

TOWN OF PRESTON



Code of Ethics Training Manual

REVISED 2016

HISTORY AND AUTHORITY

- The Town of Preston adopted its Code of Ethics Ordinance at a Town meeting in November 2005.
- Connecticut law provides the authority for towns to establish an Ethics Commission.

PURPOSE OF THE CODE OF ETHICS

- The Code states that the proper operation of Town government requires that public officials are independent, impartial, and responsible to the people; that they do not use their office for personal gain; and that the public has confidence in the integrity of its government.
- To promote that objective, the Code of Ethics Ordinance sets standards and establishes guidelines for ethical conduct.

THOSE COVERED BY THE CODE

The Code of Ethics covers everyone who conducts the Town's business, including employees, elected and appointed Town officials, and public agents.

THE BODY OF THE CODE

- The Body of the Code sets out some specific standards and guidelines for ethical conduct for Town employees and public officials and public agents.
- The next slides explain those standards and guidelines.

CONFLICTS OF INTEREST

- No person covered by the Code shall engage in or participate in any business or transaction, including outside employment with a business, or have an interest therein, direct or indirect, which is incompatible with the proper discharge of his/her official responsibilities in the public interest or which may appear to impair his/her independent judgement or action in the performance of his/her official responsibilities.
- That is, your personal outside interests shall not be in conflict with your responsibilities to the Town.
- If it does you should consider resigning from one of them.
- For example: A Town employee who approves construction drawings could not also work for an architect building a new hotel in town.

GIFTS

- You cannot solicit or accept anything of value as a gift given to you because of your position in the Town.
- That is, no gifts in exchange for your support – direct or indirect. Your support means your vote, your action, or inaction.
- The description of gifts in Section 3, Definitions, of the Code explains what a gift is and is not.
- For example, a gift from an immediate family member is not a gift under the Code.
- Bereavement flowers are not a gift under the Code.

VOTING AND PARTICIPATING

- Public officials shall refrain from voting upon, or participating in, any matter if the public official has a beneficial interest in the matter.
- However, a public official may vote or participate in a matter of general policy whose interest is shared with a large segment of the population.
- This does not apply to participation in Town meetings, public hearings, voting in referendums or in Town elections.
- Note that in a small town, it is not hard to make a connection between a board member and some side effect of a vote cast or a decision made; so If you have only the appearance of a conflict, make it public and go on with your business.

APPEARANCE AND INTEREST

- No Town employee or public official shall appear on behalf of, or represent, private interests before any board, commission, or agency of the Town.
- You cannot use your position as a Town official to benefit someone else.
- For example: A Selectman may not approach the Planning & Zoning Commission as the representative of a developer.

APPEARANCE FOR SELF

- Nothing contained in the Code prohibits anyone from appearing before any board, commission, or agency of the Town on his own behalf.
- Any person covered by the Code may voice his opinion as a private citizen on private interests before any board, commission, or agency.

CONFIDENTIAL INFORMATION

- As a Town employee or public official you may receive, or have access to, privileged or confidential information.
- Confidential information is information, oral or written, that is obtained because of your official position, and is not a matter of public record or public knowledge.
- Unless required by law, no one covered by the code shall disclose confidential information concerning Town affairs, or use such information for his own beneficial interests.

USE OF PUBLIC PROPERTY

- No person covered by the code shall request or permit the use of town-owned equipment, facilities, vehicles, materials, or property for personal convenience or profit.
- As a Town employee or public official, you have the same access to Town property as any other citizen.
- Note that some Town property or equipment is available for public use or is provided by the Town for use by public officials in the conduct of official business.

CONTRACTS WITH THE TOWN OF PRESTON

- The Town cannot bypass the process for bidding or awarding of contracts in order to benefit a Town employee or public official.
- No Town employee or public official, or a business with which he is associated, or member of his immediate family shall enter into a contract with the Town unless it is awarded through a process of notice and competitive bidding.

USE OF INFLUENCE, POWER OR AUTHORITY

- No public official may use his position or office for his personal financial benefit. That includes;
 - the employee or official,
 - a business with which he is associated, or
 - a member of his immediate family.

- You cannot use your position as a Town employee or public official for personal benefit.

FEES AND HONORARIA

- No Town employee or public official shall accept a fee or honorarium for a written article, appearance, or speech, or for participation at an event in his official capacity.
- This does not prohibit reasonable reimbursement for travel expenses.
- You cannot seek personal profit from your public position.

FORMER EMPLOYEES AND PUBLIC OFFICIALS

"Revolving Door"

- Most provisions of the Code continue to apply for 2 years after the end of your service to the Town.
- You cannot use your former position for personal benefit for 2 years after you leave office.
- Also, if you participated in the negotiation or award of a Town contract with a value of \$100,000 dollars or more, you may not accept employment with a party to the contract for a period of one (1) year after the contract is completed or one (1) year after the end of your service with the Town.

COMPLAINT PROCEDURE

Now, a quick review of the ethics complaint process.

THE COMPLAINT PROCEDURE

1. The Commission receives a complaint.
2. The Commission conducts a confidential investigation and holds a closed Probable Cause hearing to determine if a code violation hearing is needed.
3. If needed, the Commission holds a public hearing to determine if a code violation occurred.
 - The public hearing could take place over several days or weeks.
 - After the hearing, the Commission makes a finding and recommends a penalty if appropriate.

Note: At any time prior to the start of the Public Hearing, the Commission may enter into a stipulated agreement with the Respondent.

CONFIDENTIALLY OF COMPLAINTS

- Upon receipt of a complaint, the Commission conducts a confidential investigation to determine whether the filing of a complaint is warranted.
- The complaint, the investigation, and the probable cause hearing are all confidential until and unless there is a finding of probable cause and a public hearing is scheduled.
- If the Commission makes a probable cause finding that there is **no violation**:
 - there is no public hearing, and;
 - the complaint and the record of its investigation remains confidential.

PENALTIES

After a public hearing, and upon the finding of a violation of the Code, the Commission, in its discretion, may seek outside counsel and impose penalties.

RIGHT OF APPEAL

- Any person who believes he is adversely affected or aggrieved by a decision of the Commission may seek relief or remedies as permitted by law.
- The right of appeal is available through the normal judicial process.

ADVISORY OPINIONS

- A person may request the Ethics Commission to provide an advisory opinion with regard to any provision of the Code.
- If you find yourself in a situation where you think you may be in violation of the code, you can get an official opinion from the Commission.
- Once given, the opinion is binding on the Commission in case any complaint is made on the same matter.
- A person who acts on an opinion provided by the Commission will not be held liable.

ADMINISTRATIVE ITEMS

Now some final administrative items.

TRAINING AND DISTRIBUTION

- The Code of Ethics Ordinance makes it mandatory that the Ethics Commission conduct training for all Town officials and employees.
- Each public employee and public official must be given a copy of the Code.

SUMMARY

1. When you represent the Town, it must be clear that you represent the Town only – not yourself, your family, friends, or other private interests.
2. As a Town employee or Town official your decisions and actions must be in the interest of the Town, not for personal benefit.
3. When you are aware of direct or indirect conflict of interest you should recuse yourself from all participation, discussion, debate, or vote on the matter.

QUESTIONS AND COMMENTS

That ends this presentation.

If you have any questions or want more information, please use this email address ethics@preston-ct.org

TOWN OF PRESTON



CODE OF ETHICS TRAINING