

Board of Ethics Commission

Special Meeting

February 9, 2016

Members present: Pam Childs, John Harris, Jules D'Agostino, Michael Barry

Public: None

Called to Order: 6:30

Roll Call

Discussion on the proposed policy:

Areas of the policy were discussed by the commission. The highlighted portions of the proposal have some changes that were discussed. At the next regular meeting the draft 2/9/2016 will be finalized and voted on to send to the selectmen.

Motion made: to Keep highlighted paragraph on pg 2

1st John Harris 2nd Mike Barry All in favor

Motion made: To add a disclosure paragraph and a recusal paragraph in addition to the highlighted paragraph on pg 3

1st Jules D'Agostino 2nd John Harris All in Favor

Motion made: To accept the highlighted change on pg 4

1st Jules D'Agostino 2nd John Harris All in favor

Motion made: To accept number 4 on pg 5

1st Jules D'Agostino 2nd Pam Childs All in favor

Motion made : To accept number 5 on pg 4 with the addition of " for monetary gain."

1st John Harris 2nd Mike Barry All in Favor

Motion made: To change the highlighted provision from 6 months to 12 months on pg 5.

1st John Harris 2nd Mike Barry All in favor

Motion made: to keep the highlighted wording on pg 6.

1st John Harris 2nd Mike Barry All in favor

A. Policy

The proper operation of the municipal government of the Town of Brooklyn requires that all public officials and municipal employees, whether elected or appointed, paid or unpaid, shall be impartial and responsive to the public interest; that public office and employment should not be used for personal gain or advantage; and that the public have confidence in the integrity of municipal government. Public officials and municipal employees should not place themselves in positions where their private interests conflict with their public duty. The administration of legislative or quasi-judicial power demands the highest public confidence. Anything which tends to weaken such confidence tends to undermine the sense of security of individual rights which the citizen is entitled to feel and therefore is against public policy.

B. Interpretation of Policy – Board of Ethics.

The Board of Ethics was established by Ordinance adopted as Ordinance Number 91-1 Sec.2. and codified as Sec. 2-40. The following amendment to said ordinance is intended to clarify and expand it, and republish it as modified.

a.) The Board of Ethics shall consist of five (5) members, no more than two (2) of whom may be registered to the same political party. Members shall be appointed by majority vote of the Board of Selectmen. All members shall be electors of the Town of Brooklyn. No member of the Board of Selectmen may serve on the Board of Ethics, and no member of the Board of Ethics may serve as an officer of any political party or political committee, however membership on a political committee shall not be a bar to service on the Board of Ethics.

b.) The term of office of each member shall be three (3) years, arranged so that not more than two terms shall expire within any twelve month period. Members in office as of the effective date of this amendment may continue in office for the duration of their terms. Vacancies shall be filled by the Board of Selectmen for the unexpired portion of the term in which the vacancy occurs.

c.) The Board shall elect a chairperson and a vice-chairperson from among their members, and adopt such rules of procedure as may conform to state law and to the provisions of this ordinance.

d.) Powers and duties.

The Board shall render advisory opinions concerning the applicability of this Ordinance to a particular circumstance upon written request. All such opinions shall be public records, but personal information may be redacted prior to being made public.

The Board may receive complaints of alleged violations of this Ordinance and process any such complaints in conformity with the rules of procedure the Board then has in effect, to include that testimony be under oath, require the attendance of witnesses by subpoena, and close its proceedings to the public.

If the Board determines that a violation has occurred, it shall file a memorandum of its decision, and shall make a recommendation as to what action should be taken by the party having disciplinary authority over the violator.

Recommendations may include reprimand, public censure, termination or suspension of employment, termination or suspension of appointive office.

In cases where the alleged violation may also constitute a violation of criminal law, the Board shall make a referral to the State prosecutor forthwith, and suspend further action until allowed by the prosecutorial authority.

C. Definitions

“Business” means any activity involving a transfer of value for goods or services.

“Business Days” are those days the Town Hall offices are available to the public.

“Commission” as used in this ordinance, means the Town of Brooklyn Board of Ethics. Other Town Boards and commissions will be specifically identified by their proper names or referenced by their function.

“Confidential Information” means information concerning prospective actions by the officers, Boards, and/or Commissions of the Town of Brooklyn, which have not been made public by the officer, board or commission proposing such action.

“Conflict of Interest” means an interest which is in substantial conflict with a public official’s or Town employee’s proper discharge of his or her duties.

Such person has a conflict of interest if he or she has reason to believe there will be a direct monetary gain or loss to the public official or Town employee, or to any relative or business associate of such person, resulting from an official act of such person on behalf of the Town.

A public official or Town employee with a conflict of interest or potential conflict of interest has an obligation to disclose such conflict or potential conflict so that the Town will have a permanent record of such disclosure, and abstain from participating in the discussion and/or vote on the matter raising such conflict.

In case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person’s supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person’s position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

“Recusal” means no municipal office or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussion the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

“Interest” means any business transaction in excess of \$100.00 (One Hundred Dollars) between the Town and any other person.

“Gift” means a transfer of goods, services or money to any Town officer or employee without a reciprocal transfer by such person of equivalent value.

The following gifts are specifically allowed:

- a. Transfers from immediate family members.
- b. Transfers, including meals and admission fees, valued at \$25.00 (Twenty five Dollars) or less on any one occasion, provided that the total for any twelve month period does not exceed \$100.00 (One Hundred Dollars).
- c. Transfers of goods, services or money for the immediate benefit of the Town, with the recipient official or employee acting merely as a conduit, and with full and immediate disclosure by the recipient of the fact of the transfer.
- d. ***A certificate, Plaque, honorary degree or other ceremonial award made during a public event.***

“Individual” means a natural person.

“Person” means, in addition to an individual, corporations, companies and groups of individuals having associated themselves for a common purpose.

“Personal interest” means an interest in which an action by the Town results in a benefit or detriment to a person.

“Probable cause” for the purpose of considering a complaint made to the Commission, shall require a finding that facts alleged, if true, would persuade an impartial person of ordinary intelligence and experience that a violation of this ordinance has occurred.

“Public Employee” means a person receiving payment from the Town for services.

“Public Official” means an elected or appointed individual having discretionary and/or supervisory powers over Town business, including candidates for Town elective offices.

“Relative” means the spouse, parent, grandparent, child, grand-child, sibling, step-parent, and step-child of an individual, and their respective spouses.

D. Prohibited Acts

Public Officials and Public Employees are prohibited from the following:

1) Engaging in any business transaction with the Town without prior public notice or advertisement soliciting bids for the goods or services involved in such transaction.

This provision shall also apply to former Public Employees and former Public Officials for the twelve months following termination of office and/or employment.

2) Soliciting or accepting any gift, other than those specifically allowed in this section.

3) Participating in a transaction defined as a Conflict of Interest in this section.

4) Representing and advocating for any person before any Town board, agency or commission without disclosing to that Town board, agency or commission the fact of compensation for such representation.

5) Representing and advocating for any person in opposition to the Town before any court or administrative hearing for monetary gain.

6) Disclosing Confidential Information as defined in this Ordinance.

7) a. Hiring any relative, or influencing any other Public Official or Public Employee to hire any relative of a Public Official or Public Employee unless the position has been advertised as available to members of the public, and the decision to hire an individual applicant is not influenced or made by the official or employee related to such applicant.

b. Arbitrarily setting the rate of pay of any relative, or influencing any other Public Official or Public Employee to set the rate of pay of any relative who is a Public Officer or Public Employee.

8) Using or permitting the use of Town funds, equipment, vehicles or other property for personal convenience or profit, except in the same circumstances and to the same extent that such are available to the public, generally.

9) Failing to disclose having a conflict of interest, or having intention to engage in conduct likely to result in a conflict of interest. And

E. Limitation

No complaint may be accepted by the Board unless the action complained of took place within five years prior to the date the complaint was filed with the Board.

F. Effective Date

This Ordinance shall take effect 15 days after publication, as required by State law.

The selectmen shall cause a copy of this Code of Ethics to be distributed to every Public Employee and Public Official within 60 days after its effective date. Each Public Official and Public Employee shall be furnished a copy before entering the duties of his or her office or position of employment, and sign a receipt for such copy. The receipts shall be retained on file in the records of the Town.

References:

State Laws Governing Ethics

State Code of Ethics (Conn. Gen Stat. § 1-79, et seq.)

Statutory Agency Code of Ethics (e.g., Conn. Gen. Stat. Section's 7-148t, 8-11 and 8-21

Adjournment:

8:15pm

Motion made: 1st Pam Childs 2nd Mike Barry
All in Favor