

Chapter 21 Ethics, Code of

[HISTORY: Adopted by the Board of Selectmen of the Town of Brookfield 8-2-2021.^[1] Amendments noted where applicable.]

[1] *Editor's Note: This ordinance superseded former Ch. 21, Ethics, Code of, adopted by the Board of Selectmen 10-26-2009.*

§ 21-1 Declaration of policy.

- A. Our Charter states: "All officials and employees of the Town shall carry out their duties with the highest ethical standards regardless of personal consideration. Their conduct shall at all times be for the public good and within the bounds of law, shall comply with the Town Charter and the Town Code of Ethics, shall be above reproach and shall avoid conflict between public and private interests and responsibilities."
- B. The trust of the people is one of the most important assets of our government. In order to insure that continuing trust, all who are elected, appointed, or hired to serve the public must fulfill their public duties faithfully and honestly, and subordinate any personal interest which conflict with the public interest.
- C. In accordance with the provisions of Section 7-148h of the Connecticut General Statutes and Article 10 of the Town Charter, there is hereby established a Code of Ethics. The purpose of this code is to provide standards for the conduct of officials and employees so as to maintain the public's confidence in the integrity and fairness of its government.
- D. This Code of Ethics shall be incorporated into the Personnel Manual for Town Employees and these standards of ethical conduct shall be applicable to all Town Officials, elected and appointed, and all employees, paid and unpaid, full-time and part-time, including employees who are members of any labor union. Notwithstanding the foregoing, all employees shall also be subject to all other administrative processes, including, without limitation, applicable disciplinary proceedings.

§ 21-2 Definitions.

For the purpose of this chapter, the following definitions shall apply:

ASSOCIATED

When used with reference to business, enterprise or organizations, includes the officer's/employee's relationship or close associate's/relative's relationship to that business, enterprise, or organization, or anyone who influences the activities of that business, enterprise or organization.

BUSINESS or ENTERPRISE

Any activity, association, commercial entity, sole proprietorship, consultation, trust or other legal entity designed to earn or otherwise obtain money, whether for profit or nonprofit.

CLOSE ASSOCIATE/RELATIVE

Includes a spouse, dependent child, or other close relationship of the officer/employee including a business associate.

FINANCIAL INTEREST

Includes a motivation for monetary gain arising primarily from the officer's/employee's interest or a close associate's/relative's.

HE/HIM/HIMSELF

Shall also mean to encompass she/her/herself.

OFFICER/EMPLOYEE

Shall refer to any person elected or appointed to any board or commission in Town and any person hired by the Town or its agencies or receiving wages or salary from the Town, except persons hired by, and/or who are under the direct supervision of, the Brookfield Board of Education.

PERSONAL INTEREST

Includes a motivation for action arising primarily from the officer's/employee's interest or a close associate's/relative's interest.

§ 21-3 Purposes.

In recognition of the importance of establishing a culture of ethical behavior, this code will:

- A. Set forth the standards for conduct by which officers/employees shall conduct all public business.
- B. Require that all officers/employees engage in ethical practices, which meet or exceed those standards set forth.
- C. Provide a process by which officers/employees may identify and resolve ethical issues.
- D. Establish penalties as appropriate for officers/employees who violate the public trust.

§ 21-4 Standards and guidelines for conduct.

- A. Benefit. Public officers/employees should serve for the benefit of the Town of Brookfield, and not for their personal benefit. Acceptance of any significant gift or favor based on the officer's/employee's position in Town is prohibited.
 - (1) Acceptable gifts would be token items (e.g., a mug, pen, inexpensive baseball cap) whose value is less than \$25 per event, for a total of \$100 annually from the same source/enterprise.
 - (2) Unacceptable gifts would be any items, regardless of value, whose main purpose is to influence the officer/employee to perform in a certain way on behalf of the giver. These would include, but are not limited to, a valuable act, contract, compensation, contribution, employment, favor, fee, fringe benefit, gift, gratuity, loan, offer, privilege, promise, service, or the promise that any of these things will be conferred in the future.
- B. Conflict of interest and personal benefits prohibited. No officer/employee of the Town shall engage in any business or transaction, which is incompatible with his official duties in the public interest or would tend to impair the independence or judgment or action in the performance of his duties as an officer/employee in the Town. Specifically, no officer/employee shall:
 - (1) Accept any benefit from any person or business that, to his knowledge, is interested directly or indirectly in business dealings with the Town.
 - (2) Otherwise engage in any business transactions, employment or professional activities, or private dealings, which are in direct or indirect conflict with the discharge of his official duties as an officer/employee of the Town.
- C. Deliberation and vote prohibited. No officer/employee shall vote, act, participate in official discussion or give official opinions on matters in which he has a direct or indirect financial or other personal interest. Any officer/employee, who, as part of his official duties, comes upon a circumstance where he may have a conflict, shall acknowledge publicly that a conflict exists. That action shall be noted in the minutes of the meeting and the officer/employee shall recuse himself from participation in that particular issue. The officer/employee does not have to disclose the specific nature of this conflict or submit a disclosure form. If the conflict occurs during the public session of a meeting, the officer/employee shall move away from the table and

may sit in the audience. If the conflict occurs in executive session, the officer/employee shall leave the meeting during the executive session.

D. Public confidence and property. No officer/employee shall:

- (1) Disclose or act on any confidential information concerning the property, government business or affairs of the Town to advance the private financial or personal interests of himself or others.
- (2) Request or permit himself or others to use Town-owned or -leased vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally, or are provided in conformance with established Town policies for the use of such officers/employees in the conduct of Town business.

E. Disclosure of conflict of interest or potential conflict of interest.

- (1) Any officer/employee shall, upon appointment or hiring, complete the "Board of Ethics disclosure form." Any officer/employee, who is required to take an oath of office pursuant to the Town Charter, shall file the disclosure form prior to being sworn in. This form, which shall be available from the Town Clerk, will be filed in accordance with the Town Charter.
- (2) In addition to acknowledgment of having received and agree to the rules established by this chapter, the following disclosures are required:
 - (a) All real estate located within the Town of Brookfield (other than the primary residence of the officer/employee) owned by the officer/employee, his spouse, dependent children, or held by a business or trust for the benefit of the officer/employee, his spouse or dependent children or business associates.
 - (b) The names of any businesses in which the officer/employee has a personal financial interest, and which have supplied goods or services to the Town in excess of \$10,000 per annum during the two years preceding the election or appointment of the officer/employee.
 - (c) In the event an officer's/employee's circumstance change that would require disclosure under this section, the officer/employee shall, within 30 days, file a new Board of Ethics disclosure form.

F. Awarding of Town contracts. No officer/employee shall participate in the selection, award or administration of a Town contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the officer/employee, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officer/employee of the Town must neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts.

G. Other abuses or misuses of position. Officers/employees of the Town should exhibit high standards of conduct at all times. In addition to being a violation of laws, it is a violation of this chapter for any officer/employee to:

- (1) Be convicted of the criminal offense of bribery, corruption, racketeering, larceny, or a minimal offense, the elements of which include criminal fraud or deception.
- (2) Engage in repeated discriminatory, harassing, abusive or intimidating behavior in the execution of his responsibilities as an officer/employee.
- (3) Engage in any intentional act of physical harm in the execution of his responsibilities as an officer/employee, excepting any act that is consistent with established guidelines for the use of force by individuals trained to do so in the line of duty.
- (4) Engage in any willful violation of the Town Charter.

§ 21-5 Board of Ethic's responsibilities and procedures.

- A. There shall be a Board of Ethics with responsibilities as outlined in state statutes (Section 7-148h) and the Town Charter (Article X). The membership of the Board of Ethics and terms shall be established in accordance with the Town Charter. In the application of this chapter, care should be given to distinguish between concerns of management of Town employees and violations of the public trust. The daily management of employee performance is the responsibility of Town managers. Personnel policies should be the first guide in those areas where applicable. Similarly, the routine activities of Commission members should be governed by their respective by-laws.
- B. To provide for a fair and respectful hearing, protecting the rights and interests of all parties, the Board shall:
- (1) Receive communication and/or complaints through the office of the Town Clerk. The Board will establish a form to be available in the Town Clerk's office. Pursuant to statutes, complaints shall remain confidential until a finding of probable cause.
 - (2) Establish by-laws governing its procedures and providing for the holding of regular and special meetings.
 - (3) Administer oaths.
 - (4) Conduct hearings as needed to hear and decide specific cases in which a violation of this chapter is alleged in a complaint. Pursuant to C.G.S. § 7-148h, the processing of complaints shall comply with the requirements of C.G.S. § 1-82a.
 - (5) Consider rendering advisory opinions:
 - (a) The Board may respond to requests for advisory opinions. Such advisory opinions shall be in writing and filed in the Town Clerk's office.
 - (b) The Board may decline to respond to requests for advisory opinions.

§ 21-6 Statute of limitations.

- A. Complaints are to be filed within two years after violations of this chapter are alleged to have occurred.
- B. A complaint alleging a violation must be filed within six months from the date the person filing the complaint knew or should have known of the alleged violation.

§ 21-7 Penalties.

Any disciplinary action that the Board of Ethics recommends to the Board of Selectmen shall be appropriate to the findings of fact, the position of the offender and the gravity of the offense. The Board of Ethics may recommend any action which is lawfully permitted to, including, but not limited to, any one or combination of the following:

- A. Public admonition or reprimand.
- B. Suspension or demotion.
- C. Forfeiture of or removal from appointed or elected office.
- D. Termination of employment.
- E. Cease and desist order, which must be enforced by court of competent jurisdiction.
- F. A fine up to the maximum amount permitted by law.

§ 21-8 Liberal construction.

- A. The provisions of this chapter are to be constructed liberally, to the end that the public interest be fully protected.
- B. This chapter shall be construed in a manner consistent with all applicable federal and state laws and applicable to provisions of the Charter. In the event a conflict exists between this chapter and a federal or state law or the Charter, the federal or state law or Charter shall control.

