

**CODE OF ETHICS
FOR THE
TOWN OF PRESTON**



Originally Adopted October 20, 2005

CODE OF ETHICS FOR THE TOWN OF PRESTON

CODE REVISIONS

Full revision of Code

Approved 01/14/16

Section 3 – Definitions – add definition of Probable Cause

Approved 04/14/16; Eff. 04/28/16

Section 4 – Town Ethics Commission – A. Appointments, Para. 2) Regular Commission Members – remove the following line “Terms of office shall be staggered so that the terms of no more than one (1) regular member shall expire in the same calendar year’ and Para. 3) Alternate Commission Members – remove the following line “Terms of office shall be staggered so that the term of no more than one (1) alternate member shall expire in the same calendar year’.

Approved 01/13/2021; Effective 01/13/2021

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CODE OF ETHICS FOR THE TOWN OF PRESTON

Section 1 Statement of Purpose

The proper operation of the government of the Town of Preston requires that public officials and employees act as public servants: courteous, impartial, honest, open, and responsible to Town residents; that they make decisions and policies free of improper influence; and that they use their office and employment in the best interests of the Town, and not for personal gain.

It is important that Town officials and employees understand the conflicts of interest they confront while carrying out their duties for the Town and recognize the importance of preventing conflicts from occurring, disclosing conflicts when they arise, and withdrawing from any involvement in a matter where they have a conflict.

The purposes of this Code of Ethics are:

- a) To establish standards of ethical conduct for Town officials, employees, consultants, and those who do business with the Town;
- b) To provide clear guidance with respect to such standards by clarifying which acts are allowed and which are not;
- c) To promote public confidence in the integrity of Town government and administration;
- d) To provide for the consideration of potential ethical problems before they arise and to enhance the accountability of Town government to Town residents; and
- e) To provide for the fair and effective administration and enforcement of this code.

In pursuit of these goals, there is hereby established for the Town of Preston the following Code of Ethics (the "Code").

This Code of Ethics is established pursuant to Connecticut General Statutes Section 7-148h, and pursuant to said section, the provisions of subsections (a) to (e), inclusive of Connecticut General Statutes Section 1-82a shall apply.

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Section 2
Those Covered by the Code

The Code shall cover and apply to Public Officials, Public Employees and Public Agents, all as defined in Section 3 of the Code.

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Section 3 Definitions

“Advisory Opinion” shall mean a formal written decision of the Ethics Commission interpreting the Code or applying any provision of the Code to a given statement of facts as requested.

“Beneficial Interest” shall mean any financial or personal interest, which is not available to members of the public. Beneficial interest shall also include the interest of any immediate family member in a business with which he/she is associated. Beneficial interest may be expressed as a personal gain or loss.

“Business” shall mean any entity through which an enterprise for profit or not-for-profit is conducted in any form.

“Business Days” shall mean Monday through Friday (excluding Federal and State Holidays)

“Business with which he/she is associated” shall mean a business of which the person, or a member of his/her immediate family, is a director, officer, owner, employee, compensated agent, or holder of stock, which constitutes five percent (5%) or more of the total outstanding stock of any class of stock.

“Code” shall mean this Code of Ethics for the Town of Preston.

“Complainant” shall mean any person who makes a written allegation of a violation of the Code to the Ethics Commission.

“Confidential Information” shall mean information, whether transmitted orally or in writing, which is obtained by reason of the person’s public position or office, and is of such nature that it is not, at the time of transmission, a matter of public record.

“Commission” shall mean the Town of Preston Ethics Commission established by this code.

“Financial Interest” shall mean any interest with a monetary value of one hundred dollars (\$100) or more, or which generates a financial gain or loss of one hundred dollars (\$100) or more, in a calendar year.

“Gift” shall mean anything of value, including services, entertainment, food, beverage, travel, and lodging given to or paid to a person covered by the Code, to the extent that consideration of equal or greater value is not received.

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A gift does **not** include:

- 1) A political contribution otherwise reported as required by law or a donation or payment to a fund-raising affair as described in subdivision (9) or (10) of subsection (b) of Sec. 9-601a of the Connecticut General Statutes;
- 2) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;
- 3) A gift received from:
 - a. An individual's parent, brother or sister, or the parent, brother or sister of the individual's spouse.
 - b. An individual's spouse, fiancé, fiancée or party to a civil union, or;
 - c. The child of such individual or the spouse of such child.
- 4) Goods or services which are provided to the Town and facilitate governmental action or functions;
- 5) A certificate, plaque or other ceremonial award costing less than two hundred dollars (\$200);
- 6) A rebate or discount on the price of anything of value made in the ordinary course of business without regard to that person's status;
- 7) Printed or recorded information material germane to governmental action or functions;
- 8) Items of nominal value, not to exceed twenty-five dollars (\$25), which contains or displays promotional material;
- 9) An honorary degree bestowed upon a public official or public employee by a public or private university or college;
- 10) A meal provided at an event and/or the registration or entrance fee to attend such an event, in which the person covered by the Code participates in his/her official capacity;
- 11) A meal provided in a private home;
- 12) Gifts in-kind of nominal value not to exceed fifty dollars (\$50) tendered on gift-giving occasions generally recognized by the public, including holidays, birthday, the birth or adoption of a child, weddings, confirmations or bar/bat mitzvahs, provided the total value of such gifts in any calendar year do not exceed one hundred dollars (\$100)
- 13) Token gifts; as defined herein;
- 14) Bereavement flowers or floral sprays.

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“Immediate family” shall mean any spouse, party to a civil union, child or dependent relative who resides in the individual’s household.

“Individual” shall mean a natural person.

“Individual with whom one is associated” shall mean an individual with whom the person or a member of his/her immediate family mutually has an interest in any business.

“Official Responsibility” shall mean the direct administrative or operating authority, whether intermediate or final and whether exercisable personally or through subordinates, to approve, disapprove, or otherwise direct government action.

“Person” shall mean an individual and any other entity, including but not limited to a sole proprietorship, trust, corporation, union, association, firm, partnership, limited liability company, committee, club or other organization or group of persons.

“Personal Interest” shall mean an interest in any action taken by the Town or expenditure of Town funds in which an individual will derive a non-financial benefit or detriment.

“Probable Cause” shall mean Probable cause comprises such facts as would reasonably persuade an impartial and reasonable mind not merely to suspect, but to believe that the activity alleged has occurred.

“Public Agent” shall mean those who are authorized to exercise any power to perform duties or provide goods, services, advice, studies or to transact business for the Town or the Board of Education.

“Public Employee” shall mean a person employed, whether part-time or full-time, by the Town or a political subdivision thereof.

“Public Official” shall mean an elected or appointed official, whether paid, unpaid, full-time or part-time, of the Town or an agency, board, commission or committee.

“Respondent” shall mean the person who is accused of a violation of the Code.

“Special District” shall mean a district established pursuant to Section 7-324 of the Connecticut General Statutes.

“Token Gift” shall mean “gifts” of non-alcoholic beverages, food items, plant or flowers not to exceed fifty dollars (\$50) from any person or organization in any given calendar year.

“Town” shall mean the Town of Preston, including any special district contained therein.

“Volunteer” shall mean any person who enters into service of the town of his/her free will and for no compensation of any kind.

**Section 4
Town Ethics Commission**

A. Appointments

1) The Commission

There shall be an Ethics Commission (the “Commission”) consisting of three (3) regular members and three (3) alternate members.

2) Regular Commission Members

Regular members shall be appointed by unanimous vote of the Board of Selectmen for a term of three (3) years. Terms of office shall be staggered so that the terms of no more than one (1) regular member shall expire in the same calendar year. At the completion of an appointed term, that member can request to be reappointed for another three (3) year term. No more than two (2) of the regular members shall be members of the same political party. If a regular member resigns his/her position or if there is otherwise a vacancy on the Commission, an alternate member shall be appointed by the Board of Selectmen to fill the vacancy, provided that the person appointed shall be of the same political party as the regular member that resigned or has vacated the position, or be an unaffiliated voter, so that the political composition of the Commission remains the same.

3) Alternate Commission Members

The three (3) alternate members shall be appointed by unanimous vote of the Board of Selectmen for a term of three (3) years. No more than two (2) of the alternate members shall be members of the same political party. Terms of office shall be staggered so that the term of no more than one (1) alternate member shall expire in the same calendar year. At the completion of an appointed term, that member can request to be reappointed for another three (3) year term. Alternate members shall be expected to attend all Commission meetings and discussions, including executive sessions and closed confidential sessions, but shall not vote on pending issues unless a regular member recuses himself/herself or is absent at the time of the vote. When it is necessary for an alternate member to be seated at a meeting, preference will first be given to the longest serving alternate, thereafter on an alternating basis, providing the political composition of the Commission members acting on any item remains the same.

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B. Qualifications

All Commission members (regular and alternate) shall be electors of the Town. No member shall:

- 1) Have any beneficial interest or financial interest in matters before the Town or the Board of Education.
- 2) Have been found in violation of any federal, state, municipal or professional code of ethics.
- 3) However, if an Ethics Commission member is also a member of a Town Board, Commission or Agency or employed by the Town or Board of Education and a complaint is filed against one of the aforementioned or any member thereof, that member must recuse himself or herself.

C. Commission Structure

- 1) The Commission shall elect a secretary, a chairperson who shall preside at meetings of the Commission, and a vice-chairperson to preside in the absence of the chairperson. The chairperson and vice-chairperson shall be regular members. Alternate members may vote for the election of a chairperson, vice-chairperson, and secretary. Three (3) members shall constitute a quorum. Unless otherwise provided herein, a majority vote of the Commission shall be required for action of the Commission. The Commission shall meet no less than annually. The chairperson or any two (2) regular members may call a meeting.
- 2) Meetings will be conducted under Robert's Rules of Order (current version) as modified by Commission By-laws.

D. Powers and Duties

The Commission shall:

- 1) Make each decision impartially, objectively, without political partisanship or on the basis of any ideology.
- 2) Interpret the Code.
- 3) Investigate and rule on Complaints.
- 4) Compile and maintain a record of all reports, advisory opinions, statements, and memoranda filed by and with the Commission to facilitate public access to such reports and statements, subject to disclosure requirements as provided by the Code and State law.
- 5) Issue advisory opinions with regard to the requirements of the Code upon the request of any person covered by the Code on the prescribed Form A. Advisory opinions rendered by the Commission, until amended or revoked, shall be binding on the Commission, and any person who relies on an advisory opinion shall not be held to have violated the Code, provided that the person acted in good faith reliance upon the advisory opinion.

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- 6) Report annually on or before August 1 to the Board of Selectmen summarizing the activities of the Commission.
- 7) Review the Code as necessary for possible amendments.
- 8) Provide education and training on the Code.

The Commission may:

- 1) Adopt, after a public hearing, rules, regulations and By-Laws, for the administration and implementation of the Code.
- 2) Employ necessary staff or outside counsel within budget.
- 3) Impose penalties as provided in the Code.

E. Complaints Procedure

Complaints will be handled in the following manner:

- 1) Filing with the Commission of a Complaint by any person shall be on the prescribed **Form B** and signed under penalty of false statement.
- 2) No Complaint may be made or initiated under the Code except within two (2) years after the violation alleged in the Complaint has been committed.
- 3) The Commission shall provide notice and a copy of the Complaint by certified mail with return receipt required to the Respondent and Complainant not later than five (5) business days after the receipt of such Complaint or the initiation of such Complaint by the Commission.
- 4) No person covered by the Code shall take or threaten to take action against an individual for such individual's disclosure of information to the Commission under the provisions of the Code or State law.
- 5) Prior to a probable cause hearing the Commission shall not disclose the identity of such individual without his/her consent unless the Commission determines that such disclosure is unavoidable during the course of an investigation.
- 6) The Commission shall use its best efforts to investigate the Complaint within thirty (30) business days of receipt or initiation to determine whether or not there exists probable cause that a violation of the Code has occurred. If the Commission finds that the Complaint and investigation does not allege sufficient facts to constitute probable cause that a violation of the Code has occurred, the Commission shall dismiss the Complaint and notify the Complainant and the Respondent of its finding and provide each with a summary of its reasons for making such a finding by certified mail not later than three (3) business days after such dismissal.
- 7) If by unanimous vote of the members of the Commission find that the Complaint alleges sufficient facts to constitute probable cause that a violation of the Code has occurred, then the Commission shall make public its finding not later than

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- five (5) business days thereafter and within thirty (30) business days after so finding, the Commission shall assign a date for the commencement of a hearing on the allegations contained in the Complaint. The hearing regarding any Complaint shall begin within thirty (30) business days after the Commission makes public its finding of probable cause and said hearing shall be concluded not later than ninety (90) days after its initiation.
- 8) At any time prior to the start of the public hearing on the allegations contained in the Complaint, the Commission may enter into a stipulated agreement with the Respondent. The stipulated agreement must have the unanimous concurring vote of the members.
 - 9) In the conduct of its assessment of an alleged violation of the Code, the Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and require the production for examination by the Commission of any books, papers, and financial documents that the Commission deems relevant in any matter under investigation or in question.
 - 10) The Commission shall conduct any hearing before it in the order and form and with such methods and proof as it deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The chairperson or his/her designee of the Commission shall be the presiding member of any hearing and shall rule on all evidentiary or procedural issues or objections.
 - 11) The Respondent shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses.
 - 12) The Commission shall make no finding that there is a violation of any provision of the Code except upon the unanimous concurring vote of the members. The Commission shall notify the Complainant and the Respondent of its findings and provide them a summary of its reasons for making such findings by certified mail not later than seven (7) business days after termination of the hearing.

F. Confidentiality of Complaints

- 1) Upon receipt of or initiation of a Complaint, the Commission shall conduct a confidential investigation to determine whether the Complaint alleges sufficient facts to constitute probable cause that a violation of the Code has occurred. Except upon the request of the Respondent, no Commission or staff member, Complainant, Respondent, or witness shall disclose to any other person any allegations or information supplied to or received from the Commission during the investigation.
- 2) If the Commission determines that the Complaint does not allege sufficient facts to constitute probable cause that a violation of the Code has occurred, the

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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 other person any information learned from the investigation, including knowledge of the existence of a Complaint, which the disclosing party would not otherwise have known.

- 3) During the conduct of an investigation, interviewees will be informed that the complaint and investigation are confidential until the finding of probable cause and a public hearing is scheduled.

G. Respondent's Recourse of Commission Findings

- 1) Any Respondent who believes he/she is adversely affected or aggrieved by a decision of the Commission may seek such relief or remedies as are permitted by law.

Section 5
Body of the Code

A. 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.

B. Gifts, Loans, Political Contributions and Favors

- 1) No public employee or public official, or member of such individual's immediate family or business with which he/she is associated, shall solicit or accept anything of value, including but not limited to, a gift (see Definitions, Section 3), loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.
- 2) If a person offers any gift or favor other than a token gift to anyone covered by the Code, that recipient must refuse the gift or favor.

C. Voting and Participating

- 1) Persons covered by the Code shall refrain from voting upon or otherwise participating in any matter affecting the Town if such person has a beneficial interest in the matter, including but not limited to any contract, transaction, and sale of real estate, materials or services to the Town. This provision shall not apply to voting in Town meetings, referendums or Town elections.
- 2) If such participation is within the scope of the person's official responsibility, he/she shall be required to disclose orally to the board, commission, committee or other Town body of which such person is a member, or to the person's immediate supervisor if the person is an employee of the Town or Board of Education.
- 3) Notwithstanding the prohibition in subsection (C, paragraph 1), a public employee or public official may vote or otherwise participate in a matter if it involves only a determination of general policy and the interest is shared with a substantial segment of the population of the Town.

D. Appearance and Interest

- 1) No person covered by the Code shall appear on behalf of or represent any private person before any Town board, commission or agency of which he/she

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is a member.

- 2) Notwithstanding the above, any person covered by the Code may voice his/her opinion as a private citizen on any matter before any meeting, board, agency or committee of the Town.

E. Appearance for Self

Nothing contained in this Code shall prohibit or restrict any person covered by the Code from appearing before any board, agency, commission or committee of the Town on his/her own behalf, or from being a party in any action, proceeding or litigation brought by or against the person to which the Town is a party.

F. Confidential Information

Unless required by law, no person covered by the Code shall disclose confidential information concerning Town affairs, nor shall he/she use such information for the beneficial interests of himself/herself or others.

G. Use of Public Property

No person covered by the Code 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 Town policy for the use by such person in the conduct of official Town business.

H. Contracts with Town – Public Contracts

No person covered by the Code or a business with which he/she is associated, or member of his/her immediate family, shall enter into a contract with the Town unless it is awarded through a process of notice and competitive bidding.

I. Use of Influence, Power or Authority

No person covered by the Code shall use his/her position or office to obtain or seek to obtain a beneficial interest for himself/herself, a business with which he/she is associated, an individual with which he/she is associated, or a member of his/her immediate family.

J. Fees and Honoraria

No person covered by the Code shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event while in his/her official capacity.

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K. Former Employees and Public Officials.

- 1) No former public employee or public official shall appear for a beneficial interest before any Town board or agency with which he/she was formerly employed or associated at any time within a period of two (2) years after termination of such service with the Town, except to represent himself/herself.
- 2) No person formerly covered by the Code shall represent anyone other than the Town concerning any particular matter in which he/she participated personally and substantially while in Town service.
- 3) No person formerly covered by the Code shall disclose or use confidential information acquired in the course of and by reason of his/her official duties, for beneficial gain for him/her or others.
- 4) No person formerly covered by the Code who participated directly in the negotiation or award of a Town contract obligating the Town to pay one hundred thousand (\$100,000) dollars or more in total, or who supervised the negotiation or award of such a contract, or who had the responsibility of, or actually supervised or reviewed the implementation of the contract, shall accept employment with a party to the contract other than the Town for a period of one (1) year after such contract is completed or one (1) year after termination of such person's service with the Town, whichever is later.

L. Distribution of Code

The Town shall cause a copy of this Code of Ethics to be distributed to every person covered by the Code. Copies of the Code shall be available in the Office of the Town Clerk and on the town's website (www.preston-ct.org).

M. Education and Training

The Commission shall conduct training of the Code for persons covered by the Code and have the training available on the town's website (www.preston-ct.org).

Training shall be mandatory for all Town officials and employees. The training shall include but not be limited to:

- 1) A review of each Section of the Code.
- 2) Hypothetical examples of possible "violations".

Ethics training for new town officials and employees is required and available on the town's website (www.preston-ct.org).

Upon revision of the Code, those changes will be published.

The Town of Preston shall fund the training for persons covered by the Code.

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Section 6
Penalties

Upon the finding of a violation of the Code, the Commission, in its discretion, may seek outside counsel and impose penalties:

Penalties such as:

- 1) Censure.
- 2) Reprimand.
- 3) Removal or suspension from appointed or elected office.
- 4) Suspension or termination from employment.
- 5) A civil fine of not more than the maximum allowed under State law per violation payable to the Town general fund.
- 6) Restitution for any financial loss to the Town.
- 7) Restitution of any benefits received by the respondent.
- 8) Termination or revocation of any contract with the Town.
- 9) Debarment from entering into any future contract or employment with the town.
- 10) Referral of information obtained or generated by the Commission to the appropriate authorities for further civil action or criminal prosecution.

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Full size versions of the forms shown or referenced in this booklet are available from the Ethics Commission and the Town Clerk.

They can also be downloaded from the Ethics Commission page of the Town of Preston website www.preston-ct.org

For more information, or if you need help in understanding the Code of Ethics, contact the Ethics Commission at ethics@preston-ct.org

Submit completed forms to:

Ethics Commission
Preston Town Hall
389 Route 2
Preston, CT 06365

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**FORM A.
REQUEST FOR ADVISORY OPINION**

Each person covered by the Code that has a beneficial interest, or any other concern in any matter before the Town, shall disclose that interest orally at the time the possible conflict arises.

Pursuant to Sec. 4 E.5, any person covered by the Code may use this form to request an advisory opinion as to whether a conflict of interest exists.

Please answer all of the following questions and attach additional sheets if necessary:

1. Please provide a detailed explanation of the nature of the possible conflict.

2. What section of the Preston Code of Ethics is related to the possible conflict?

I understand that an advisory opinion shall be considered binding and a final decision of the Preston Ethics Commission unless amended, revoked or overruled by a court of competent jurisdiction.

Signed,

Signature

Date

Print name

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FORM B
COMPLAINT OF VIOLATION OF CODE OF ETHICS

This form shall be completed and filed with the Preston Ethics Commission, Town Offices, 389 Route 2, Preston, Connecticut 06365-8830

Please answer the questions below and attach additional sheets if necessary:

1. Identify the person who is alleged to have violated the Code.

Name: _____

Title or Position: _____

2. Provide a detailed explanation of the nature of the violation.

Violation of the conflict of interest provisions of the Preston Code of Ethics shall be grounds for imposition of penalties under the Code.

Signed under penalty of false statement,

Signature: _____

Date: _____

Print name: _____

Address: _____

Email: _____

Phone: _____

