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#314

DIVISION 3. CODE OF ETHICS

Sec. 2-56. Declaration of policy and purpose

The proper operation of government of the Town of Glastonbury requires that public officials and public employees be impartial, responsible to the people and not have interests that would be incompatible with the proper discharge of their official responsibilities or tend to impair their independence of judgment or action in the performance of their official duties and responsibilities; that governmental decisions and policies be made in the proper channels of governmental structure and free from undue influence; that governmental office and employment not be improperly used for personal gain; that government officials and employees strive to avoid even the appearance of impropriety; and that the public has confidence in the integrity of its government. The purpose of this code of ethics is to maintain and enhance a tradition of responsible and effective public service by setting forth standards of ethical conduct to guide officials and employees in the conduct of their public responsibilities. This code of ethics also sets forth ethical standards for consultants who are in a position to influence the decisions of town agencies, officials or employees, and establishes an ethics commission to determine the applicability of the code to specific situations and to issue advisory opinions and memoranda of decision with respect to the conduct of officials, employees and consultants under the code.

This code of ethics is established pursuant to Section 1101 of the Charter of the Town of Glastonbury and Connecticut General Statutes Subsection 7-148h.
(Ord. No. 296, 7-8-03)

Sec. 2-57. Definitions.

For the purposes of this code of ethics, the following terms shall have the indicated meanings:

Agency is any board, commission, authority and committee of the town, including the town council and board of education.

Agent is the town manager, superintendent of schools, or the executive, administrator, or legislative official empowered to execute documents on behalf of the town, board of education, or other agency.

Appropriate Authority is the executive, administrator, official, board, commission or authority to whom or to which disclosure is directed to be made by section 2-65 of this division, or who has the administrative or operating authority to approve, disapprove, or otherwise direct government action.

Beneficial Interest means any non-financial interest or special treatment that is not common to other citizens of the town. An individual's "beneficial interests" shall include the "beneficial interests" of all members of his/her family.

Code is this code of ethics.

Complaint means an allegation concerning a violation of the Code following a finding of probable cause. Prior to a finding of probable cause, the commission may refer to any allegation concerning a violation of the Code as an "inquiry" or other appropriate term and require that any complaint be initiated by means of an inquiry.

Confidential Information means information, however transmitted, that is obtained by an official, employee or consultant by reason of his/ her public position and is of such nature that, at the time of transmission, it is not a matter of public record or public knowledge.

Consultant is any independent contractor or professional person or firm that is by virtue of an award of a public bid or contract as defined in Glastonbury Code of Ordinances sections 2-262 and 2-263, engaged by and receives compensation from the town or board of education for the purpose of providing professional, scientific, technical or other specialized opinion and is in a position to influence any decision of an agency, official or employee.

Employee is any person receiving a salary, wages or stipend from the town or board of education for services rendered, whether full time or part-time.

Family means the spouse, domestic partner, fiancé, fiancée, parents, grandparents, great-grandparents, lineal descendants, stepchildren, siblings, lineal descendants of siblings and stepsiblings of an official, employee or consultant, or of his/her spouse or domestic partner.

Official is any person holding elective or appointive office in the government of the town and shall include, but not be limited to, the town council, board of education, board of finance, town plan & zoning commission, town attorney, or any other agency.

Significant Financial Interest means any interest that: (1) has a monetary value of one hundred dollars (\$100.00) or more or generates a financial gain or loss of one hundred dollars (\$100.00) or more in a calendar year; and (2) is not common to the other citizens of the town. An individual's "significant financial interests" shall include the financial interests of all members of his/her family, but shall not include any duly authorized compensation from the town.

Town is the Town of Glastonbury.

Valuable Gift is a gift of more than fifty dollars (\$50.00) in value. A valuable gift includes, but is not limited to, entertainment, food, beverage, travel, and lodging to the extent that the gift value exceeds fifty dollars (\$50.00) for any one (1) occasion, and one hundred dollars (\$100.00) total in any one (1) year from the same person, as well as loans that are not commercially reasonable.

Valuable gifts do not include:

- (1) A political contribution that is otherwise reported in accordance with the law.

- (2) A loan made on terms that are commercially reasonable and not more favorable than loans made in the ordinary course of business.
- (3) Any gift regardless of value received from: (i) any family member who resides in the same household as the recipient of the gift, or (ii) another family member unless the other family member who makes the gift is interested, directly or indirectly, in a business transaction or pending matter that is within the purview or responsibilities of (A) the recipient of the gift, or (B) another family member residing in the same household as the recipient of the gift.
- (4) Certificates, plaques or other ceremonial awards costing less than fifty dollars (\$50.00).
- (5) Honorary degrees.
- (6) A meal, ticket, beverages, and lodging costing less than or equal to fifty dollars (\$50.00), but only if the total of all such gifts from a particular person does not exceed one hundred dollars (\$100.00) in any one (1) year.

(Ord. No. 296, 7-8-03)

Sec. 2-58. Ethics commission.

(a) *Establishment.* The town council shall appoint an ethics commission consisting of five (5) regular members and two (2) alternate members. No more than two (2) of the regular members may be affiliated with any one (1) political party and the alternate members may not both be affiliated with any political party. The members of the commission shall serve four-year terms, except that at the first appointment by the town council three (3) regular members and one alternate shall be appointed for two-year terms, with the remaining regular members and alternate appointed for four-year terms. Thereafter, the town council shall appoint commission members in the manner provided in the Town Charter, provided that such members are qualified under subsection (c) below and that at all times at least one (1) regular member shall not be affiliated with any political party. Members of the ethics commission shall be appointed by a minimum of seven (7) affirmative votes of the town council.

(b) *Organization and procedure.* The commission shall elect a chairman and vice chairman/secretary who shall serve for two-year terms. The commission shall establish its own rules and procedures, not inconsistent with the Code which shall be available at the office of the town clerk. The first rules and procedures shall be established within six (6) months of the date on which the town council initially appoints members of the commission. The need to maintain confidentiality in order to protect the privacy of officials, employees and consultants shall be recognized by the commission when establishing its rules and procedures. The commission shall keep records of its meetings and shall hold meetings at the call of the chairman and at such other times as may be provided by rules and procedures adopted by the commission. The procedures of the commission in effect on [insert date ordinance revisions are adopted] are hereby incorporated into the Code as provided in section 2-69, and said procedures may be amended from time to time by submission of proposed amendments to the town council by the commission and adoption thereof by the town council.

(c) *Qualifications.* Each member and each alternate member shall be an elector of the town and shall not be compensated for service on the commission.

No member or alternate member shall:

- (1) Hold or campaign for any town or state office.
- (2) Hold, or have held for a period of two (2) years prior to being appointed as a member or alternate member of the commission, any town, state or federal office including the town committee of a local political party or be, or have been, a candidate for any town, state or federal office for a period of two (2) years prior to being appointed as a member or alternate member of the commission.
- (3) Hold office in any political action committee, or be an officer or member of a national committee of a political party, state central or town committee, or be employed by any such committee for compensation.
- (4) Serve as a member of any other agency.
- (5) Have been found in violation of any state, municipal or professional code of ethics.
- (6) Be employed by the town, or have been employed by the town during the period two (2) years prior to the date of appointment as a member or alternate member of the commission.
- (7) Publicly support or oppose, or have publicly supported or opposed during the period two (2) years prior to the date of appointment as a member or alternate member of the commission, any candidate for town office. "Publicly supported or opposed" shall include, but not be limited to, acting as a campaign worker, giving a speech at a political event, or publicly endorsing or opposing a candidate.

(d) *Powers and duties.*

- (1) The commission shall have the power to render advisory opinions with respect to the requirements of the code upon the request of any person subject to the provisions of the code or upon the commission's own initiative. The commission may also issue guidelines and a plain language handbook explaining the various provisions of the code. Such opinions and guidelines, until amended or revoked, shall be binding on the commission and reliance upon them in good faith shall be an absolute defense in any action brought under the provisions of this division or under Section 1101 of the Town Charter. Any request or opinion, the disclosure of which invades the personal privacy of any individual, as that term is used in Connecticut General Statutes §1-210(b) and interpreted by the Connecticut Freedom of Information Commission and the courts, shall be kept confidential by the commission in a personnel or similar file and shall not be subject to any public inspection or disclosure. The commission shall make available to the public any of its advisory opinions

that do not invade a personal privacy of an individual and may take other appropriate steps in an effort to increase public awareness of the code.

- (2) The commission's procedures shall specify how the public may initiate complaints alleging a violation of the code. All complaints shall be initiated on a form prescribed by the commission and signed under penalty of false statement. The commission itself, by majority vote, may also initiate a complaint. The commission shall have the power to hold hearings concerning the application of the code and alleged violations and may administer oaths and compel the attendance of witnesses by subpoena to the extent permitted by state law. As required by §7-148h(a) of the Connecticut General Statutes, the provisions of §1-82a (a) through (e) of the Connecticut General Statutes shall apply to all investigations and hearings held under this ordinance. If no less than four (4) members of the commission determine that there is probable cause it shall continue the investigation and hold such further hearings as may be necessary.
- (3) If the commission determines that the respondent has violated the provisions of this code, the commission shall file a memorandum of decision within ten (10) days following its finding of a violation with the town council and give notice of such memorandum to the respondent and the complainant. The commission shall also file its memorandum of decision with the town manager within ten (10) days after its finding of a violation if the respondent is an employee, consultant, or official appointed or under the jurisdiction of the town manager; with the superintendent of schools and the board of education if the respondent is an employee, consultant, or official appointed or under the jurisdiction of the superintendent of schools or board of education. The commission shall make no finding that there is a violation of any provision of the code except upon the concurring vote of at least four (4) of its members.
- (4) If the commission determines that the respondent has not violated the provisions of this code, the commission shall notify the respondent and complainant within ten (10) days of such finding.
- (5) Nothing herein shall limit the authority of the town council, town manager or the board of education and superintendent of schools under the Town Charter or under any ordinance, statute or any other law, and the actions hereunder shall be supplemental to any authority the town council, town manager or board of education and superintendent of schools has under any ordinance, statute or any other law. Any discussion by the town council, board of education or contracting agency of an individual affected by a commission memorandum of decision shall be in executive session unless the affected individual requests that such discussion be held in open session.
- (6) Nothing herein shall be construed to require disclosure of documents that are otherwise exempt under the Freedom of Information Act.

- (7) No complaint may be brought after three (3) years from the date the action giving rise to the complaint occurred.

(Ord. No. 296, 7-8-03)

Sec. 2-59. Consultants.

The code shall be incorporated after the effective date, by reference into all contracts entered into by the town and board of education with a consultant.

Persons or firms who are engaged by and receive compensation from other governmental entities, such as the state or federal government, and who are in a position to influence any decision of an agency, official or employee shall be guided by the code, and the commission, upon complaint or its own motion, may make recommendations to the entity employing such persons.

(Ord. No. 296, 7-8-03)

Sec. 2-60. Confidential information.

Except as otherwise required by law, no official, employee or consultant shall disclose, without proper authorization, confidential information, nor shall such person use such information to advance his/her significant financial interest or beneficial interest or otherwise use confidential information in a manner inconsistent with the proper performance of his/her public duties. This section shall not be interpreted to restrict the disclosure of information that is properly available to the public.

(Ord. No. 296, 7-8-03)

Sec. 2-61. Use of influence.

No individual shall use his/her position as an official, employee or consultant to seek, demand, or obtain a significant financial interest or a beneficial interest in his/her favor or the favor of any member of his/her family.

(Ord. No. 296, 7-8-03)

Sec. 2-62. Gifts and favors.

(a) No official, employee or consultant or any member of his/her family who resides in the same household, nor any agency, employee organization or group of employees shall solicit or accept any valuable gift, whether in the form of a service, a loan at a less than a commercially available rate, a material thing or a promise, from any person or entity who or which is interested directly or indirectly in any business transaction or pending matter that is within the purview of such official, employee, consultant, agency, employee organization or group of employees. No official, employee or consultant shall accept, or knowingly seek or cause to be given to any member of his/her family, any valuable favor, treatment, consideration or advantage beyond that which is generally available to citizens of the town from any person who, to the knowledge of the official, employee or consultant, is interested directly or indirectly in any business transaction or pending matter that is within the responsibilities of the official, employee or consultant. For purposes of this section, a pending matter includes, but is not limited to, any application to an agency, a bid for work to be performed, an application for employment, and any bid for the furnishing of supplies, equipment or services.

(b) This section shall not apply to any political contribution that is reported as required by law.
(Ord. No. 296, 7-8-03)

Sec. 2-63. Equal treatment.

Without proper authorization, no official, employee or consultant shall accept, seek, grant or cause to be granted any special consideration, treatment or advantage to such individual or his/her family by virtue of his/her position.
(Ord. No. 296, 7-8-03)

Sec. 2-64. Conflict of interest.

An official, employee or consultant has a conflict of interest when that individual engages in or participates in any contract, transaction, decision, employment, or rendering of service that is incompatible with the proper discharge of that individual's official responsibilities in the public interest or would tend to impair his/her independent judgment or action in the performance of official responsibilities.

A significant financial interest or beneficial interest presents a conflict of interest that is incompatible with the proper discharge of official responsibilities in the public interest if the official, employee or consultant has reason to believe or expect that he/she will obtain, secure or advance such interest by reason of his/her actions in performance or non-performance of his/her official responsibilities.

An official, employee or consultant does not have a significant financial interest or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if the interest accrues to such individual as a member of a profession, occupation, or group to no greater extent than it accrues to any other member of the profession, occupation, or group with which he/she is affiliated as set forth in Connecticut General Statutes Section 7-148h(b).
(Ord. No. 296, 7-8-03)

Sec. 2-65. Disclosure and disqualification.

(a) Any official, employee or consultant who has a conflict of interest, significant financial interest or beneficial interest, direct or indirect, in any contract, transaction or decision within the purview of his/her official responsibilities shall disclose that conflict of interest in accordance with Section 2-65(c)(1)-(6). Such disclosure shall disqualify the official, employee or consultant from participation in the matter, transaction, or decision.

(b) No official, employee or consultant shall appear on behalf of any private person or party before any agency in connection with any cause, proceeding, application or other matter in which he/ she has a significant financial interest or beneficial interest without first disclosing such interest to the agency, which shall record such disclosure in the record of the agency's proceeding.

(c) If there is an uncertainty whether an official, employee or consultant has a conflict of interest, significant financial interest or beneficial interest that could disqualify that individual

from participation in a matter, such individual shall disclose such possible conflict of interest to the following:

- (1) For an official who is a member of an elective or appointive board, commission, committee, or authority to the particular agency of which such official is a member.
- (2) For town employees and officials appointed by the town manager to town manager.
- (3) For board of education employees to the superintendent of schools.
- (4) The town manager to town council.
- (5) The superintendent of schools to the board of education.
- (6) For a consultant to the agent executing contract on behalf of the town or board of education.

(d) The appropriate authority to which the disclosure is made shall make an appropriate record of such disclosure and shall recommend to the official, employee or consultant making the report whether such official, employee or consultant should abstain from participating in the transaction or decision to which the possible conflict of interest relates and whatever other appropriate action should be taken.

(e) Any such questions concerning a possible conflict of interest may be referred to the commission for an advisory opinion.

(Ord. No. 296, 7-8-03)

Sec. 2-66. Incompatible employment and activities.

(a) No official or employee shall engage in or accept private employment or render services when the employment or services: (1) are incompatible with the proper discharge of the official duties of the official or employee; or (2) would tend to impair independence of judgment or action by the official or employee in the performance of that individual's official duty. No consultant shall engage in employment or render services for interests other than the town when such employment or services: (1) are incompatible with the proper discharge of his/her consulting duties on behalf of the town; or (2) would tend to impair the independence of the consultant's judgment or action on the matter for which the consultant has been engaged by the town.

(b) No former official, employee or consultant shall appear on behalf of any person or other entity before any agency with which he/she previously was employed or affiliated for a period of one (1) year after the termination of his/her public service or employment; provided, however, that such an individual may be permitted to make such an appearance upon receipt of a favorable commission opinion following the commission's review of the individual's written application and relevant facts.

(c) No former official, employee or consultant shall appear on behalf of any person or other entity before any agency in regard to a matter in which that individual previously

participated in the course of his/her official responsibilities for a period of one (1) year after the termination of his/her public service or employment; provided, however, that such an individual may make such an appearance upon receipt of a favorable commission opinion following the commission's review of the individual's written application and relevant facts.

(d) Subsections (a), (b) and (c) of this section shall not prohibit any current or former official, employee or consultant from appearing before any agency on his/her own behalf or on behalf of immediate family members. To avoid the appearance of impropriety, officials are strongly discouraged from recusing themselves and appearing before the agency on which they are a member or officer unless extenuating circumstances exist. When in doubt, an official should secure a favorable opinion from the commission prior to appearing before any agency on which the official is a member or officer.

(e) Nothing in the code shall be interpreted to authorize conduct restricted or prohibited by any provision of the Connecticut General Statutes including, but not limited to, Section 8-11, 8-21, and 22a-42(c) that restrict conduct of members of municipal zoning and planning authorities and members of wetlands and water courses boards or commissions.

(f) To avoid even the appearance of impropriety or creation of a situation that would be contrary to the declared policy and purpose of the code, an official, not otherwise restrained by the code, shall exercise care when appearing before other agencies and shall disclose whether he/she is appearing in his/her official capacity or as a private citizen.
(Ord. No. 296, 7-8-03)

Sec. 2-67. Penalty for violation.

In the event of a failure to comply with section 2-65 or any of the provisions of the Code or of Town Charter Section 1101, such failure shall be considered grounds for censure, reprimand, suspension, demotion, removal, or dismissal of officials, employees and consultants as applicable. The remedies and procedures specified in applicable statutory and Charter provisions, personnel rules, contract grievance rules, or other work rules, policies and procedures, shall be followed in the enforcement of this section.
(Ord. No. 296, 7-8-03)

Sec. 2-68. Acknowledgment form.

(a) The town clerk shall cause a copy of the Code and Town Charter Section 1101 to be distributed to every official not later than sixty (60) days after the effective date of this section. Each official who is appointed or elected after the effective date of this division shall be furnished a copy of the Code and Town Charter Section 1101 before beginning his/her duties as an official. A signed receipt for all copies shall be returned to the town clerk and retained on file.

(b) Each consultant shall sign and file with the town clerk an acknowledgment form indicating his/her awareness of the provisions of this code, and Section 1101 of the Town Charter on or before being retained by the town, board of education, or other agency.

(c) The town manager and superintendent of schools shall develop a protocol for periodic training of employees concerning this division and Town Charter Section 1101. The commission shall develop a protocol for periodic training of officials.

(d) The town council shall approve a procedure for monitoring compliance with this section and approve the training protocols specified in subsection (c).

(e) The commission shall develop an acknowledgement form for approval by the town council.

(Ord. No. 296, 7-8-03)

Sec. 2-69. Ethics Commission rules of procedure.

(a) These procedures shall be used by the ethics commission established in Section 2-58 hereof, and are designed to guide public officials, officers, employees, consultants and citizens of the process to be followed if they seek advice or question the conduct of those in or affiliated with Town government. Subsection (b), Advisory Opinions, describes a process for Town officers, officials, employees or consultants, and other parties doing business with the Town who are seeking advice about their own conduct or the conduct of a Town office or function. Subsection (c), Inquiries, describes a process for resolving questions about specific conduct of a current Town officer, official, employee or consultant, or about a Town office or function. Subsection (d), Complaints, describes a formal, public procedure for considering matters that cannot be resolved through the processes outlined in subsection (b) for Inquiries. Subsection (e), Other Communications; Miscellaneous, describes the process to be followed by anyone wishing to bring something to the attention of the commission, without requesting an Advisory Opinion or filing an Inquiry.

(b) Advisory Opinions

(1) Initiation

(a) Any current, former or prospective Town of Glastonbury employee, officer, official, consultant, or other party doing business with the Town may request an Advisory Opinion from the commission on whether conduct by that person or entity would violate the Code. Any current Town official also may request an Advisory Opinion concerning the activities of any department over which he or she has jurisdiction or board or commission on which he or she serves.

(b) Individuals initiating a request for an Advisory Opinion must do so by completing a form available through the Glastonbury Town Clerk's Office or through the Town's web site, www.glastonbury-ct.gov. The form must contain a statement setting forth the advice requested, and the relevant facts known to the individual making the request so that the commission can reasonably be expected to understand the nature of the request. The individual making the request must sign it.

(c) Requests must be addressed to the chair of the commission, c/o the Glastonbury Town Clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut who will forward the request promptly to the chair of the commission.

(d) The Town Clerk will maintain each original request for an Advisory Opinion in a confidential, indexed file until the request has been screened by the commission chair or vice chair to determine that it does not contain any allegation of a Code violation which would subject it to confidentiality requirements. Upon finding that no such allegation exists, the file will be made available for public inspection. The

commission chair or vice chair will specifically identify to the Town Clerk in writing which files should and should not be made available for public inspection.

(e) The date the request is received by the chair of the commission will mark the official date of receipt for purposes of deadlines for decisions.

(2) Proceedings

(a) The chair will present the request to the commission at its next regular meeting for which no agenda has been filed yet with the Town Clerk.

(b) The commission will meet to review the request. At that time, it may decide to: (1) seek additional information, (2) create a subcommittee of at least two commission members to make a recommendation for consideration by the full commission, (3) hold an informal hearing to receive comments from the individual who requested the Advisory Opinion and/or from the public, (4) investigate the relevant facts and issues in order to render the Advisory Opinion, and/or treat the matter as an Inquiry under subsection (c) hereof.

(3) Decisions

(a) Advisory Opinions will be made by a majority of commission members.

(b) The commission will issue an Advisory Opinion as expeditiously as possible but in any event within 90 days from the day it first considers the request. The commission may extend the time for decision for up to an additional 30 days.

(c) All Advisory Opinions must be in writing and communicated to the individual making the request.

(d) The commission may decline to render an Advisory Opinion if (1) the subject matter is not covered by the Code, (2) the known facts are incomplete or incorrect and the omissions or misstatements are material to the Advisory Opinion requested, or (3) other reasonable grounds exist for not taking action. If the commission decides to so act, it shall state its reasons.

(4) Confidentiality

(a) Requests for Advisory Opinions will be reviewed in open session unless, upon review by the commission chair or vice chair, it is determined that the matter would be more appropriately treated as an Inquiry under subsection (c) hereof and pursuant to Section 1-82a of the Connecticut General Statutes.

(b) Requests for Advisory Opinions that are treated as Inquiries under subsection (c) hereof will be reviewed in closed session, except upon the request of the person who is the subject of the Inquiry.

(c) Advisory Opinions for matters not treated as Inquiries under subsection (c) hereof will be available for public inspection through the Town Clerk's Office.

(c) Inquiries

(1) Initiation

(a) Any member of the public may submit an Inquiry asking whether a current officer, official, consultant or employee has failed to comply with the Code or asking about the appropriateness of conduct of a particular government office or function.

(b) The commission may itself initiate an Inquiry regarding a possible violation of the Code.

(c) Individuals initiating an Inquiry must do so by completing a form, available through the Glastonbury Town Clerk's office or through the Town's web site at www.glastonbury-ct.gov. The initiating individual must sign the form under penalty of false statement. The form must contain a description of the relevant facts in sufficient detail so that the commission and any person who is the subject of the Inquiry can reasonably be expected to understand the nature of the allegations.

(d) Inquiries must be addressed to the chair of the commission, c/o the Glastonbury Town Clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut who will forward the Inquiry promptly to the chair of the commission.

(e) The Town Clerk will maintain all original Inquiries in a confidential, indexed file.

(f) The date an Inquiry is received by the chair of the commission will mark the official date of receipt for purposes of deadlines for decisions.

(2) Notice

(a) Within 5 business days of the chair's receipt of the Inquiry or initiation of an independent Inquiry, the commission will notify the individual who is the subject matter of the Inquiry by registered or certified mail and will provide the person with a copy of the completed form, the Code, and this Section 2-69. The commission also will confirm in writing to the person who initiates an Inquiry that it was received by the commission.

(b) The person who is the subject of any Inquiry (Subject) may file a written response with the chair of the commission within 10 business days after receiving the notice.

(3) Proceedings

(a) The chair will present the Inquiry and any response received from the Subject to the commission at its next regular meeting held after receipt of the Inquiry, the mailing of notice to the Subject, and the passage of at least 10 additional business days. However, if the agenda for such meeting has been posted already with the Town Clerk, then the chair will present the Inquiry and any response to the commission at

its next following regular meeting. The commission also may consider the Inquiry at a special meeting called for such purpose after the passage of such 10-day period.

(b) The commission will meet one or more times in closed session from which the public is excluded to review the Inquiry and to determine whether or not there exists probable cause that the Code has been violated. In those sessions, it may decide to: (1) seek additional information, (2) create a subcommittee of at least two commission members to make a recommendation for consideration by the full commission, (3) proceed to investigate the relevant facts and issues in order to render a decision, (4) decline to review the matter further, pursuant to subsection (c)(3)(d) hereof, (5) endeavor to resolve the matter by convening a confidential meeting that includes the individual who is the subject of the Inquiry and others relevant to the issue, (6) make a finding of probable cause and treat the matter as a Complaint under subsection (d) hereof, and/or (7) make a finding of no probable cause. If the commission proceeds under steps (1), (2), (3), or (5) above, it will establish a schedule of meetings for consideration of the Inquiry, subject to the provisions of subsection (c)(4)(a) hereof.

(c) A finding of probable cause means that based on a review of the available information the commission determines that reasonable grounds exist to believe that a violation of the Code occurred.

(d) The commission may decline to continue to review a matter on any of these grounds:

- i. The alleged facts do not evidence the existence of probable cause of a violation of the Code.
- ii. The person who is the subject of the Inquiry is a minor.
- iii. The person who is the subject of the Inquiry is no longer an official, officer or employee of the Town or a consultant for the Town.
- iv. The matter occurred more than 3 years earlier or before the enactment of the Code by the Town of Glastonbury.
- v. The matter is judged to be frivolous, groundless, or brought for the purpose of harassment.
- vi. The person who is the subject of the matter has already taken corrective action and the commission believes the action taken was appropriate in the circumstances and the matter should not be pursued.
- vii. The commission has already taken action on the matter.
- viii. There are other reasonable grounds for not taking action.

(4) Decisions

(a) As expeditiously as possible but in any event within 120 days after the meeting at which the commission first considered the Inquiry and any response received from the Subject, the commission will decide that (1) the Inquiry requires no further action because it was resolved or did not require further review under subsection (c)(3)(d) hereof, or (2) probable cause exists that a violation of the Code occurred, in which case the Inquiry will be treated as a Complaint under subsection (d) hereof. The commission may extend the time for decision if circumstances justify a delay.

(b) No finding of the existence of probable cause may be made except upon the vote of at least four (4) members of the commission.

(c) Within 3 business days after making a decision under this subsection (c), the commission will inform in writing any person who filed an Inquiry and the person who is the subject of the investigation of its decision and of its reasons for the decision.

(5) Confidentiality

If the commission does not make a finding of probable cause, then the Inquiry and the record of the commission's investigation shall remain confidential, except upon the request of the person who was the subject of the Inquiry.

(d) Complaints

(1) Initiation

(a) After conducting an investigation of any Inquiry under subsection (c) hereof, if the commission finds probable cause exists, then it will make public its findings and its record of the investigation not later than 5 business days after its decision, except it may postpone public release of the record for up to 14 days for the purpose of resolving the matter with the person who is the subject of the Inquiry. If no resolution is reached, the commission will proceed in the manner described in this subsection (d).

(b) The findings and record of the investigation shall include: (1) the Inquiry; (2) evidence received or considered; (3) a reference to the particular section of the Code involved; and (4) a short and plain statement of the commission's reason for finding probable cause.

(c) Any member of the public who desires to file a Complaint against a current officer, official, consultant or employee for allegedly violating the Code must first pursue the matter as an Inquiry under subsection (c) hereof.

(2) Public Hearings

If the commission decides, after its investigation under subsection (c) hereof, that probable cause of a violation of the Code exists, it will conduct a public hearing to determine whether or not a violation occurred. At the hearing, the person who is the subject of the hearing will have the right to be represented by legal counsel, to present evidence and witnesses and compel attendance of witnesses and the production of books, documents, records and papers, and to examine and cross-examine witnesses and inspect and copy relevant and material records, papers and documents not in such person's possession. Not later than 10 days before the start of the hearing, the commission will provide the person with a list of its intended witnesses. The commission will make a record of the proceedings.

(3) Powers and Conduct of Hearings

(a) For the hearing, the commission will have the power to administer oaths, question witnesses, consider oral and documentary evidence, subpoena witnesses under procedural rules adopted by the commission as regulations in accordance with the provisions of Chapter 54 of the Connecticut General Statutes (Uniform Administrative Procedure Act) to compel attendance before the commission, and require the production for examination by the commission of any books and papers which it deems relevant in any matter under investigation or in question.

(b) The commission may require witnesses to testify under oath administered by the presiding officer or any other duly qualified person. The hearings shall be recorded and/or transcribed.

(c) Hearings are not governed by the legal rules of evidence and any information relevant to the matter may be considered. The commission will respect the rules of privilege recognized by the law. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and, upon request, parties and the commission will be given an opportunity to compare the copy with the original.

(4) Decisions

(a) Decisions by the commission that a person is in violation of the Code must result from the concurring vote of 4 of its members.

(b) The commission must render its decision within 60 days of the closing of the hearing.

(c) Such finding and memorandum will be deemed to be the final decision of the commission for the purposes of Chapter 54 of the Connecticut General Statutes. The person who was the subject of the hearing may appeal to the Superior Court in accordance with the provisions of Section 4-183 of the Connecticut General Statutes.

(d) If the commission finds that the Code was violated, it will provide the party who was the subject of the hearing and the Glastonbury Town Council with a copy of its findings and memorandum within 10 days after its decision. It will also advise the party of the right of appeal under Section 4-183 of the Connecticut General Statutes. At the same time, it will provide a copy of its findings and memorandum to the Glastonbury Town Manager, if such party is an employee, consultant or official appointed or under the jurisdiction of the Town Manager, or the Superintendent of Schools and the Board of Education of the Town of Glastonbury if such person is an employee, consultant or official appointed or under the jurisdiction of the Superintendent or such Board.

(e) Other Communications; Miscellaneous

(1) Other Communications.

The commission welcomes communications from the public even if they do not fall within the categories of an Advisory Opinion, Inquiry, or Complaint. These should be in writing and should include the name and address of the individual making the communication. The communication should be addressed to the chair of the commission, c/o the Glastonbury Town Clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut. Promptly after its receipt by the Town Clerk, the Clerk will forward a copy of the communication to the chair of the commission and will maintain the original in a confidential, indexed file until the chair or vice chair determines whether the request should be treated as confidential. Requests that are not treated as confidential will be available for public inspection. Communications will be handled on a case-by-case basis and at the discretion of the commission.

(2) Miscellaneous.

(a) As used in this Section 2-69, the term “business day” means a day other than a Saturday, Sunday or other day on which the office of the Glastonbury Town Clerk is closed to the public for business.

(b) Any proceeding undertaken by the commission to render an Advisory Opinion or investigate a possible violation of the Code will be governed by the Code and this Section 2-69.

(c) The commission may publish decisions in whole or in part if it decides that publication would serve the public interest and publication can be made in such a way as to protect the personal identity and privacy of persons who were the subject of any evaluation of a possible violation of the Code.

Sec. 2-70. Effective date

Nothing in the code of ethics shall impair or affect any act done, offense committed or right accruing, accrued or acquired, or an obligation, liability, penalty, forfeiture or punishment incurred prior to August 1, 2003, and the same may be enjoyed, asserted and enforced, as fully and to the same extent and in the same manner as they might under the laws existing prior to said date, and all matters pending on said date or instituted thereafter for any act done, offense committed, right accruing, accrued, or acquired, or obligation, liability, penalty, forfeiture, or punishment incurred prior to said date may be continued or instituted under and in accordance with the provisions of the ordinances and laws in effect at the time of the commission of said act done, offense committed, right accruing, accrued, or acquired, or obligation, liability, penalty, forfeiture, or punishment incurred.

(Ord. No. 296, 7-8-03)

Sec. 2-71. Reserved.