

**Section 2-40**

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**Sec. 2-40.1 Title**

This section shall be known as and referred to as “The Brooklyn Code of Ethics.”

**Sec. 2-40.2 Declaration of Policy**

A. 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. Public service requires public trust.

B. The Board of Ethics was established by Ordinance adopted as Ordinance Number 91-1 Sec.2 and codified as Sec. 2-40.

### **Sec. 2-40.3 Board Of Ethics**

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.

### **Sec. 2-40.4 Jurisdiction**

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

### **Sec. 2-40.5 Powers and Duties**

- A. 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.
- B. 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.
- C. Recommendations may include reprimand, public censure, termination or suspension of employment, termination or suspension of appointive office.
- D. 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.

### **Sec 2-40.6 Definitions**

As used in this section, the following terms shall have the meanings indicated and stated.

“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.

“Clear and convincing evidence.” The evidence supports the allegation that the respondent had violated the Code of Ethics, when considered fairly and impartially and induces a reasonable belief in the minds of the Ethics Board that the allegations are true. Said evidence must indicate to said members that the probability that the respondent has committed a violation is substantially greater than the probability he or she has not.

“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.

“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.

“Individual” means a natural person.

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

“Posts” or “postings” means the content, information, articles, pictures, videos or any other form of communication posted on a town social media site.

“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.

“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 discussing 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.

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

“Town social media sites” means social media sites and content which the town establishes and maintains, with the exception of content from advertisements or hyper-links provided by the town’s social media site’s owners, vendors, or partners. Town social media sites do not replace the town’s required notices and standard methods of communication.

**Sec. 2-40.7 Conflicts of Interest, Interferences with duties**

No public official or employee shall engage in any business or transaction or have a personal, immediate family or business interest, directly or indirectly, which is in material conflict with or incompatible with the proper discharge of his or her official duties or that by creating a divided loyalty might influence or impair his or her independence of judgment and action in the performance of said duties. A conflict of interest exists whenever a public official or employee will more likely than not benefit, disproportionately from other citizens of the Town of Brooklyn, directly or indirectly, from a decision over which they have influence.

**Sec.2-40.8 Conflict of Interest Disclosure**

A. 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.

B. In the case of a person serving in an elective office, the disclosure shall be filed with the Town Clerk **of the Town of Brooklyn**. 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 public official, 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.

**Sec 2-40.9 Prohibited Representation**

A. Representing and advocating for any person, other than the town, before the town board, agency or commission of which he or she is a member or employee.

B. 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, and also shall abstain from participation, including, but not limited to, discussion and/or voting, on the matter.

C. Appearing as a member of any town board, agency or commission, before any other town board, agency or commission and representing or advocating for any person, other than the town and/or the town board, agency or commission of which he or she is a member.

D. Representing and advocating for any person in opposition to the town in any matter pending before any court or administrative body.

#### **Sec. 2-40.10 Prohibited use of Town property and facilities**

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.

#### **Sec. 2-40.11 Prohibited use of Influence and Information**

A. Disclosing Confidential Information as defined in this Ordinance.

B. A public official or employee shall not attempt to influence any other public official or employee about any matter before any town agency from which said public official or employee would be likely to gain or lose a material benefit that is not common to the general interest of other citizens of the city.

C. Unless otherwise required by state law, a public official or employee shall not disclose town information other than in accordance with established town procedure where it is reasonably foreseeable that disclosure of the information will permit the public official or employee or any other person to obtain a material benefit that is not common to the general interest of other citizens of the town.

D. A public official or employee shall not use information concerning the property or governmental affairs of the town, other than that which is generally available to the public, for the purpose of advancing the personal interest of himself or herself through the use of electronic applications such as social media, town social media sites, and posts of postings.

E. Public officials and public employees authorized to post items on any of the town's social media sites shall not express their personal views or concerns through such postings or represent that such personal views represent or reflect the views or position of the town.

#### **Sec.2-40.12 Prohibited Interests**

A. Hiring any relative, or influencing any other public official or employee to hire any relative of a public official or 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 employee to set the rate of pay of any relative who is a public official or employee.

C. Unless otherwise provided by law, a public official or employee shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if said individual or any member of his or her immediate family or business with which he or she is associated would be likely to gain or lose a material benefit that is not common to the general interest of other citizens of the town.

D. A public official or employee shall not grant special consideration, treatment or advantage to any person beyond that which is generally available to other citizens of the town.

E. A public official or employee shall not receive special consideration, treatment or advantage in any activity or business transaction in which the town is a client or a customer beyond that which is generally available to other citizens of the town.

#### **Sec. 2-40.13 Prohibited Gifts**

A. Except as provided for by his or her office or under the terms of his or her employment, no public official or employee, or member of his or her immediate family, or business with which he or she is associated, shall solicit or accept anything of value, including, but not limited to, a gift, service, loan, political contribution, or promise of future employment in exchange for providing action, or judgment of the officer or employee is to be, or has been, influenced thereby.

B. No public official or employee may knowingly accept, nor may the spouse, child or parent of an public official or employee, or any person who resides in the household of an public official or employee knowingly accept, with said public official's or employee's express or

implied consent, anything having a value of twenty-five dollars (\$25.00) or more from a prohibited source, and the aggregate value of all things received from that source by any such recipient in a calendar year shall not exceed one hundred dollars (100.00). Each public official or employee shall be bound by this section for a period of one (1) year after the public official or employee has left his or her position with the town.

C. The following gifts are specifically allowed:

1. Transfers from immediate family members.
2. 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).
3. 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.
4. A certificate, Plaque, honorary degree or other ceremonial award made during a public event.
5. **Public, governmental-sponsored or informational events generally accepted as a condition of office or employment, where food may be served and small souvenirs of the event, of a minor monetary value, which are not likely to influence the proper judgment or action of the public official or employee in a matter within his or her authority, may be distributed to all attendees.**

#### **Sec. 2-40.14 Prohibited Acts**

Public Officials and Employees are prohibited from the following:

A. 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.

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

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



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

#### **Sec. 2-40.15 Negotiations of Future Employment**

A public official or employee shall not solicit future employment with any person who has a substantial matter pending before the agency in which the public official or employee is employed during said period of employment or during the period of time said public official holds office. A matter is "substantial" if it involves a financial value of one thousand dollars (\$1000.) or more or involves a question of policy of comparable significance.

#### **Sec. 2-40.16 Subsequent Employment**

An individual who has served as a public official or employee having discretionary responsibilities shall not, within one year after termination of his or her service:

- A. Assist any person, other than the town, in any matter in which such individual substantially participated during his or her service.
- B. Represent and/or advocate for any person in opposition to the town in any matter pending before any court or administrative body, in which matter such individual substantially participated during his or her service.

#### **Sec. 2-40.17 Limitations**

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

#### **Sec .2-40.18 Implementation**

- A. The Town Clerk shall promptly cause a copy of this code and subsequently any amendments to this code, to be posted publicly in each building under the town's control.
- B. The chief executive officer of the Town of Brooklyn shall cause a copy of this code and subsequently any amendments to this code, be given to any and all public officials and employees of the town.
- C. Any and all public officials and employees of the town, who receive a copy of this code and subsequently any amendments to this code, shall acknowledge such receipt in writing and such acknowledgements shall remain on file with the Town Clerk.

**Sec. 2-40.19 Effective Date**

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

