of six months after the employee's or official's municipal service has terminated.

§ 35-10. Sanctions.

Violation of any provision of this code should raise conscientious questions for the Town official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the Town. Violation may constitute a cause for suspension, removal from appointed office or employment, or other disciplinary action by the appointing authority.