

City of Torrington

Chapter 22

ETHICS, CODE OF

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[Revised 01-29-01]

§ 22-1. Declaration of policy.

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people of Torrington; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal or private gain; and that the public have confidence in the integrity of government. In recognition of these goals, a code of ethics is hereby established for officials and employees of the City of Torrington, as are hereinafter defined. The purpose of this code is to establish ethical standards of conduct by setting forth those actions that are in conflict with the best interest of the City and by directing disclosure of any financial or personal beneficial interest in matters affecting the City.

§ 22-2. Scope.

The Code of Ethics of the City of Torrington shall govern any elected or appointed official or any employee as hereinafter defined. The Code of Ethics shall be in addition to and not in lieu of any other applicable departmental rules and regulations, charter provisions or other ordinances.

§ 22-3. Definitions.

- A. As used in this chapter, the following terms shall have the meanings indicated:

EMPLOYEE - Each and every person employed by the city in any capacity, permanent, temporary, full-time or part-time.

CONFIDENTIAL INFORMATION - Information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such nature that it is not, at the time of transmission, a matter of public record or public knowledge.

IMMEDIATE FAMILY - All persons residing in an official's or an employee's household, and an official or employee's grandfather, grandmother, mother, father, wife, husband, son, daughter, brother, sister, grandchildren, mother-in-law, father-in-law, son-in-law, and daughter-in-law.

FINANCIAL INTEREST - Any interest in which an individual derives or expects that he will derive economic and/or pecuniary gain or loss, to himself, member of his immediate family or to any organization to which said individual is affiliated as an employee, owner, partner, or member of a governing board or from which said individual will receive or expects to receive a gift.

GIFT - Includes the receipt of any goods, services or loan for an amount less than the amount charged to the general public for like goods, services or loans.

OFFICIAL - Each and every person holding a position by election or appointed in the service of the municipality and whether paid or unpaid including a member of any board, agency, committee or commission thereof.

OFFICIAL ACT, ACTION OR DUTY - Any legislative, administrative, appointive or discretionary act of any official or employee of the City or of any agency, board, committee or commission thereof.

PERSON - A business, individual, corporation, union, association, firm, partnership, body politic, committee, club or other organization or group of persons.

PERSONAL INTEREST - Any interest, other than a financial interest, which shall affect or benefit the individual or his immediate family or any organization with which the individual is affiliated which is not common to the general interest of other citizens of the City.

B. Words of the masculine gender shall include the feminine.

§ 22-4. Standards of service.

All officials and employees of the City should be loyal to the objectives and purposes of the City as expressed by the electorate, the Charter and the ordinances and the programs developed to attain those objectives. All should

adhere to the rules and regulations of performance and work established as the standards for their positions by the appropriate authority. It shall be the responsibility of officials and employees to carry out their duties to the best of their abilities and with the highest moral and ethical standards, regardless of personal consideration. Their conduct should at all times be for the public good and within the bounds of the law, should be above reproach, and should avoid conflict between public and private interests and responsibilities.

§ 22-5. Use of public property.

No official or employee shall request or permit himself or others the use of City- owned or -leased vehicles, equipment, materials or property for personal convenience or profit, except when such aforementioned property is available to the public generally or is provided in conformance with established City policies for the use of such officials or employees in the conduct of City business or when such vehicle or property is provided as part of an employee's compensation.

§ 22-6. Special consideration.

No official or employee shall grant or accept any special consideration, treatment, favor or advantage beyond that which is generally available to all residents and/or taxpayers of the City. No official or employee shall use his position to influence or attempt to influence the appointment or employment of any individual to any position with the City.

§ 22-7. Political Activities.

No official or employee shall promise an appointment or use his influence to obtain an appointment to any municipal position as a reward for any political activity.

§ 22-8. Conflict of interest.

No official or employee shall engage in any business or transaction or shall have a private financial interest or personal interest, direct or indirect, which is incompatible or in conflict with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties.'

§ 22-9. Acceptance of gifts, gratuities and favors.

No official or employee shall accept or solicit anything of value whether in the form of a gift, a promise of a gift, service, loan, thing or any other form, from any person, who, to his knowledge, is interested, directly or indirectly, in any manner whatsoever, in business dealings with the City, which gift may tend to influence him in the discharge of his official duties, by granting any improper favor, service or thing of value.

§ 22-10. Appearance on behalf of private interest.

No official or employee shall appear on behalf of private interests before any board, commission, department, or agency of the City of which he is a member, alternate, or employee, or before any other board, commission, department or agency of the City when said appearance would be in conflict with or would tend to impair his independence of judgment and action in the performance of his official duties as such official or employee. Any such person may appear before any board, commission, department or agency of the City on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of civic obligations. Nothing in this section shall prohibit an official or an employee from appearing on his own behalf or on behalf of any member of his immediate family before any board, commission, department or agency of the City. Nothing in this section shall prohibit a public employee or public official from voting or otherwise participating 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 municipality.

§ 22-11. Confidential information.

No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, or use such information to advance the financial or other private interest of himself or any other.

§ 22-12. Financial interest.

No official or employee who has a financial or personal beneficial interest in

any transaction or contract with the City, or in the sale of real estate, materials, supplies or services to the City, on which he may be called to act upon in his official capacity, shall vote upon or otherwise participate in the transaction or contract.

§ 22-13. Incompatible service.

No official or employee shall engage in or accept private employment with 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.

§ 22-14. Disclosure of interests.

- A. Any official or employee who has, knows he will have, or later acquires a financial or personal interest, directly or indirectly, in any matter under consideration before him or his department*in his or its official capacity, shall disclose, as soon as he has knowledge of such actual or prospective interest, in writing or on the record, the nature and extent of such interest to the chairman, board, commission, department or agency of which he is a member or in the case of an employee, to his superior. Such person shall disqualify himself from voting or acting on such matter.

- B. Any official or employee who has, knows he will have, or later acquires a financial or personal interest, directly or indirectly, in any proposed action of any board, commission, department or agency of the City, and who participates in discussion with or gives an official opinion or recommendation to any board, commission, department or agency of the City, shall disclose on the record the nature and extent of such interest,

§ 22-15. Later case interest.

No official or employee shall, after the termination of service or employment with the City for a period of one year after such termination, appear before any

board, commission, department or agency of the City 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.

§ 22-16. Board of Ethics created; membership and terms.

There is hereby created a Board of Ethics which shall be charged with the administration of the Code of Ethics. The Board of Ethics shall be comprised of five (5) resident electors and three (3) alternates, appointed by the Mayor, with the advice and consent of the City Council. Of the Five (5) regular members, no more than two (2) shall be of the same political party, and of the three (3) alternates, no more than one (1) shall be of the same political party. Of the five (5) members initially appointed, three (3) shall be appointed for a term of three (3) years and two (2) for a term of two (2) years. Of the three (3) alternates initially appointed, two (2) shall be appointed for a term of three (3) years and one (1) for a term of two (2) years. All subsequent appointments to the Board shall be for a term of three (3) years. Any regular member having service for six (6) years in succession shall be ineligible for reappointment to the Board. For individuals filling a vacancy, successive years of service will commence with the next appointment period. No member of said board shall serve the City in any other capacity, either as an elected or appointed official or employee.

§ 22-17. Adoption of Rules of Procedure and Regulations by Board.

- A. The Board shall adopt rules of procedure and regulations which it deems necessary to carry out the intent of this article, and the same and any amendments thereto shall be filed in the office of the Town Clerk and available for public inspection. The Board shall annually elect a Chairman, Vice Chairman, and Secretary. The presiding Board member shall appoint alternates, on a rotating basis, to serve in the absence of a regular member.

- B, On or before June 1 of each year, the Board shall submit to the Mayor and the Board of Councilmen a written report which shall include but not be limited to:

- (1) A summary of its activities.
- (2) An analysis of developments and trends in the area of public ethics.
- (3) A recommendation for improvements in the Municipal Code of Ethics.

22-18. Procedure for receiving and hearing complaints.

- A. The Board shall receive complaints from any person of any alleged violation of the Code of Ethics and shall investigate all complaints received. Any complaint received by the Board must be in writing and signed by the individual making said complaint under penalty of false statement. Said complaint shall be filed with the City Clerk's office and shall be deemed to have been received on the date of the Board's next regularly scheduled meeting.
- B. Upon receipt of a complaint, the Board shall conduct a preliminary investigation to determine whether probable cause exists to believe a violation of the Code has occurred and may hold an informal hearing on said matter at which the respondent shall have the right to appear and be heard. The Board shall notify the respondent in writing within three (3) days of receipt of the complaint, of the specific nature of the complaint, and shall enclose therewith a copy of the complaint. The Board shall also notify the complainant of its receipt of said complaint within three (3) days of its receipt.
- C. In the event an informal hearing is to be held, said notice to the complainant and respondent shall specify the date, time and place of said hearing. Said hearing shall be held not less than ten (10) nor more than thirty (30) days after receipt of said complaint. The Board shall issue its decision as to whether probable cause exists to believe a violation of the Code has occurred within thirty (30) days of the close of the informal hearing. In the event that no informal hearing is held, the Board shall issue its decision within thirty (30)

days of receipt of the complaint. The Board shall mail a copy of its decision to the complainant and respondent.

- D. If the Board determines that probable cause exists to believe a violation of the Code has occurred, it shall hold a formal hearing. The complainant and respondent shall be notified in writing of the date, time and place of the hearing not less than ten (10) days before the scheduled date of said hearing. No hearing may be conducted with less than five (5) members in attendance. Said hearing shall be held within sixty (60) days of issuance of the Board's probable cause determination.
- E. Such hearing shall be conducted under the Board's rules and regulations, which shall include the following:
 - (1) Oral evidence shall be taken under oath.
 - (2) The complainant and respondent shall have the right to be represented by counsel, to examine and cross-examine witness and to present evidence on his or her own behalf.
 - (3) The complainant and respondent shall have mailed to them a memorandum of decision by the Board within thirty (30) days after the conclusion of hearings on said complaint. Said memorandum of decision shall be filed with the Mayor and City Council and mailed to the complainant and respondent.
- F. All notices and other correspondence to the complainant and respondent shall be mailed by certified mail.
- G. The Board may subpoena witnesses to testify and may compel production of documents and other effects as evidence, and failure to obey such subpoena shall be punishable as prescribed by the Connecticut General Statutes.

- H. The time limits for holding hearings or issuing decisions as prescribed by this section may be extended for a reasonable amount of time upon request of the respondent and for good cause shown, or upon the Board's own initiative. Notices of any extensions of time shall be sent to the complainant and respondent.
1. **Advisory Opinions.**
Regarding any person subject to the Code of Ethics of the City of Torrington, and upon such person's written request, the Board shall issue advisory opinions with regard to the requirements of this Code. Such written requests shall state with specificity the factual basis upon which the Board shall opine. Advisory opinions rendered by the Board, until amended or revoked, shall be binding on the Board and shall be deemed to be final decisions of the Board. Any advisory opinion concerning the person who requested the opinion, who acted in reliance hereon, in good faith, shall be an absolute defense in any manner brought under the provisions of this Code.

22-19. Recommendations from Board of Ethics.

- A. The Board of Ethics shall submit its memorandum of decisions to the board, agency or public official exercising supervisory or disciplinary authority over the respondent for appropriate action. Said memorandum shall contain a recommended disposition of the matter, which recommendation may include, but shall not be limited to the following:
- (1) Oral reprimand.
 - (2) Written reprimand.
 - (3) Suspension without pay.
 - (4) Monetary fine not to exceed \$100.00 dollars.
 - (5) Termination from employment or removal from appointed office.
 - (6) Any combination of the penalties and sanctions listed above.

- B. Any matter which appears to involve criminal conduct shall be referred to the Police Department.
- C. Any matter involving a violation of § 22-8, 22-9, 22-10, 22-11, 22-12, 22-13, or 22-14 in connection with the award of any contract for material supplies, services, personal or real property shall be referred to the Board of Councilmen which may void the contract or transaction.

22-20. Distribution of Code of Ethics.

- A. The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public official of the City within thirty (30) days after adoption of this Code. Each public official elected, appointed, employed or engaged thereafter shall be furnished a copy before entering upon the duties of his or her office. A signed receipt for all copies shall be returned to the City Clerk and retained on file.
- B. The Personnel Director shall cause a copy of this Code of Ethics to be distributed to every employee of the City within thirty (30) days after adoption of this Code. Every individual employed or engaged thereafter shall be furnished a copy before entering upon the duties of his or her employment. A signed receipt for all copies shall be returned to the Personnel Director and retained on file.
- C. The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every employee of the Board of Education within thirty (30) days after adoption of this Code. Each individual employed thereafter shall be furnished a copy of this Code before entering upon his or her employment. A signed receipt for all copies shall be returned to the Superintendent of Schools and retained on file.