

HAMDEN CHARTER REVISION COMMISSION BACKGROUND DOCUMENT: ETHICS

- **Charter 3-9 (See also, Charter §7.2.B – Conflict of Interest and Ethics:**
 - **Independent and Discretionary Action of Ethics Board¹:** The Ethics Board should provide oversight and proactive insight not just respond to requests from LC members for opinions. The Board is in the position of guiding the ethical character of Hamden.
 - **Address Conflicts of Interest²:** Address all conflicts of interest and make and enforce penalties for failing to meet such guidelines.
 - Recognize nepotism, cronyism, and conflicts of interest as violations of the town's charter³.

- **Charter 7-2.B – Board of Ethics⁴.**
 - Board of Ethics members should not be appointed by the Mayor as they are called upon to review complaints concerning elected officials and town employees.
 - The qualifications of these board members should be reviewed and tightened so that public confidence can be high that there is little opportunity for conflict of interest.
 - Reconsideration of what types of issues are appropriate for the ethics commission to review is needed. Complaints from the public should be considered.

- **Charter 7-2.B – Board of Ethics Authority to recommend Recusals for Legislative Council Members⁵.** The Board of Ethics should be empowered to be able to recommend recusals for Legislative Council members that have a conflict of interest in voting (when a complaint is received.)

¹ Submission by Judy G. Clark, Ridge Road: 9/21/2020.

² Submission by Elain Dove, Santa Fe Avenue: 9/21/2020

³ Submission by Jacob Feigenbaum, Edgehill Terrace: 11/27/2020.

⁴ Submission by Diane Hoffman, Wilmot Road: 9/27/2020. Note: "While reviewing the Charter, the possibility of conflict of interest should always be kept in mind and addressed as needed. Concerns over conflict of interest are constant and abundant in Hamden. There should be requirements addressing when town officials and employees must recuse themselves from participating in making a decision on a specific item."

⁵ Submission by Stephen Marsh, PhD, Blake Road: 10/19/2020.

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<p>Legal Issues/Comment/ Actions</p>	<ul style="list-style-type: none"> • December 9, 2020 (30 Minutes): Discussion with <u>TOWN ATTORNEY. ETHICS CHAIR AND COMMISSION COUNSEL (11/10/2020).</u>
<ul style="list-style-type: none"> • <u>Charter §7-1.I – Restrictions on Civil Service and Ethics Appointment⁶:</u> 	
<p>Legal Issues/Comment/ Actions</p>	<ul style="list-style-type: none"> • Commission to review restrictions (11/10/2020).
<ul style="list-style-type: none"> • <u>Charter 7-2.B (See, §3-9, above) – Board of Ethics⁷ and Board of Ethics Authority to recommend Recusals for Legislative Council Members⁸.</u> 	
<p>Legal Issues/Comment/ Actions</p>	<ul style="list-style-type: none"> • December 9, 2020 (30 Minutes): Discussion with <u>TOWN ATTORNEY. ETHICS CHAIR AND COMMISSION COUNSEL (11/10/2020).</u>

⁶ Public Testimony of Town Attorney Sue Gruen: 10/14/2020.

⁷ Submission by Diane Hoffman, Wilmot Road: 9/27/2020. Note: “While reviewing the Charter, the possibility of conflict of interest should always be kept in mind and addressed as needed. Concerns over conflict of interest are constant and abundant in Hamden. There should be requirements addressing when town officials and employees must recuse themselves from participating in making a decision on a specific item.”

⁸ Submission by Stephen Marsh, PhD, Blake Road: 10/19/2020.

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SECTION 3-9: CONFLICT OF INTEREST AND ETHICS⁹.

A. Statement of Purpose¹⁰. Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by Officials affect every citizen of the municipality, and it must be based on honest and fair deliberations and decision. This process must be free from threats, favoritism, nepotism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By setting forth this Statement of Purpose, the Town of Hamden seeks to articulate a policy that will continually strive to maintain and increase the confidence of our citizens in the integrity and fairness of their government. Public Officials and employees must discharge their duties impartially so as to assure fair competitive access to government procurement by responsible contractors. In turn, those contractors should conduct themselves in such a manner as to foster public confidence in the integrity of the competitive process. In all cases, the reality and appearance of impropriety should be addressed by the Conflict of Interest Policy and Ethics Ordinance.

B. Conflict of Interest Policy and Ethics Ordinance¹¹. The Town shall enact, by Ordinance, a code of ethics for all Officials and employees of the Town, whether elected or appointed, paid or unpaid, and individuals and entities seeking to and conducting business with the Town. The purpose of such code is to establish suitable ethical standards by prohibiting acts or actions incompatible with the discharge of their public duties and the best interests of the Town, and by directing disclosure of private financial interest or personal interest¹² in matters affecting the Town by such elected and appointed Officials or employees as well as such individuals and entities seeking to and conducting business with the Town. The Ordinance shall designate an Official to provide all Public Officials and employees of the Town with copies of the provisions of §3-9 of this Charter and the implementing Ordinances and policies enacted hereunder, upon the commencement of their public service and/or employment.

(1) The Council shall enact a code of ethics by Ordinance (and amendments thereto) following public review and comment by the Board of Ethics, in a manner consistent with the provisions of this Charter¹³.

(2) Recusal¹⁴. The Official or employee filing a disclosure under this Charter or Ordinance with the Town

⁹ Revision of 1983 Charter section 19-3.

¹⁰ NEW.

¹¹ NEW.

¹² In lieu of 1983 Charter section 19-3 (first sentence).

¹³ Modification of 1983 Charter section 19-3 (fifth sentence) which reads, as follows: "The Council may, in accordance with the provisions of Section 3-5, by ordinance, supplement the provisions of this section".

¹⁴ Modification of 1983 Charter section 19-3 (second sentence) by repealing the following: "...involving said contract with or sale to the Town as aforesaid" and

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Clerk shall refrain from voting, participating or acting on matters which are the subject of such disclosures.

(3) Violation. In addition to any remedies or penalties set forth in the Ordinance effectuating this provision of the Charter, any finding of a violation by the Board of Ethics, as set forth in §7-2.B (5) of this Charter:

(a) shall render any action, including but not limited to any contract or agreement involved voidable at the option of the Town¹⁵;

(b) may result in the discipline of Officials and employees in accordance with the provisions of this Charter and Ordinances¹⁶; and,

(c) may result in disqualifying individuals or entities from engaging in business with the Town for a period of time to be established by Ordinance¹⁷.

C. Conflict of Interest and Corrupt Practices¹⁸. No Official shall violate the provisions of the General Statutes¹⁹, this Charter or Ordinances pertaining to conflicts of interest and corrupt practices²⁰. The Ordinance set forth in §3-9.B of this Charter shall define and set forth the parameters of conflicts of interest and corrupt practices²¹.

adding "participating" to the delineation.

¹⁵ Modification of 1983 Charter section 19-3 (fourth paragraph) by replacing "instance" with "option".

¹⁶ NEW.

¹⁷ Modification of 1983 Charter section 19-3, by (1) broadening the standard to any actions (including contracts and agreements); (2) adding the following: "...and may result in the discipline of public officials and employees in accordance with the provisions of this Charter and Ordinances"; and, (3) adding the following: "... (c) may result in disqualifying individuals or entities from engaging in business with the Town for a period of time to be established by Ordinance".

¹⁸ Consistent with 1983 Charter section 19-3 (first sentence) by deleting the following language: "No member of the Council or other Official or employee of the Town shall have any financial interest, direct or indirect, in any contract with the Town or in the sale to the Town of any supplies, materials, services, land, building or equipment, except on behalf of the Town as an Official or employee thereof unless such member shall file with the Town Clerk a written statement setting forth fully the nature and extent of such member's interest therein".

¹⁹ Among the provisions is C.G.S. § 7-148h(b) Notwithstanding the provisions of any special act, municipal charter or ordinance to the contrary, an elected official of any town, city, district or borough that has established a board, Commission, council, committee or other agency under subsection (a) of this section, has an interest that is in substantial conflict with the proper discharge of the official's duties or employment in the public interest and of the official's responsibilities as prescribed by the laws of this state, if the official has reason to believe or expect that the official, the official's spouse or dependent child, or a business with which he is associated, as defined in section 1-79, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official's official activity. Any such elected official does not have an interest that is in substantial conflict with the proper discharge of the official's duties in the public interest and of the official's responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to the official, the official's spouse or dependent child, or a business with which he, his spouse or such 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. Any such elected official who has a substantial conflict may not take official action on the matter.

²⁰ NEW.

²¹ Consistent with 1983 Charter section 19-3 (third sentence) by deleting the following language: "...No member of the Council or other Official or employee of the

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SECTION 3-10: REMOVAL OF ELECTED AND APPOINTED OFFICIALS²².

A. Standard for Removal. Unless otherwise set forth in this Charter, any Elected Official or Appointed Official (with the exception of members of Boards and Commissions, who may be removed in accordance with §7-1.H of this Charter), may be removed from office, for cause, by the Legislative Council by a vote of two-thirds (2/3^{rds}) of the entire membership of the Council; subject to any applicable provisions of the General Statutes²³.

(1) The applicable provisions of the General Statutes shall be taken into consideration with regard to the removal proceedings of the Town Clerk²⁴, Chief of Police, Fire Chief, Fire Marshal, Building Official and any other Officials designated for protection by the General Statutes²⁵.

(2) Notwithstanding the grounds for cause set forth herein, the Mayor shall have the power to remove any Appointed Official who serves a term coterminous with the Mayor (as specifically set forth in this Charter and any Ordinance creating the applicable Department); unless otherwise provided for in this Charter or by law²⁶.

B. Recitation of Charges²⁷. No such Elected or Appointed Official of the Town (“charged party”) may be removed except upon charges, which shall be proffered following a majority vote of the Legislative Council. Removal may not occur in the absence of a hearing thereon before a plenary session of the Council.

C. Notice²⁸. Written notice by the Council of the charges and time and place of hearing shall be given to the charged party at least fifteen (15) Days prior to such hearing. Said notice shall either be (1) mailed to the charged party by registered or certified mail, in each case, return receipt requested and postage prepaid or national recognized overnight courier, with receipt and all fees prepaid; or, (2) addressed to an officer authorized to serve legal

Town shall solicit or accept any compensation of gratuity in the form of money or otherwise from any person, firm or corporation, which might tend to influence the discharge of the duties of such member, provided that nothing herein shall prohibit an Official or employee of the Town from accepting a publicly offered reward for meritorious conduct”.

²² Modification of 1983 Charter section 3-14 by adding “Appointed Officials”.

²³ Modification of 1983 Charter section 3-14 (first paragraph, third sentence). The provision reaffirms the “for cause” standard and establishes a definitive vote of the Legislative Council. The current standard in Section 3-14: “The power to remove shall be by an affirmative vote of at least two-thirds (2/3) of the Council present and voting in the case of elected officials or officials appointed by the Council”.

²⁴ NEW. At the time the revised Charter C.G.S. § 7-22 entitled “Removal of town clerks” applied.

²⁵ NEW.

²⁶ NEW.

²⁷ NEW.

²⁸ Modification of 1983 Charter section 3-14 (first paragraph, second sentence).

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process with a direction to make personal service upon the charged party of the same, within the time prescribed.

D. Grounds of Cause. Such charges shall be for:

- (1) A finding by the Board of Ethics of neglect or dereliction of official duty or a violation of (a) the conflict of interest policy and ethics provisions of this Charter and/or Ordinances; or, (b) any other provisions of law pertaining to unethical conduct, corrupting influence or illegal activities (including violations of federal, state or local law)²⁹;
- (2) Conviction of a felony³⁰;
- (3) Conviction of a lesser crime involving fraudulent or dishonest conduct³¹;
- (4) Determination of physical or mental incapacity to serve, based upon the best evidence as presented by competent authority³²;
- (5) Determination of incompetence based upon the best evidence as presented by competent authority³³;
- (6) Documented poor performance of an Appointed Official kept in the normal course of business³⁴;
- (7) Habitual absence from office, as may be defined by the Mayor for Appointed Officials or by the adopted rules of procedure for the Legislative Council or Board or Commission³⁵;
- (8) A delinquency materially affecting the person's general character or fitness for office³⁶; or,
- (9) Such actions as may be set forth in the Ordinance by the Council³⁷.

²⁹ Modification of 1983 Charter section 3-14 (first paragraph, first sentence) by adding "dereliction of official duty".

³⁰ 1983 Charter section 3-14 (first paragraph, first sentence).

³¹ 1983 Charter section 3-14 (first paragraph, first sentence).

³² NEW.

³³ NEW.

³⁴ NEW.

³⁵ NEW.

³⁶ NEW.

³⁷ Modification of the standard set forth in 1983 Charter section 3-14 (first paragraph, first sentence) '...include, but not limited to...'.

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E. Right to Counsel³⁸. Such Elected or Appointed Official shall have the right to be represented by counsel at the hearing, to present evidence and testimony personally and through witnesses, and to cross-examine witnesses.

F. Public Hearing³⁹. Such hearing shall be open to the public and transcribed, except as otherwise permitted by Law.

G. Appeal. Any such Elected or Appointed Official may, within thirty (30) Days from the date when the decision to remove is taken following such hearing, take any appeals as may be permitted by law⁴⁰.

SECTION 7-2.B: BOARD OF ETHICS⁴¹.

(1) Establishment⁴². There shall be a Board of Ethics⁴³ which shall have the authority to exercise the powers and duties contained in the General Statutes, this Charter and Ordinances pertaining to conflict of interest and ethics, administration of a code of ethics, including the issuance of advisory opinions and policies⁴⁴, and to investigate⁴⁵, render probable cause findings⁴⁶ and conduct hearings⁴⁷ pertaining to allegations of unethical conduct, corrupting influence or illegal activities (including violations of federal, state or local law) levied against any Official or employee of the Town, unless otherwise provided by Law⁴⁸. In addition to the aforementioned powers and duties, the Board shall have such other duties and powers as may be provided by any code of ethics Ordinance or other

³⁸ Modification of 1983 Charter section 3-14 (first paragraph, fourth sentence).

³⁹ Modification of 1983 Charter section 3-14 (first paragraph second and fifth sentences).

⁴⁰ Modification of 1983 Charter section 3-14 (second paragraph). Deleting the following provision since it was not clear what the legal authority was: "...of such action to the Superior Court".

⁴¹ Modification of 1983 Charter section 19-5

⁴² Modification of 1983 Charter section 19-5.A. See, C.G.S. §7-148h(a), in pertinent part, as follows: "Any town, city, district, as defined in section 7-324, or borough may, by charter provision or ordinance, establish a board, Commission, council, committee or other agency to investigate allegations of unethical conduct, corrupting influence or illegal activities levied against any official, officer or employee of such town, city, district or borough...".

⁴³ Modification of 1983 Charter section 19-5.A first sentence, first clause). See, C.G.S. §7-148h entitled "Ethics Commission; establishment and powers. Interest in conflict with discharge of duties".

⁴⁴ 1983 Charter section 19-5.B.1.

⁴⁵ 1983 Charter section 19-5.B.2.

⁴⁶ 1983 Charter section 19-5.B.2.a.

⁴⁷ 1983 Charter section 19-5.B.2.b.

⁴⁸ NEW (final clause).

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Ordinances⁴⁹.

(a) Subpoena Authority⁵⁰. In a manner consistent with the provisions of the General Statutes, the Board may issue subpoenas or subpoenas *duces tecum*, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers.

(2) Appointment and Membership. The Board shall consist of five (5) members and two (2) alternates, all Electors of the Town, appointed as set forth in §7-1.B of this Charter⁵¹. The Board shall choose a chair and such other officers as it may desire⁵².

(a) Term of Members⁵³. The Mayor shall appoint a member(s) for a term of five (5) years, commencing on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments (**Historical Note:** See, §11-9 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983).

(i) Term of Alternate Members⁵⁴. The Mayor shall appoint alternates for a term of two (2) years, on the 1st Day of January of the year of appointment (**Historical Note:** See, §11-10 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983).

(b) Assignment of Alternate Members⁵⁵. If a regular member of the Board is absent or is disqualified, the chairman of the Board shall designate an alternate to so act⁵⁶.

⁴⁹ Modification of 1983 Charter section 19-5.B.3 by adding "other ordinances".

⁵⁰ NEW. See, C.G.S. §7-148h(a), in pertinent part, as follows: "...Any board, Commission, council, committee or other agency established pursuant to this section may issue subpoenas or subpoenas *duces tecum*, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers...".

⁵¹ Modification of 1983 Charter section 19-5.A (first paragraph, first sentence).

⁵² NEW.

See, C.G.S. §7-408.

⁵³ Modification of 1983 Charter section 19-5.A (first paragraph, fifth and seventh sentences). The revision deletes language regarding "compensation" since it is addressed generally in Section 7-1.G.

⁵⁴ Modification of 1983 Charter section 19-5.A (first paragraph, ninth sentence).

⁵⁵ 1983 Charter section 19-5.A (first paragraph, fourth sentence).

⁵⁶ Modification of the following language in 1983 Charter section 19-5.A (first paragraph, first sentence): "...no more than three (3) of whom shall be members of the same political party".

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(c) Restrictions⁵⁷. The Board members shall not be Officials or employees of the Town. They shall hold no other appointed office in the Town except Justice of the Peace or Notary Public.

(d) Interference. The activities, votes and rulings of the Board shall not be subject to oversight or reversal by any Town Official or body⁵⁸. The opinions of the Town Attorney required by this Charter shall not be deemed to constitute interference for purposes of this sub-section⁵⁹.

(e) Local Law. Any reference in this Charter to local law shall mean the Charter, the Ordinances, Statutory Resolutions and any other regulations or policies approved by the Legislative Council under an Ordinance establishing a method for adopting such regulations or policies.

(3) Oversight of the Ethics and Conflict of Interest Policies of the Town⁶⁰. The Board of Ethics shall oversee and regulate the ethics and conflict of interest policies of the Town.

(4) Code of Ethics Ordinance⁶¹. Said rules and regulations of the Board of Ethics shall be set forth in the form of an Ordinance to be approved by the Legislative Council, upon the advice of the Mayor and the Board of Ethics, as set forth in this Charter.

(a) No Ordinance shall be adopted which circumvents or otherwise violates the requirements of this Charter pertaining to the requirements of the General Statutes pertaining to the requirements of:

- (i)** probable cause findings⁶²;
- (ii)** confidentiality of complaints⁶³;

⁵⁷ Modification of 1983 Charter section 19-5.A (first paragraph, second and third sentences) by removing the term “elected”.

⁵⁸ 1983 Charter section 19-5.A (second paragraph, second sentence).

⁵⁹ NEW.

⁶⁰ NEW.

⁶¹ NEW.

⁶² Modification of 1983 Charter section 19-5.B.2.a. See, C.G.S. §7-148h(a), in pertinent part, as follows: “...The provisions of subsections (a) to (e), inclusive, of section 1-82a shall apply to allegations before any such agency of such conduct, influence or activities, to an investigation of such allegations conducted prior to a probable cause finding, and to a finding of probable cause or no probable cause...”.

⁶³ Modification of 1983 Charter section 19-5.B.2.a (second sentence). See, C.G.S. §1-82a. “Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings (a) Unless a judge trial referee makes a finding of probable cause, a complaint alleging a violation of this part or section 1-101nn shall be confidential except upon the request of the respondent. An evaluation of a possible violation of this part or section 1-101nn by the Office of State

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- (iii) investigations⁶⁴;
- (iv) the conduct of hearings⁶⁵;
- (v) informing the complainant and respondent of findings⁶⁶;
- (vi) continuing confidentiality in the event of a finding of no probable cause⁶⁷; and,
- (vii) public disclosure of a finding of probable cause⁶⁸.

(b) Moreover, the Ordinance shall include a provision pertaining to the expeditious review of complaints and the issuance of determinations or other actions by the Board of Ethics⁶⁹.

Ethics prior to the filing of a complaint shall be confidential except upon the request of the subject of the evaluation. If the evaluation is confidential, any information supplied to or received from the Office of State Ethics shall not be disclosed to any third party by a subject of the evaluation, a person contacted for the purpose of obtaining information or by the ethics enforcement officer or staff of the Office of State Ethics. No provision of this subsection shall prevent the Office of State Ethics from reporting the possible Commission of a crime to the Chief State's Attorney or other prosecutorial authority."

⁶⁴ Modification of 1983 Charter section 19-5.B.2.a. See, C.G.S. §1-82a. "Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings...(b) An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received from the Office of State Ethics shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics."

⁶⁵ Modification of 1983 Charter section 19-5.B.2.b.

⁶⁶ NEW. See, C.G.S. §1-82a. "Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings...(c) Not later than three business days after the termination of the investigation, the Office of State Ethics shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making that finding. The Office of State Ethics shall publish its finding upon the respondent's request and may also publish a summary of its reasons for making such finding".

⁶⁷ NEW. See, C.G.S. §1-82a. "Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings...(d) If a judge trial referee makes a finding of no probable cause, the complaint and the record of the Office of State Ethics' investigation shall remain confidential, except upon the request of the respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics 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. If such a disclosure is made, the judge trial referee may, after consultation with the respondent if the respondent is not the source of the disclosure, publish the judge trial referee's finding and a summary of the judge trial referee's reasons therefore".

⁶⁸ NEW. See, C.G.S. §1-82a. "Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings...(e) The judge trial referee shall make public a finding of probable cause not later than five business days after any such finding. At such time the entire record of the investigation shall become public, except that the Office of State Ethics may postpone examination or release of such public records for a period not to exceed fourteen days for the purpose of reaching a stipulation agreement pursuant to subsection (c) of section 4-177. Any such stipulation agreement or settlement shall be approved by a majority of those members present and voting."

⁶⁹ NEW.

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(c) Upon request of the Legislative Council or the Board of Ethics, prior to legislative action, the Town Attorney shall render an opinion pertaining to the compliance of the provisions of a proposed ethics Ordinance or any amendment thereto with the requirements of this Charter, the General Statutes and Law⁷⁰.

(5) **Finding of a Violation**⁷¹. A finding by the Board of Ethics of a violation of the Conflict of Interest and Ethics provisions of this Charter or its related implementing Ordinances, pertaining to allegations of unethical conduct, corrupting influence or illegal activities (including violations of federal, state or local law), shall be referred to:

- (a) The Legislative Council in the case of any Elected Official⁷²;
- (b) The appointing authority in the case of any Appointed Public Official⁷³; and,
- (c) The person's supervisor in the case of any employee,

for appropriate disciplinary action to be taken within thirty (30) Days of receipt of the Board's finding(s) and decision.

Such finding(s) and decision would subject the parties to the provisions of §§3-9.B (3) and 3-10 of this Charter, which may include removal from office. The findings pertaining to violations of this Charter shall cite the opinions of the Town Attorney pertaining to the application of any of the provisions of this Charter, if any. In the event there is no such opinion and an interpretation of a provision of the Charter is required to facilitate such finding, the Board shall consult with the Town Attorney or, in the event of recusal by the Town Attorney, an independent counsel appointed for such purpose.

(6) **Appeal**⁷⁴. Any Public Official⁷⁵ or employee may, within thirty (30) Days from the date any disciplinary action is voted or taken pursuant to the Board's decision that a violation of this Charter and/or any such code of ethics has occurred, take such appeal as may be permitted by the General Statutes, if any. In the event there is no such appeal permitted by the General Statutes, the findings shall be final.

⁷⁰ NEW.

⁷¹ Modification of 1983 Charter section 19-5.C.

⁷² "Official" replaces "officer".

⁷³ "Appointed Public Official" replaces "appointed officer".

⁷⁴ Modification of 1983 Charter section 19-5.D by removing the appeal to the Superior Court. It is not clear what statutory basis exists for such appeal..

⁷⁵ "Public Official" replaces "elected or appointed officer".

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CHAPTER 30 OF THE CODE OF ORDINANCES: CODE OF ETHICS.

§ 30.01 DEFINITIONS.

For the purpose of this chapter, unless otherwise specifically provided, the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "APPEARS BEFORE." A person appears before a board commission, agency or department when such person addresses a board, commission, agency or department and if applicable publicly states his/her name and address for the record.

(B) "EMPLOYEES." All employees of the town and of all governmental bodies created under the provisions of the town charter, ordinances, or applicable statutes.

(C) "FINANCIAL INTEREST." Ownership of any interest as the result of which a person has received within the past calendar year or is presently receiving or in the future is entitled to receive more than \$1,000 per calendar year or ownership of, or interest in more than two (2%) percent of a business entity.

(D) "GIFT." A favor, hospitality or economic benefit other than compensation but which does not include campaign contributions reported as required by state law, gifts received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an inter vivos or testamentary trust if established by a spouse ancestor.

(E) "INCOME." Economic benefit received.

(F) "INTENTIONALLY." A person acts intentionally, or with intent, with respect to the nature of his/her conduct or to a result of his/her conduct when it is his/her conscious objective or desire to engage in the conduct or cause the result.

(G) "INTEREST." Having a share or concern in some project or affair, as being involved, as liable to be affected or prejudiced, as having self-interest, and as being the opposite of disinterest.

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(H) "KNOWINGLY." A person acts knowingly, or with knowledge, with respect to the nature of his/her conduct or to circumstances surrounding his/her conduct when he/she is aware of the nature of such conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his/her conduct when he/she is aware that such conduct is reasonably certain to cause the result.

(I) "OFFICIALS." Elected and appointed officials, whether paid or unpaid, members of the legislative council and of all governmental bodies created under the provisions of the town charter, ordinances, or applicable statutes.

(J) "PARTICIPATING." The rendering of advice, or recommendation, investigation, approval, disapproval, or otherwise.

(K) "PERSON INTEREST." Either an interest in the subject matter or a relationship with the parties before a Board of Commission impairing the impartiality expected to characterize each member of such Board or Commission.

(L) "THIS CODE." The code of ethics for the town officials and employees.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.02 CODE ESTABLISHED; PURPOSE.

(A) There is established a code of ethics for all town officials and employees

(B) The purpose of this code is to establish ethical standards for all officials and employees by prohibiting acts or actions incompatible with the best interests of the town and by directing disclosure by the officials and employees of private financial or other interests in matters affecting the town.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.03 VIOLATION OF CODE.

Violation of this code or § 19-3 of the charter, may constitute a cause for suspension, removal from office or employments, or other disciplinary actions. The provisions and purpose of this code and the rules, regulations and standards as shall be established hereunder are declared to be in the best interests of the town.

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(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.04 RESPONSIBILITIES OF PUBLIC OFFICE.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state and to carry out impartially the laws of the nation, state and municipality and thus to foster respect for all government. Violation of any provisions of this code should raise conscientious questions for the councilman or other official or employees concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the town.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.05 CONFLICT OF INTEREST.

(A) No official or employee shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest, or would tend to impair his independence of judgment or action in the performance of his official duties.

(B) No official or employee shall engage in or accept private employment or render services for private interests when the employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

(C) No paid official or employee shall

(1) Appear in behalf of private interests before any governmental body of the town.

(2) Accept a retainer or compensation that is contingent upon a specific action by a governmental body.

(3) Represent private interests in any action or proceeding against the interests of the town in any litigation to which the town is a party.

(D) No member of the Zoning Commission or Board, Zoning Board of Appeals, Inland Wetlands Board or Commission or nay town agency exercising the powers of any zoning commission or board, zoning board of appeals or inland wetland board or commission shall participate on behalf of the town in any manner is such board member or

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commissioner has a financial or personal conflict of interest including but not limited to those conflicts set forth above in divisions (A) through (C) of this section.

(E) No member of the Zoning Commission or Board or Zoning Board of Appeals or nay town agency exercising the powers of any zoning commission or board or board of appeals, shall participate in the hearing or decision of the board or commission of which he or she a member upon any matter in which he or she is directly or indirectly interested in a personal or financial sense.

(F) No member of the Zoning Commission or Board or Zoning Board of Appeals, or any town agency exercising the powers of any zoning commission or board or zoning board of appeals, shall appear for or represent any person, firm, corporation or other entity in any matter pending before the Planning or Zoning Commission or Board or said Board of Appeals or any agency exercising the powers of any such commissioner board in the same town, whether or not he or she is a member of the board or commission hearing the matter.

(G) No member of the Inland Wetlands Board or Commission shall participate in the hearing or decision of such board or commission of which he or she is a member upon any matter in which he or she is directly or indirectly interested in a personal or financial sense.

(H) No member of any land use board or commission or board or commission having jurisdiction or exercising any power over any land use or purchasing decisions may appear before their agency in any matter in which they knowingly have a pecuniary interest or from representing anyone else before the agency.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.06 PERSONAL INTEREST TO BE FILED WITH CLERK.

Any official or employee who has a substantial or controlling financial or significant personal interest in any transaction or contract with the town, or in the sale of real estate, materials, supplies, or services to the town, shall make known promptly by a writing filed with the town clerk such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon or otherwise participating in the transaction or the making of the contract or sale, except as may be requested by the Legislative Council in accordance with the provisions of § 30.07.

(Adopted 3-3-69, Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

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§ 30.07 DISCLOSURE OF PRIVATE INTEREST.

A member of the council who has a private interest in any matter pending before the council shall disclose on the records of the council the full nature and extent of the interest. This provision shall not apply if the councilman abstains from all discussion and disqualifies himself from voting on the matter. Any other official or employee who has a financial or other private interest, and who, at the request of the council, participates in discussion with or gives an official opinion to the council, shall disclose on the records of the council the full nature and extent of the interest.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-28-07)

§ 30.08 GIFTS AND FAVORS.

No official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise from any person, firm or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the town having any relationship or connection with the official or employee, in the discharge of his duties.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.09 DISCLOSURE OF CONFIDENTIAL INFORMATION.

No official or employee, without proper legal authorization, shall disclose confidential information concerning the property, government or affairs of the town. No official or employee shall use information acquired in the course of his public duties, to advance the financial or other private interest of himself or others.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84)

§ 30.10 IMPROPER USE OF OFFICIAL POSITION.

A. No official or employee shall request or permit the use of town-owned vehicles, equipment, materials or property for personal convenience or profit, except when the services are available to the public generally or are provided as municipal policy for the use of the official or employee in the conduct of official business.

B. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

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C. No official or employee, without proper legal authorization, shall disclose confidential information concerning the property, government or affairs of the town. No official or employee shall use information acquired in the course of his or her public duties to advance the financial or other private interest of himself or herself or others.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, adopted 6-18-07; Am. Ord. 601, adopted 2-7-11)

§ 30.11 BOARD OF ETHICS, MEMBERS.

The administration of this code of ethics shall be charged to the mayor, who shall appoint a board of ethics, subject to the approval by two-thirds vote of the members of the council, consisting of five members, not more than three of whom shall be members of the same political party and two alternates, all of whom shall be resident electors of the town. The mayor shall initially appoint one member for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. The Mayor shall also initially appoint one alternate member for a term of two years and one for a term of one year. Annually thereafter during the month of January, the mayor shall appoint one member for a term of five years and one alternate member for a term of two years. Each member of the board shall serve until his successor has been appointed and qualified.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.12 BOARD TO ADOPT RULES AND REGULATIONS.

Pursuant to § 19-5 of the town charter, the board shall adopt and promulgate reasonable rules and regulations for the administration of § 19-3 and § 19-5 of the town charter and of this code consonant with the provisions hereof. The rules and regulations so adopted and promulgated and all amendments thereof shall be made available at the office of the legislative council.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.13 BOARD TO RECEIVE COMPLAINTS, HOLD HEARINGS.

The board shall receive written complaints of violations of the town charter and/or of this code and shall, upon such complaint or on its own initiative, investigate same, and may hold hearings thereon as provided in § 19-5 of the town charter and in accord with its rules and regulations.

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(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.14 BOARD TO REPORT FINDINGS; RENDER ADVISORY OPINIONS.

(A) The board shall report its findings of a violation of the charter and/or any such Code of Ethics to the Council in the case of any elected officer, to the appointing authority in the case of any appointed officer and to the persons's supervisor in the case of any employee for appropriate disciplinary action.

(B) The board may also render advisory opinions to any official or employee of the town pursuant to his or her written request.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.15 RESERVED.

§ 30.16 APPLICABILITY OF CODE.

This code shall apply in all instances except when superseded by an applicable ,statutory or charter provision and when the statutory or charter provision is mandatory, or when the statutory or charter provision is discretionary but deemed by the board to be more appropriate or desirable.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)