

Town of Seymour

Code of Ethics

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**Town of Seymour
Code of Ethics**

Section 1-1 Declaration of Policy

There is hereby established a Code of Ethics for all Town Officers, Employees and Officials whether elected or appointed, paid or unpaid. The purpose of this code is to establish suitable ethical standards for all such Officers, Employees and Officials by prohibiting acts or actions incompatible with the discharge of their public duties and the best interests of the Town of Seymour; and by directing disclosure of private financial interest or personal interest in matters affecting the town by such Officers, Employees and Officials. Any violation of this Code of Ethics may constitute cause for suspension, removal from office or employment or other disciplinary actions as more particularly set forth in Section 1-7(g).

Section 1-2 Definitions

As used in this Code the following terms shall have the following meanings:

- a. "Officials" shall include elected and appointed officials and officers, whether paid or unpaid, and members of all governmental bodies created under the provisions of the Town Charter, and all other Town Ordinances and applicable Statutes.
- b. "Employees" shall include all employees of the Town of all governmental bodies created under the provisions of the Town Charter.
- c. "Interest" shall include private financial benefit and interest other than financial, arising from blood or marriage relationships or close business or political association.
- d. "Participating" as used herein shall include the rendering of advice, or recommendation, investigation, approval, disapproval, or otherwise influencing a decision or action.
- e. "Confidential" as used herein shall mean personal matters and financial matter which, if disclosed, would be of detrimental interest to the Town and a violation of the trust placed in that person.
- f. "Business with which he is associated" means any sole proprietor, partnership, firm, corporation, trust or any other entity for which business for profit or not for profit is conducted in which the public official of town employee or member of his or her immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of a stock constituting five percent or more of the total outstanding stock of any class, provided, a public official, or to an employee, or member of his or her immediate family, shall not be deemed to be associated with a not-for-profit entity solely by virtue of the fact that the public official or town employee or member of his or her immediate family is an unpaid director or officer of the not-for-profit entity.
- g. "Board" means the Seymour Ethics Board.

- h. “Gift” means a payment, subscription, advance, forbearance, rendering of services, deposit of money, or anything of value unless consideration of equal or greater value is received. “Gift” shall not include a political contribution otherwise reported as required by law; services provided without compensation by persons volunteering their time, a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; a gift received from an individual’s spouse or such individual, or the child or the spouse of such child; or food or beverage or both, costing less than fifty dollars per person and consumed on a single occasion at which the person paying, directly or indirectly, for the food or beverage, or his representatives, is in attendance.
- i. “Immediate Family” means any spouse, children, or dependent relative’s who reside in the individual’s household.
- j. Words of masculine gender shall include the feminine.
- (NEW)
- k. **“Shall” means must or will as used to express a command.**
- l. **“Will” means must or shall as used in a command.**
- m. **“Must” means will or shall**
- n. **“May” means the possible occurrence of.**
- o. **“Substantial” means consisting of more than five percent of one’s income or personal property or the lesser of the two should both exist.**
- p. **“Significant” means a value in excess of \$50.00**

Section 1-3 Conflict of Interest Prohibited

- a. No Officer Employee or Official shall engage in or participate in any business, transaction or proceedings, or shall have an interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independent judgement or action in the performance of his official duties.
- b. Any Officer, Employee or Official has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed by the law of this state, and by the Charter Ordinances and regulations of the Town of Seymour, if there is reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated, as defined in Sect. 1-2(f), will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. Any such Officer, Official or Employee does not have an interest that is not in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, and by the Charter, Ordinances and regulations of the Town of Seymour, if any benefit or detriment accrues to him, his spouse, a dependent child or a business with which he, his spouse or such dependent child is associated as a member of such profession, occupation

or group to no greater extent than to any other member of such profession, occupation or group. Any Officer, Official or Employee who has a substantial conflict may not take official action on the matter.

- c. No Officer, Employee or Official shall solicit or accept any significant gift, whether in the form of a service, loan, object, or promise, which to his knowledge is interested in any manner in business dealings with the Town.
- d. Any Officer, Employee or Official who has a substantial or controlling financial or personal interest in any transaction or contract with the Town, or in the sale of real estate, material, supplies, or services to the Town, on which he may be called to act upon in his official capacity, shall recuse themselves from participating in the transaction on behalf of the Town. Any such Officer, Employee or Official Shall also be required to disclose said interest to the Town Clerk and Board of Ethics in the manner, time and form set forth in Section 1-5 of this code.
- e. No Officer, Employee or Official shall appear in behalf of private interests before any board, agency or committee of the Town; nor shall he represent private interest in any action or proceeding against the interest of the Town in any litigation to which the Town is a party. Nothing herein shall prohibit the Officer, Employee or Official from appearing before any board or commission on his behalf. No Officer, Employee or Official shall, without proper authorization, disclose confidential information concerning Town affairs, nor shall he use such information to advance the financial interests or private interests of himself or others.

Section 1-4 Non-Discrimination

- a. Any such complaints alleging a violation of this part shall be referred to the Seymour Board of Selectmen and any investigation will be conducted pursuant to the provision of the Connecticut General State Statutes, Sec. 7-148 i.
- b. No Officer, Employee or Official shall discriminate against or favor any individual, or cause, based solely upon race, color, creed, sex, age or sexual orientation.
- c. No Officer, Employee or Official shall request or permit the use of Town owned vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such are available to the public generally or are provided as municipal policy for the use of such Officer, Employee or Official in the interest of the Town.
- d. No Officer, Employee or Official shall grant any special consideration, treatment, favor, or advantage to any person beyond that which is generally available to residents and/or taxpayers of the Town.

Section 1-5 Written Disclosure of Interest

All elected and appointed Officials, Board Members and Town Employees shall file a letter of disclosure on the prescribed form (attached) with the Town Clerks Office and the Board

of Ethics. The letter of disclosure must be completed and filed within thirty (30) days of the start of employment for town employees. The letter of disclosure must be completed and filed within thirty (30) days of being sworn in as a Board Member or appointed Official. The letter of disclosure must be filed by all Town Employees, Board Members and appointed Officials regardless if the person believes there is or is not a conflict of interest. All current Town Employees, Board Members and appointed Officials must file the disclosure form within thirty (30) days of the adoption of this section. If there is a change of status, changes will be made to the existing disclosure form within thirty (30) days.

Section 1-6 Board of Ethics

- a. There is hereby created a Board of Ethics, which shall be charged with the administration of the Code of Ethics.
- b. The Board of Ethics shall consist of five (5) members who shall serve respective terms as described in section 10.6 of the Town Charter. .
- c. The Board shall promulgate and adopt reasonable rules and regulations for the administration of its proceedings. The rules and regulations so promulgated and all amendments thereto shall be made available at the office of the Town Clerk to any elector of the Town.
- d. If the Board of Ethics receives complaints against any Officer, Employee or Official of the Town, the investigation and disposition of which have been delegated to other Boards or Commissions created by the Charter, then in that event the Board of Ethics shall forward the complaint received to the appropriate Board or Commission to which such complaints are forwarded. Said Board or Commission shall thereafter notify the Board of Ethics of the disposition made of said complaint, and the Board of Ethics shall review said disposition.
- e. The Board of Ethics may upon the written request of any Officer, Employee or Official, or resident of the Town, or upon its own initiative render written advisory opinions concerning any matters relating to the Code of Ethics.
- f. All opinions and recommendations of the Board of Ethics, whether advisory or the result of a complaint, shall be kept on file within the Board of Ethics.
- g. A quorum shall consist of four (4) members of the Board.

Section 1-7 Complaint Procedure

- a. Upon the complaint of any person on a form prescribed by the Board, signed under penalty of false statement, or upon its own complaint, the Board shall meet and decide if there is sufficient evidence to warrant an investigation to determine if there is probable cause to believe there has been a violation of the code.

- b. If there is sufficient evidence to warrant an investigation to determine probable cause, or the complaint is beyond the purview of the authority and / or responsibility of the Board, the complaint will be dismissed. The respondent will be notified of the complaint and decision not later than five (5) days after so meeting by registered or certified mail and a copy of the complaint shall accompany such notice. The complainant will be notified of the receipt of the complaint not later than five (5) days after so meeting.
- c. If the Board determines that there is sufficient evidence to warrant an investigation to determine probable cause, it shall notify any respondent against whom such complaint is filed by certified or registered mail not later than five (5) days after so meeting. A copy of the complaint shall accompany said notice. The Board shall notify the complainant of its receipt of said complaint not later than five (5) days after so meeting.
- d. An investigation to determine probable cause will be conducted by the Board and any hearing regarding this matter will be held at the discretion of the Board.
- e. If the Board determines that there is no probable cause to believe the respondent is in violation of the code, the respondent and complainant will be so notified by certified or registered mail no later than three (3) business days after the completion of the probable cause investigation. Said notice will include a summary of the Board's reasons for making that finding.
- f. If an investigation indicates that probable cause exists for the violation of a provision of this code, the Board shall initiate hearings to determine if there has been a violation of the code. The respondent and complainant will be so notified by certified or registered mail no later than three (3) business days after completion of the probable cause investigation. The Board shall also make public a finding of probable cause not later than five (5) business days after termination of the investigation.
- g. The Board shall report to the Board of Selectmen its findings as to whether or not a violation of the Code of Ethics has occurred, and may make recommendations as to the disposition to be made. The Board of Selectmen shall thereupon take such action as they may deem appropriate or take action in accordance with the provisions of the Town Charter.

Section 1-8 Confidentiality

Pursuant to the provisions of Section 7-148(h) of the Connecticut General Statutes and the Charter for the Town of Seymour, the Board of Ethics is empowered to investigate allegations of unethical conduct, corrupting influence or activities levied against any municipal official, officer or employee.

The provisions of subsections (a) to (e) inclusive of section 1-82(a) (Connecticut General Statutes) shall apply to allegations before the Board of Ethics of such conduct, influence or activities, to an investigation of such allegations conducted prior to a probable cause finding, and to a finding of probable cause or no probable cause. The Board of Ethics 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.

The respondent shall also have the right to be represented by legal counsel and to examine and cross-examine witnesses.

Sec. 1-82a. Confidentiality of complaints and investigations. Publication of findings.

(a) Unless the commission makes a finding of probable cause, a complaint alleging a violation of this part shall be confidential upon the request of the respondent. A commission evaluation of a possible violation of this part prior to the filing of a complaint by the commission shall be confidential except upon the request of the subject of the evaluation. If the evaluation is confidential, any information supplied to or received from the commission shall not be disclosed to any third party by a subject of the evaluation, a person contacted for the purpose of obtaining information or by a commission or staff member. No provision of this section shall prevent the ethics commission from reporting the possible commission of a crime to the State's Attorney.

(b) An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegation in the complaint and any information supplied to or received from the commission shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or commission or staff member.

(c) Not later than three business days after the termination of the investigation, the commission shall inform the complainant and the respondent of its findings and provide them a summary of its reasons for making that finding. The commission shall publish its finding upon the respondent's request and may also publish a summary for making such finding.

(d) If the commission makes a finding of no probable cause, 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 commission or staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the commission may, after consultation with the respondent, if the respondent is not the source of the disclosure, publish its finding and a summary of its reasons therefor.

(e) The commission shall make public a finding of probable cause not later than five business days after the termination of the investigation. At such time the entire record of the investigation shall become public, except that the commission may postpone the examination or release of such public records for a period not to exceed fourteen days for the purpose of reaching a stipulation agreement pursuant to subsection (d) of section 4-177.

Section 1-9 Savings Clause

Should any provision of this Code of Ethics conflict with any provisions of Federal Law or the State of Connecticut General Statutes, the provisions of the Federal Law or the State of Connecticut General Statutes shall prevail.

Section 1-10 Amendments

This Code of Ethics may be amended only by ordinance in conformity with the provisions of the Town Charter.

Section 1-11 Effective date

The effective date of the Code of Ethics is 4/11/06

Attest:

Deborah Zotti
Secretary

Complaint Procedure Outline

- I. Board receives a complaint or upon its own complaint:
 - A. Must decide if there is sufficient evidence to warrant an investigation to determine probable cause.
 1. Must establish probable cause before deciding if there is a violation of the code.
- II. If there is insufficient evidence to warrant an investigation to determine probable cause:
 - A. Complaint is dismissed
 - B. Respondent is notified of the complaint and the decision not later than five days after so meeting by use of registered or certified mail.
 - C. Complainant notified of receipt of said complaint not later than five days after the meeting by registered or certified mail.
- III. There is sufficient evidence to warrant an investigation to determine probable cause:
 - A. Respondent is notified of the complaint and decision not later than five business days after so meeting by certified or registered mail. A copy of the complaint is included in said notice.
 - B. Complainant notified of receipt of complaint not later than five business days after the meeting by certified or registered mail.
- IV. An investigation to determine probable cause will be conducted by the Board and any hearings regarding this matter will be held at the discretion of the Board.
- V. The Board determines there is no probable cause:
 - A. Respondent and complainant notified of decision not later than three working days after the completion of the probable cause investigation by certified or registered mail. Said notice shall include a summary of the Board's reasons for making the finding.
- VI. The Board determines there is probable cause to believe that the respondent is in violation of the Code of Ethics
 - A. Respondent and complainant notified of decision not later than three business days after investigation.
 - B. Board holds public hearings to determine if there is a violation of the Code
 - C. The Board shall make public a finding of probable cause not later than five business days after the termination of the investigation.
- VII. Board of Ethics holds a hearing to determine if there is a violation of the Code.
- VIII. Board of Ethics reports its findings to the Board of Selectmen, and may make recommendations as to disposition to be made.

Town of Seymour Ethics Disclosure

Date: _____

Name: _____

Address: _____

Position Held: _____

As per sections 1.3e and 1.5 of the Town of Seymour Code of Ethics, I do hereby disclose the following personal interests to which I have a direct or indirect financial relationship. Should a conflict arise I will disqualify myself from any discussion or voting on any issue(s) that may arise involving these interests.

| Name of Interest | Relationship |
|------------------|--------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Other: _____

____ I currently have no conflicts as per sections 1.3e of the Town of Seymour Code of Ethics, however, in the event such conflict should arise I will complete a disclosure form within 30 days of knowledge of said conflict as per section 1.5 of the Town of Seymour Code of Ethics.

Signed: _____

History

Introduction to the first Code of Ethics adopted in 1974

There can be no disagreement that 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 the proper channels of the government structure; that public office not be used for personal gain; and 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 obtain those objectives.

In recognition of the above goals, on April 30, 1974, the BOARD OF ETHICS adopted the first Code of Ethics for the Town of Seymour. With an effective date of June 1, 1974, the Seymour Code became the first Code of Ethics for any valley community.

The Board of Ethics has sought, and will continue to seek, to discharge its duties and responsibility, to the community as a whole and to the community as individuals, on the highest ethical level. We provide this copy of our Code of Ethics, containing a sample of our Standard Complaint Form, as a public service in this year of our Nation's Bicentennial celebration.

Dr. Michael Moher, Chairman

BOARD OF ETHICS

Dr. Michael Moher
Chairman

Mr. Richard E. Lounsbury
Vice Chairman

Mrs. Margaret Dean
Secretary

Mr. Gene Kaschel

Rev. Holland S. French, Jr.

Since 1974 many citizens of Seymour have given their time to work as members of the Board of Ethics of the Town of Seymour. Many thanks to them.

BOARD OF ETHICS AT THE TIME OF THE FIRST REVISION – 5/18/93

John D'Alexander
Chairman

Linda Bellavance
Secretary

Lois Hummel, Larry Bachman, Winifred Barton

BOARD OF ETHICS AT THE TIME OF THE SECOND REVISION – 4/11/06

George Balsamo, Deborah Zotti
Co-Chairs / Secretaries

Eleanor Hoffman, Michael Magut