

# TOWN OF COLCHESTER



## BOARD & COMMISSION HANDBOOK

08/2010

# TABLE OF CONTENTS

	<u>PAGE</u>
• Introduction	1
• Member Responsibilities	2
• Officer Responsibilities	4
○ Chairman	
○ Vice Chairman	
○ Secretary	
• Meeting Conduct	6
○ Bylaws	
○ Robert's Rules	
○ Making a Motion, Seconds, Discussion, Voting	
• FOI Rules	9
• Colchester Code of Ethics	12
• Dealing with Press	18

# INTRODUCTION

Congratulations on your election or appointment to a Colchester Board or Commission. You have made a positive step in being an active participant in the Town.

Whether you now sit on a board that meets regularly or “as-needed,” your participation and viewpoints will have both an immediate and long-term effect on the Town and its residents. While you hear proposals, present ideas, and vote on outcomes, remain conscious of how you see the future of Colchester and whether your decisions assist in reaching those goals.

This handbook has been developed to provide guidance to newly elected or appointed officials. Please use this handbook as a reference and as a guide to your dealings with other board/commission members, constituents, the media, and others.

Again, the Town is grateful for your service and hope that you find your time on your board/commission as fulfilling and that you feel you have made a difference in the lives of your friends, family, and neighbors.

# MEMBER RESPONSIBILITIES

Being on a board/commission comes with a responsibility to the Town as well as other board/commission members.

## ATTENDANCE

All boards and commissions are beholden to a “quorum.” Without a quorum, the board/commission cannot hold an official meeting – as there are not enough voting members to constitute a majority. Without a quorum present, the board/commission can only discuss topics, but not vote. It is vital to be an active member of your board/commission.

Board/commission members, whether they are regular or alternate members, should notify the board/commission chairman whenever they are unable to attend.

## REGULAR VERSUS ALTERNATE MEMBER

If you have been elected or appointed to a board/commission as a regular member, it means that you immediately are a voting member of the group. You will be called upon to be at all regular and special meetings.

If you have been elected or appointed to a board/commission as an alternate member, it means that you are a “stand-by” member of the group. If, for whatever reason, a regular member is not able to perform their duties, you may be called upon to vote. Alternate members should attend all regular meetings to stay informed of board/commission decisions and how the group has reached their decisions. The chairman shall seat an alternate member in a rotation to allow all alternates an equal number of opportunities to participate.

## ATTENDANCE & RESIGNATIONS

If you are unable to meet the requirements of the board/commission, you should speak with the chairman about your role and if agreed upon, should submit the original letter of resignation to the Town Clerk and copies to both the chairman of the Board and the Board of Selectmen so that recruiting a replacement can begin.

# OFFICER RESPONSIBILITIES

Being an officer on a board/commission comes with a greater responsibility than regular members. You are looked to for guidance and leadership. In many cases, your opinion or concerns may carry more weight than others – whether that be perceived or reality.

## CHAIRMAN

It is the chairman's responsibility to be the "director" of the board/commission. With that comes: making sure there is quorum prior to the meeting, opening the meeting at the appropriate time, looking for motions and discussion on agenda items, directing debate/discussion on topics, and closing the meeting.

With regards to the topics to be discussed at any regular or special board/commission meeting, it is up to the chairman to set the agenda. An agenda may include:

- Call to order
- Approve minutes of last meeting
- Citizens comments
- Old business
- New business
- Adjourn

Some boards/commission may need other items permanently on their agenda, such as a liaison report, chairman report, or financial items. These items will depend on the mission of the board/commission. Items under "new business" or any new items that will be discussed must be listed on the agenda prior to the meeting to give citizens an understanding of what the meeting will entail and whether their presence is necessary. Please refer to your board/commission by-laws for guidance on setting an agenda.

**IMPORTANT** – According to Freedom of Information Act (FOIA) – all regularly-scheduled meetings must have their agenda posted within 24 hours of the meeting in the Town Clerks office and on the Town website.

While it is not the responsibility of the chairman to take or record the minutes, the chairman should make sure that someone is responsible for doing so, taking special care to record who made motions, seconded, and how board members voted on agenda items. This too is important, as FOIA rules that all motions must be available for public inspection within 48 hours of the end of the meeting.

Other responsibilities of the chairman include: knowing the terms of each member and their party affiliation (so as to follow the minority representation law of the State of Connecticut, C.G.S. §9-167a) and advising the Board of Selectmen on matters that relate to the respective board/commission.

#### VICE CHAIRMAN

The vice chairman's sole responsibility, outside of being a regular voting member of the board/commission, is to stand in for the chairman should they be absent or unable to attend the meeting. In this circumstance, upon assuming the role of chairman, the vice chairman should be well-versed in how to conduct a meeting, making sure the agenda has been developed and posted in the proper time frame, making sure there is a secretary for the meeting to take minutes, and that those minutes are properly posted with the Town Clerk in the proper time.

#### SECRETARY

The secretary (or clerk) of the board/commission has the responsibility of recording all motions, seconds, votes, and discussions of each meeting. However, prior to the meeting, the secretary should have the agenda established, with the guidance of the chairman, and posted at least 24 hours prior to the meeting in the Town Clerk's Office. After the meeting, the secretary has no more than 48 hours to post all motions and vote of the members of the board/commission in the Town Clerk's Office.

These strict guidelines are pursuant to the Freedom of Information Act, which can be found in the Connecticut General Statutes (Chapter 14).

# MEETING CONDUCT

Each meeting must abide by and follow certain rules, procedures, and precedents. These come in two forms: by-laws and rules of order. The first, by-laws, pertain to the specific board or commission that you are on. These should be readily available upon election or appointment and can be obtained by the Chairman of the board/commission or in the Town Clerks office. The second, rules of order (in the Town of Colchester's case, *Robert's Rules of Order*) are established and widely-recognized procedural rules for how to open, conduct, and close a meeting, along with other useful guidance on meeting conduct.

## BY-LAWS

Typical by-laws will outline the purpose, make-up, and organization of the board/commission/committee, and may include: starting/closing (termination) date, location/date of meetings, or any other provision that adds to the overall mission of the board.

### Purpose

Within the by-laws, the most important component is the purpose, or mission, of the board/commission. This will specifically outline the reason for why the board/commission/committee has been established and what its end-goal is. The purpose should clearly define why the board/commission is in place.

## RULES OF ORDER

While there are other "rules of order" guidebooks, all meetings in Colchester are governed by *Roberts Rules of Order*. The chairman of the board/commission should be aware of these rules, such as, how to make a motion, how to second, allowing discussion, calling for votes, recusals, abstentions, comments from the public, executive sessions, recording minutes, and other basic meeting procedures.

These guides are available online, in local bookstores, and in the Town Hall, if you need a reference or clarification of the rules.

## MAKING A MOTION – SECONDS – DISCUSSION - VOTING

### Motions

Other than the chairman, any member of a board or commission can make a motion, so long as they “have the floor,” meaning it is their turn to speak to the board or they have an opportunity to speak and there are currently no other questions or motions to the board/commission.

A motion is made as simply as stating, “I move that...” followed by the action that the board/commission member seeks to address. After making a motion, the person making the motion has the first opportunity to speak in debate of the motion. Motions are, and should only be, the executable action desired by the person making the motion. Discussion on a motion is given during the “discussion” period of motions, as motions should not be preceded by a speech, but following a “second to the motion.”

### Seconds

Once a motion is made, any board/commission member, who wished the motion come before the board/commission, should “second” the motion (seconding a motion does not necessarily mean that you agree with the motion). To “second” a motion, a board/commission member simply needs to state, “I second the motion,” “I second it,” or, “Second.” If there is no “second,” the chairman will make sure that all have heard the motion. If there is still no “second,” the chairman will state, “the motion is no longer before the board/commission,” and immediately state, “the next item of business is...”

### Debate/Discussion

After the motion has been seconded, the chairman of the board/commission will restate the question/motion and ask if there is any debate/discussion. As stated above, the maker of the motion is the first to discuss, if they have anything to contribute to the discussion. If they do not have anything to debate/discuss, any other board/commission member may contribute to debate/discussion. Members can only speak twice on a motion and debate should be limited to ten minutes per person.

### Voting

After debate/discussion has been exhausted, the chairman will “put the question/motion to vote.” Board/commission members will vote based on the typical voting style of the board/commission, such as “ayes” and “nays” or by a show of hands. The chair will always call for the affirmative votes first, followed by the negative votes. The negative tally must always be called, regardless of how unanimous the affirmative votes appear.

All voice votes are taken in the fashion: "All those in favor, say 'aye.'" "All those opposed, say 'nay.'" All hand votes are taken in the fashion: "All those in favor, raise your right hand, thank you." Followed by, "All those opposed, raise your right hand, thank you."

After the vote has been taken, the chairman will announce, "the 'ayes' have it and the motion is carried," or "the 'noes' have it and the motion is defeated."

ABOVE REFERENCES ARE FROM *ROBERTS RULES OF ORDER, NEWLY REVISED, 10<sup>th</sup> EDITION.*

# FREEDOM OF INFORMATION ACT (FOIA)

After the Freedom of Information Act passed Congress in 1975, Federal, State, and Local governments have been subject to lawful inspections of records. Included in these records are agendas and minutes of local board/commission meetings. These laws are very specific, pertain to every meeting, are meant to allow the public to be aware of upcoming meetings, and provide a summary of those meetings. Violation of these rules can result in lawsuits, court appearances, and fines.

## THE BASICS

Every meeting is open to the public. This does not mean that the public may participate, but they may attend. There are no closed meetings. The only exception is for Executive Sessions, which are limited to the following specific issues: 1) personnel matters, 2) strategy and negotiations with respect to pending litigation, and 3) potential real estate transactions by the Town when public discussion might result in an increased price. If you think you have cause to hold an executive session, check with the First Selectman or Town Clerk before you schedule it.

### Regular Meetings

Every board/commission must file with the Town Clerk a schedule of their regular meetings on an annual basis, before January 31. No regular meeting may be held until 30 days after this list is filed. Therefore, to hold a regular meeting in January, the list actually has to be filed on or before December 1, or the January meeting has to be a special meeting.

### Meeting Notice

Every regularly-scheduled meeting – per the above list – must be in some way documented. If the meeting is to be held, an agenda listing the business to be considered must be posted in the Town Clerk's Office. If the meeting is not held a notice of cancellation must be posted. If there is no quorum, thus no meeting, documentation of that fact must be posted – a kind of non-minutes for a non-meeting.

If a meeting is cancelled at the last minute, so that there was no opportunity to post notice in the Clerk's Office, notice must be posted on the door of the meeting room and/or building, and then followed with a notice in the Clerk's Office.

### Special Meeting

A special meeting – one not included in the list of regular meetings- must also have a posted agenda, and no business may be transacted at such a meeting unless it is listed on the agenda.

### Notice of Decisions/Minutes

For either a regular or special meeting, notice of decisions made must be filed with the Town Clerk within two business days, and full minutes of the meeting must be filed within seven days.

Minutes must include, at minimum, those members present and voting; location of meeting and time called to order; actions (votes/motions) taken, including who moved, who seconded, and what the vote was; and time adjourned. Minutes should also include a very brief summary of the discussion, such that someone looking back five years would be able to understand what occurred.

### Executive Session

An executive session must be listed on the agenda. A specific motion to go into executive session must be made, seconded, and approved by 2/3 of the members present. If any person not a member of the board or commission, who has specific purpose or input to the issue, is invited to attend, the name and purpose must be clearly stated in the motion. The time of start and completion of the executive session must be recorded in the minutes. No votes or actions of any type may be taken in executive session. Action or motions are to be made and recorded after the completion of the executive session.

### Conduct of Meetings

Public meetings are for the purpose of the orderly transaction of public business. In the event that any meeting is interrupted by any person or group of persons, so as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of those individuals willfully interrupting the meeting, the agency may order the room cleared and continue in session. In this instance, only matters appearing on the agenda may be considered. The board or commission may establish a procedure for readmitting individuals not responsible for willfully disturbing the meeting.

### Disclaimer

This section of the handbook is intended as the barest minimum of guidelines relative to the Freedom of Information Act. Section 1-200 of the Connecticut General Statutes controls the conduct of any public agency. The full text of the statute should be included in the procedural handbook of every board or commission. Both the chairmen and clerks of commissions have a responsibility to be familiar with these requirements. The Board of Selectmen have regular workshops on commission procedures and associated issues.

(Taken from, "Commission Procedures – Freedom of Information Act – FOI – For Dummies," by A. Lathrop. 02/2002)

## CODE OF ETHICS

Just as the Freedom of Information Act preserves openness and transparency for governmental meetings and by-laws govern local boards and commission, codes of ethics govern the members of those boards/commissions.

As a board member, you are bound to the Town's Code of Ethics, which is attached. You should be well-versed in all aspects of this policy.

If at any time you have a question or concern regarding the Code of Ethics or are unsure about a potential ethics issue, you can contact the Ethics Commission or First Selectman's Office.

**Chapter 53, ETHICS, CODE OF**

**[HISTORY: Adopted by the Town Meeting of the Town of Colchester 5-26-1998. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Conflicts of interest and Board of Ethics -- See Charter §C-1408.**

**§ 53-1. Statement of purpose.**

Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of the municipality, and it must be based on honest and fair deliberations and decisions. This process must be free from threats, favoritism, undue influence and all forms of impropriety so that the confidence of the public is not eroded. By enacting this code, this municipality seeks to avoid any loss of trust and to maintain and increase the confidence of our citizens in the integrity and fairness of their government.

**§ 53-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BUSINESS** -- Any entity through which business for profit or not for profit is conducted, including without limitation a corporation, partnership, proprietorship, firm, enterprise, limited liability company, franchise, association, organization or self-employed individual.

**BUSINESS WITH WHICH HE/SHE IS ASSOCIATED** -- A business of which the person or a member of his/her immediate family is a director, officer, owner, partner, member, employee, compensated agent or holder of stock which constitutes 5% or more of the total outstanding stock of any class.

**CODE** -- This Code of Ethics.

**COMMISSION** -- The Municipal Ethics Commission established in § 53-3.

**COMPLAINT** -- Any complaint received by the Commission alleging a violation of this Code of Ethics. See §§ 53-5 through 53-8.

**COMPLAINANT** -- A party that makes the complaint as described in §§ 53-5 through 53-8.

**CONFIDENTIAL INFORMATION** -- Information, whether transmitted orally, in writing or by any other means, which is obtained by reason of the public position or office held and is of such nature that it is not, at the time of transmission, a matter of public record or public knowledge.

**FINANCIAL INTEREST** -- Any interest with a monetary value of \$100 or more or which generates a financial gain or loss of \$100 or more in a calendar year.

**GIFT** -- Anything of value, including entertainment, food, beverage, travel and lodging, given or paid to a public official or public employee to the extent that consideration of equal or greater value is not received.

A gift does not include:

A. A political contribution otherwise reported as required by law or a donation or payment as described in Subdivision (9) or (11) of Subsection (b) of C.G.S. § 9-333b.

B. A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business.

C. A gift received from an individual's spouse, significant other, fiancée or fiancé, the parent, brother or sister of such spouse or such individual, or the child of such individual or the spouse of such child.

D. Goods or services which are provided to the municipality and facilitate governmental action or functions.

E. A certificate, plaque or other ceremonial award costing less than \$100.

F. 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.

G. Printed or recorded informational material germane to governmental action or functions.

H. Items of nominal value, not to exceed \$10, containing or displaying promotional material.

I. An honorary degree bestowed upon a public official or public employee by a public or private university or college.

J. A meal provided at an event and/or the registration or entrance fee to attend such an event, in which the public employee or public official participates in his/her official capacity.

K. A meal provided in the home by an individual who resides in the municipality.

L. Gifts of nominal value not to exceed \$25 tendered on generally recognized gift-giving occasions such as Christmas, Hanukkah, birthdays, the birth or adoption of a child, weddings, confirmations or bar/bat mitzvahs, provided that the total value of such gifts from any person in any calendar year does not exceed \$100.

**IMMEDIATE FAMILY** -- Any spouse, child or dependent relative who resides in the individual's household.

**INDIVIDUAL** -- A natural person.

**INDIVIDUAL WITH WHOM ONE IS ASSOCIATED** -- An individual with whom the person or a member of his/her immediate family mutually has an interest in any business.

**MUNICIPALITY** -- The Town of Colchester and shall include any special district contained therein.

**OFFICIAL RESPONSIBILITY** -- 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** -- An individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, limited liability company, club or other organization or group of persons.

**PUBLIC EMPLOYEE** -- A person employed, whether part time or full time, by the municipality or a political subdivision thereof.

**PUBLIC OFFICIAL** -- An elected or appointed official, whether paid or unpaid or full or part time, of a municipality or political subdivision thereof, including candidates for the office, and shall also include a district office elected pursuant to C.G.S. § 7-327.

**RESPONDENT** -- One who answers to an allegation of a violation of this Code of Ethics contained in a complaint.

**SPECIAL DISTRICT** -- A district established pursuant to C.G.S. § 7-324.

**§ 53-3. Municipal Ethics Commission.**

A. There shall be a Municipal Ethics Commission consisting of five members. The members shall be appointed by vote of the Board of Selectmen for terms of three years, except that, of the initially appointed members, one shall serve for one year, two for two years and two for three years. No individual shall be appointed to more than two consecutive three-year terms, provided that any member may continue in office until a successor has been appointed. No more than three members shall be members of the same political party.

B. All members shall be electors of the municipality. No member shall:

(1) Have held public office or have been a candidate for public office for a two-year period prior to appointment;

(2) Hold office in any political party or political committee; or

(3) Be a public official in any other capacity other than a notary public or Justice of the Peace.

C. The Commission shall elect a Chairperson who shall preside at meetings of the Commission and a Vice Chairperson to preside in the absence of the Chairperson. Three members shall constitute a quorum. A majority vote of the Commission shall be required for action of the Commission. The Chairperson or any three members may call a meeting.

**§ 53-4. Duties of Commission.**

A. The Commission shall:

(1) 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.

(2) Issue opinions with regard to the requirements of this code upon the written request of any person. Advisory opinions rendered by the Commission, until amended or revoked, shall be binding on the Commission and shall be deemed to be final decisions of the Commission. Any person who requested an advisory opinion and who acts in good-faith reliance on such advisory opinion shall be entitled to use such reliance as an absolute defense to any complaint brought under the provisions of the code in connection with the specific activities that were subject of the advisory opinion.

(3) Report annually on or before February 1 to the Board of Selectmen summarizing the activities of the Commission.

B. The Commission may adopt, after a public hearing, rules and regulations not inconsistent with this code for the administration and implementation of the code.

C. The Commission may employ necessary staff or outside counsel within available appropriations.

**§ 53-5. Procedure for receiving complaint.**

A. The Commission shall receive complaints from any person alleging violation of the code. Any complaint received by the Commission must be in writing on a form prescribed by the Commission and signed under penalty of false statement by the individual making said complaint before:

(1) A Judge of a court of record;

(2) A clerk or deputy clerk of a court having a seal;

(3) A Commissioner of Deeds or Town Clerk;

(4) A notary public;

(5) A Justice of the Peace; or

(6) An attorney admitted to the bar of the State of Connecticut.

B. If the complainant intentionally makes a false statement, he/she shall be subject to fines of up to \$ 1,000 and penalties of up to one year imprisonment under the provisions of C.G.S. § 53a-157b for a Class A misdemeanor.

**§ 53-6. Investigation procedures; time limits; notice and hearings.**

A. Upon the complaint of any person on a form prescribed by the Commission, signed under penalty of false statement, or upon its own complaint, the Commission shall investigate any alleged violation of this code. Until such time as the Commission makes a determination of probable cause, any allegations

and any information supplied to or received from the Commission shall not be disclosed to any party by a complainant, witness or Commission or staff member, except upon the written request of the respondent.

(1) Not later than 10 days after the receipt or issuance of such complaint, the Commission shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant. Complaints shall be noted as received at a scheduled meeting.

(2) If the complaint has been filed by a member of the public, the Commission shall review the complaint to determine:

(a) Whether the allegations contained therein if proved would constitute a violation of any provision of the code. If the Commission determines that the complaint does not allege sufficient facts to constitute a violation, the Commission shall dismiss the complaint and duly notify the complainant and respondent by registered or certified mail.

(b) If the Commission determines that the complaint alleges sufficient facts to constitute a violation, then within 30 days after so determining, the Commission shall fix a date for the commencement of the hearing on the allegation contained therein. Such hearing shall be conducted in two phases. In the first phase, the Commission will make a confidential determination as to whether there is probable cause to believe the facts alleged in the complaint actually occurred. If the Commission does not make a finding of probable cause, the complaint and all records for the hearing shall remain confidential except upon the written request of the respondent. If the Commission makes a finding of probable cause, the Commission shall proceed to the second phase, which shall be a public hearing to determine whether a violation has occurred. The hearing date regarding any complaint shall be not more than 60 days after the filing of the complaint.

B. In the conduct of an investigation of an alleged violation of this code:

(1) 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 and papers that the Commission deems relevant in any matter under investigation or in question. In the exercise of such powers, the Commission may use the services of the municipal police, who shall provide the same upon the Commission's request.

(2) The respondent shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses. All witnesses will be sworn.

C. 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 of its members.

D. Any hearing conducted by the Commission shall be governed by the Administrative Procedures Act, C.G.S. § 4-178.

E. No complaint may be made under this code, except within three years after the violation alleged in the complaint has been committed.

F. No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the Commission under the provisions of this code.

**§ 53-7. Confidentiality of complaints; evaluations of possible violations and investigations; publication of findings.**

A. Unless the Commission makes a finding of probable cause, a complaint alleging a violation shall be confidential, except upon the written request of the respondent unless such information is required to be disclosed pursuant to the Freedom of Information Act, C.G.S. § 1-200 et seq.

B. Prior to any other action on a complaint, the Commission may conduct a preliminary investigation to determine whether the filing of a complaint is warranted. This preliminary investigation shall be confidential, except upon the written request of the respondent.

C. If the Commission makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No complainant, witness, designated party or Commission or staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. The Commission shall inform the complainant and the respondent of its finding by registered or certified mail not later than three business days after termination of the hearing or investigation.

D. The Commission shall make public a finding of a violation not later than five business days after the termination of the hearing. At such time, the entire record of the investigation shall become public. The Commission shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making such a finding by registered or certified mail not later than three business days after termination of the hearing.

**§ 53-8. Penalties for offenses.**

A. Upon determination that a violation of any provision of the code has occurred, the Commission will impose sanctions as follows:

- (1) Public censure and reprimand;
  - (2) A civil penalty of not more than \$100 per violation; and/or
  - (3) Restitution of any pecuniary benefits received because of the violation committed.
- B. Upon determination that a violation of any provision of this code has occurred, the Commission may also recommend to the Board of Selectmen the following actions:
- (1) In the case of a public employee, disciplinary action as provided for by town policy and/or collective bargaining agreement.
  - (2) In the case of an appointed official, removal from office as provided in the Town Charter. EN
  - (3) In the case of an elected official, removal from office as provided in Connecticut General Statutes.

**§ 53-9. Public employees and officials.**

A. No public employee or public official shall engage in or participate in any business or transaction, including but not limited to outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of his/her official responsibilities in the public interest or which would tend to impair his/her independent judgment or action in the performance of his/her official responsibilities.

B. Gifts.

(1) No public employee or public official shall solicit or accept any gift from any person which to his/her knowledge is interested in any pending matter within such employee's or official's official responsibility.

(2) If a prohibited gift is offered, he/she must refuse it, return it, pay the donor the full value of the gift or donate it to a nonprofit organization, provided that he/she does not receive the corresponding tax benefit. Alternatively, it may be considered a gift to the municipality, provided that it remains in the municipality's possession permanently.

C. Voting.

(1) A public employee or public official shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if that employee or official, a business with whom he/she is associated, an individual with which he/she is associated or a member of his/her immediate family has a financial or personal interest in the transaction or contract, including but not limited to the sale of real estate, materials, supplies or services to the municipality; provided, however, that the restrictions of this Subsection C(1) shall not apply if such financial or personal interest accrues to him/her, his/her spouse, a dependent child or a business with which he/she, his/her spouse or a dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group.

(2) If such participation is within the scope of the public employee's or public official's official responsibility, he/she shall be required to provide written disclosure, which sets forth in detail the nature and extent of such interest, to the Commission.

(3) Notwithstanding the prohibition in Subsection C(1), a public employee or public official may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the municipality.

D. Appearance on behalf of private interests.

(1) Except for a public official who receives no compensation for his/her service to the municipality other than per diem payments and reimbursement of expenses, no public employee or public official shall appear on behalf of private interests before any board, agency or committee of the municipality.

(2) Except for a public official who receives no compensation for his/her service to the municipality other than per diem payments and reimbursement of expenses, no public employee or public official shall represent private interests against the interests of the municipality in any litigation to which the municipality is a party.

E. Appearance on own behalf.

(1) Nothing contained in this code shall prohibit or restrict a public employee or public official from appearing before any board or commission of the municipality on his/her own behalf, or from being a party in any action, proceeding or litigation brought by or against the public employee or public official to which the municipality is a party.

(2) No public official or public employee shall appear on behalf of private interests before any board, commission or agency of the municipality, nor shall he/she represent private interests in any action or proceeding against the town in any litigation, when such appearance or representation would be in conflict with or would impair his/her independence of judgment and action in the performance of his/her official duties as such officer or employee.

F. No public employee or public official shall disclose confidential information concerning municipal affairs, or use confidential information acquired in the course of and by reason of his/her official duties nor shall he/she use such information for the financial interests of himself/herself or others.

G. No public employee or public official shall request or permit the use of municipal-owned vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such are

available to the public generally or are provided as municipal policy for the use of such public employee or public official in the conduct of official business.

H. No public employee or public official, or a business with which he/she is associated, or member of his/her immediate family shall enter into a contract with the municipality unless it is awarded through a process of public notice and competitive bidding; provided, however, that this restriction shall not apply to any contract the total value of which is \$1,000 or less.

I. No public employee or public official shall use his/her position or office to take any action that would benefit, financially or otherwise, such employee or official or any other person or organization in a manner that is not available to all similarly situated persons or organizations, nor shall any public employee or public official take any action in his/her official capacity in exchange for or as a quid pro quo for any benefit of any kind that he/she has received from any persons or organization.

J. No public employee or public official shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event, in his/her official capacity.

K. 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 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.

L. No public official or public employee shall grant or accept any special consideration, treatment or advantage to or from any person beyond that which is available to every other person.

**§ 53-10. Paid consultants of municipality.**

A. No paid consultant of the municipality shall represent a private interest in any action or proceeding against the interest of the municipality which is in conflict with the performance of his/her duties as a consultant.

B. No paid consultant may represent anyone other than the municipality concerning any matter in which he/she participated personally and substantially as a consultant to the municipality.

C. No paid consultant shall disclose confidential information learned while performing his/her duties for the municipality nor shall he/she use such information for the financial interests of himself/herself or others.

**§ 53-11. Former public employees and officials.**

A. No former public employee or public official shall appear for compensation before any municipal board or agency in which he/she was formerly employed or with which he/she formerly served at any time within a period of one year after termination of his/her employment or service with the municipality.

B. No former public employee or public official shall represent anyone other than the municipality concerning any particular matter in which he/she participated personally and substantially while in municipal service.

C. No former public employee or public official shall disclose or use confidential information acquired in the course of and by reason of his/her official duties, for any reason, unless compelled to do so by law.

D. No former public employee or public official who participated substantially in the negotiation or award of a municipal contract obliging the municipality to pay an amount of \$100,000 or more, or who supervised the negotiation or award of such a contract shall accept employment with a party to the contract other than the municipality for a period of one year after such contract is signed.

E. No former public official or public employee shall appear before any board, commission, committee or agency of the municipality in relation to any case, proceeding, application or contract in which he/she personally participated during the period of his/her service or employment, or which was under his/her active consideration for a period of 12 months from the date of termination of his/her employment with or service to the town.

**§ 53-12. Conflict of interest statement; filing requirements.**

A. All appointed members of town boards and commissions, elected officials and department heads shall file, under penalty of false statement, on a form designated by the Ethics Commission, a statement declaring any conflict of interest or potential conflict of interest as defined in §§ 53-9 through 53-11 of this code.

B. All appointed members of town boards and commissions, elected officials and department heads must recuse themselves from any decision that would incur a conflict of interest or potential conflict of interest. Failure to do so will constitute a violation of this code.

C. Failure to file this conflict of interest statement as required by this section of this code shall constitute a violation of the code, subject to penalties as defined in § 53-8.

**§ 53-13. Distribution of code.**

The Commission shall cause a copy of this Code of Ethics to be distributed to every public employee and public official within 60 days after enactment of this code. Each public employee and public official shall be furnished a copy before entering upon the duties of his/her office or employment. A signed receipt for all copies shall be returned to the Chair of the Commission and retained on file.

# DEALING WITH THE PRESS

Opportunities may arise where a member of the press would like to speak with you regarding a board/commission decision or upcoming discussion. Understanding your role, that of the chairman, and of the First Selectman will greatly diminish the chance of “misspeaking” or saying something you wish you could later repeal.

The ability to differentiate between being a citizen and being a representative of the Town or board/commission is vital. When not representing the board/commission, citizens are free to speak on any issue. However, it should be understood that as a member of a town board/commission, your public persona may change into that of being perceived as a “representative” of the town.

## BOARD/COMMISSION

In most cases, the chairman of the board/commission will be the spokesperson for the group. Unless given authority by the chairman of the board/commission, members should be careful to politely delegate all questions and answers to the chairman. More importantly, when given authority, board/commission members should make sure all comments are directly related to board/commission activities and actions.

## TOWN-WIDE

In all cases, when a reporter asks a question regarding a town policy or an area outside the realm of the board/commission the member serves on, the First Selectman’s Office is responsible for answering questions, coordinating press conferences, or anything else with regards to media relations. In the event a board/commission needs to promote or arrange an event that relates to the board/commission, all aspects should be coordinated through the First Selectman’s Office.