

## ARTICLE IV. CODE OF ETHICS\*

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**\*Charter references:** Official conduct, Ch. VII, § 28.

**State law references:** Municipal authority to adopt a code of ethical conduct, G.S. § 7-148(c)(10)(B).

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### DIVISION 1. GENERALLY

#### Sec. 2-521. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commission* shall mean the Ethics Commission referred to in chapter VII, section 22, Town Charter and sections 7-148(c)(10)(B) and 7-148(h) of the General Statutes.

*Officers and/or employees* means the persons enumerated in section 2-523 and shall include officers.

*Town* shall mean the Town of Trumbull.

In all references herein to any parties, persons, entities or corporations the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the test of the within instrument may require.

(Code 1962, § 2-54.1(II)(B); Ord. No. TC12-4, 11-9-88)

**Cross references:** Definitions and rules of construction generally, § 1-2.

#### Sec. 2-522. Purpose.

(a) This article is adopted for the town pursuant to chapter VII, section 22 of the Charter and sections 7-148(c)(10)(B) and 7-148(h) of the General Statutes. It is established with the purpose of setting forth ethical standards of conduct, prohibited activities and sanctions that may be imposed for violation of this Code, and/or the Charter, all of which shall be consistent with the best interests of the Town.

(b) The proper operation of representative government requires that public officials, employees and other persons involved in the governmental process and in the services rendered by government be independent, impartial and responsible to the people; that government decisions be made in the proper channels of governmental structure; that public office not be used for personal gain. Public interest must be the foremost concern of those included within the scope of this article.

(Code 1962, § 2-54.1(I); Ord. No. TC12-4, 11-9-88)

#### Sec. 2-523. Applicability.

Persons, hereinafter referred to as officials and/or employees, bound by this article are:

- (1) Elected or appointed Town officials, either paid or unpaid, including the Board of Education.
- (2) All Town employees, which shall include paid consultants of the Town and of all boards, commissions, committees and authorities, including the Board of Education.
- (3) Town officials and employees for a period of one (1) year following termination of such official position or employment for actions taken while serving as an official or employee.

(Code 1962, § 2-54.1(II)(A))

#### **Sec. 2-524. Standards of service.**

- (a) This article specifies and designates ethical standards of conduct required of all elected and appointed Town officials and all Town employees. Officials and employees have a responsibility by virtue of the trust vested in them by their employment or oath of office to discharge their duties conscientiously, impartially and to the best of their ability, placing the good of the Town above any personal or partisan considerations.
- (b) Officials and employees have an obligation to act morally and honestly in discharging all assigned responsibilities.
- (c) No official or employee, shall while serving as such have any interest, personal, financial or otherwise, direct or indirect, or engage in any business, employment or professional activity, or incur any obligation which is in conflict with the proper discharge of his duties or employment or which would be in conflict with any state statutes.
- (d) Officials and employees will conduct themselves with propriety, discharge their duties impartially and fairly, and make continuing efforts toward attaining and maintaining the highest standards of performance.

(Code 1962, § 2-54.1(III); Ord. No. TC12-4, 11-9-88)

#### **Sec. 2-525. Use of town resources.**

- (a) Town property and resources are entrusted to officials and employees for the use and benefit of residents and taxpayers of the Town.
- (b) No Town officer or employee shall request or permit the use of Town-owned vehicles, equipment, facilities, materials or other property for personal convenience or profit, except when such are available to the public generally or are expressly provided for the use of such Town officer or employee in the interest of the Town.
- (c) No Town officer or employee shall grant any special consideration, treatment, favor or advantage to any person beyond that which is generally available to residents and taxpayers of the Town.
- (d) The abuse or misuse of Town property or resources is an unethical practice. Town property which is legitimately placed in the trust of an official or employee will be preserved and cared for to the best of his ability.
- (e) Requests for Town reimbursement for travel, lodgings or any other expenses incurred in connection with nonofficial business, or for family members of officials or employees or others who are not on official business, represents a breach of ethical behavior.

(Code 1962, § 2-54.1(IV); Ord. No. TC12-4, 11-9-88)

**Sec. 2-526. Treatment of public.**

(a) Officials and employees represent the Town and reflect the relationship between Town government and the public. When relating to the community, officials and employees must bear in mind their roles as public servants. Every person is entitled to courteous, impartial, fair and equal service. Each person is entitled to all of the benefits and services available to each and every other individual in like circumstances.

(b) Officials and employees shall make every reasonable effort to inform the public of its rights to town services.

(c) Officials and employees will treat the public with tact and courtesy and give proper and expeditious consideration to the public's needs.

(d) Should an official or employee be requested to perform an unethical or illegal act, it must be declined and also should be reported to his superior officer, First Selectman, Chief of Police or the Ethics Commission whichever is appropriate.

(e) Officials and employees shall not grant preferential treatment to any person.

(Code 1962, § 2-54.1(V); Ord. No. TC12-4, 11-9-88)

**Sec. 2-527. Conflicts of interest.**

(a) Town officials and employees shall be acutely sensitive to possible conflicts of interest and shall carefully avoid such conflicts. Attention is called to chapter VII, section 28(A) of the Charter, which states that disclosure is required.

(b) A conflict of interest is declared to exist when the vote or other official act of any official or employee may result in the personal advantage or financial gain, or otherwise affect the financial interest of:

(1) That official or employee;

(2) The following relatives of that official or employee, or of the relatives of the spouse of that official or employee; spouse, child, grandchild, parent, grandparent, sibling, aunt, uncle, niece, nephew, cousin;

(3) A member of the immediate household, residing with that official or employee;

(4) An individual, partnership, association or corporation with whom that official or employee has, or within one (1) year of the taking of the vote or official action in question had, financial or business dealings; provided, that financial or business dealings shall not include routine, insubstantial or commonplace business transactions of *ade minimus* nature or those shared or engaged in by the public at large;

(5) A corporation of which a person described in subsections (b)(1), (2) or (3) above is an officer, director, employee or the owner or controller of more than five (5) percent of any of the capital stock;

(6) A partnership of which a person described in subsections (b)(1), (2) or (3) above is a partner.

(c) There is specifically excluded from the definition set forth in subsection (b) a financial gain or advantage incident to a program or project in the nature of a public work or improvement, which financial gain or advantage is common to or shared by a class of residents of the Town, which class is restricted only by geographical proximity to the location of such public work or improvement; nor shall an official be prevented from voting upon the annual Town budget. An official shall not be prevented from voting upon any matter involving any class of residents of the

Town or group of municipal employees only if the vote of that official may result in the financial gain or personal advantage or otherwise effect the financial interest of that official's spouse, parent, grandparent, child, grandchild, sibling, aunt, uncle, niece, nephew, cousin or any other person who shares the same home with the official to the exclusion of other members of the class.

(d) When a conflict or the possibility of a conflict exists, the interested official or employee shall, as soon as such conflict or possible conflict becomes evident or reasonably should have become evident to him, make full disclosure of such conflict to the appropriate governmental body including but not limited to the board or commission on which the particular person sits.

(e) Such interested official or employee shall not thereafter vote or participate in any deliberations or proceedings on such matter.

(f) An official or employee shall not use his public position to obtain or attempt to obtain a special advantage in official matters for himself, a client or for any of the individuals set forth in subsection (b); nor shall he use his public position to influence, or attempt to influence the Town Council or any board, commission, committee, authority or paid consultant of the Town, to act in favor of himself, a client or for any of the individuals set forth in subsection (b).

(Code 1962, § 2-54.1(VI); Ord. No. TC12-4, 11-9-88)

### **Sec. 2-528. Disclosure of confidential information.**

(a) Confidential information is any information not then in the public record or which is exempt from the public record or disclosure by law including section 1-19(b) of the General Statutes and which is obtained only by reason of an official's or employee's position.

(b) No official or employee shall willfully and knowingly disclose to any other person confidential information acquired by him in the course of and by reason of his official duties or employment or use any such information for the purpose of anyone's personal or pecuniary gain.

(c) No official or employee shall accept other employment which will require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties.

(Code 1962, § 2-54.1(VII); Ord. No. TC12-4, 11-9-88)

### **Sec. 2-529. Gifts, gratuities, favors.**

(a) If officials and employees, because of their positions in Town, are offered gifts, loans or privileges in the expectation of influencing their actions and/or decisions, then such offerings are bribes, and the acceptance of them is unethical. Attention is called to chapter VII, section 28(B) of the Charter.

(b) Officials and employees shall not solicit or accept gifts, either in goods or services, loans or privileges offered them because of their positions in Town government except that dinners, banquets and the like given by civic, charitable, fraternal, nonprofit or political organization shall be permitted.

(c) It is unethical for an official or employee to give preferential treatment in response to gifts, loans or privileges offered to an official, employee, family member or business associates.

(d) Subsections (b) and (c) do not preclude the acceptance of reasonable gifts at the time of retirement or at public occasions held to honor an official or employee. The public honoring of an individual makes reasonable gifts appropriate and acceptable.

(Code 1962, § 2-54.1(VIII); Ord. No. TC12-4, 11-9-88)

**Sec. 2-530. Employment incompatible with town duties.**

(a) Unpaid officials may have regular employment and Town employees may have employment additional to Town positions unless otherwise provided by law or collective bargaining agreement. Officials and employees have a responsibility to perform Town duties unencumbered by conflicting demands placed upon them by virtue of their commitment to other employment.

(b) No official or employee shall engage in or accept private or other public employment or render services for private interests when such employment or services are incompatible with the proper discharge of official duties.

(c) Officials and employees shall disqualify themselves from all discussions, attempts at influencing the view of others and decision-making with respect to any issues in which their private or other employment may conflict with their Town positions.

(d) No official or employee shall accept other employment that will impair his independence of judgment as to his official duties or employment or conflict with his ability to perform such duties.

(Code 1962, § 2-54.1(IX); Ord. No. TC12-4, 11-9-88)

**Sec. 2-531. Political activities.**

(a) Recognizing that political activity is an integral part of the democratic process, all officials and employees are free to engage in political activity to the widest extent consistent with the proper discharge of their official Town duties and fair and equal treatment of all townspeople.

(b) Officials and employees shall not allow partisan politics and political activities to materially interfere with the proper discharge of their official duties.

(c) No official or employee shall use the power or influence of his position to coerce participation in political activity or contributions to same.

(Code 1962, § 2-54.1(XI); Ord. No. TC12-4, 11-9-88)

**Sec. 2-532. Sanctions.**

Sanctions imposed by the Ethics Commission shall be:

(1) A public reprimand filed with the Town Clerk;

(2) A recommendation to the hiring authority to take such disciplinary or removal proceedings as may be appropriate or warranted;

(3) A recommendation to the Town Attorney or State's Attorney that further action be taken in accordance with the laws of the state.

(Code 1962, § 2-54.1; Ord. No. TC12-4, 11-9-88)

Secs. 2-533--2-545. Reserved.

**DIVISION 2. ETHICS COMMISSION\***

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\*Charter references: Ethics Commission, Ch. VII, § 22.

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**Sec. 2-546. Officers.**

- (a) The officers of the commission shall be a Chairman, a Vice-Chairman and a Secretary.
- (b) The Chairman shall preside at all meetings.
- (c) The Vice-Chairman shall perform the duties of the Chairman in the event of the Chairman's absence, death, resignation or inability for any other reason to act.
- (d) The Secretary shall cause to have taken minutes of all meetings and issue all notices required.
- (e) The members of the Commission shall elect their officers at the first meeting of the Commission after appointment of members to expired terms. Such organization meeting shall be held not later than sixty (60) days after such appointments.

(Code 1962, § 2-54.1(Art. I))

**Sec. 2-547. Meetings.**

The Commission may meet monthly if it has business to transact or as soon as seen as reasonably possible after receipt of a complaint or at such other time that the Chairman shall deem necessary.

(Code 1962, § 2-54.1(Art. II); Ord. No. TC12-4, 11-9-88)

**Sec. 2-548. Quorum.**

The presence of three (3) members shall be required to conduct the Commission's business. A majority of the members present may act upon any matter for the Commission except for a finding of an ethics code violation and/or the imposition of sanctions which shall require a majority vote of the membership of the Commission. Any hearing on a complaint shall require the continued presence of at least three (3) members of the Commission. A member of the Commission who fails to attend the entire hearing on any complaint shall not be entitled to vote thereon.

(Code 1962, § 2-54.1(Art. III); Ord. No. TC12-4, 11-9-88)

**Sec. 2-549. Public presence.**

- (a) Meetings concerning operating administrative affairs shall be open to the general public.
- (b) Meetings involving specific complaints or investigations shall be open to the public only after the Commission has decided to accept the complaint and proceed with an investigation.

(Code 1962, § 2-54.1(Art. IV); Ord. No. TC12-4, 11-9-88)

**Sec. 2-550. Case procedure.**

- (a) No complaint shall be accepted by the Commission unless it is reduced to writing, dated, signed and sworn to by the complainant before a notary public or Commissioner of the Superior Court. The complaint shall contain a statement of the underlying facts and identify, to the extent possible, the names and individuals involved, the nature of the alleged violation, and the date or

dates of such violation.

(b) Such complaint shall be mailed or delivered to the Chairman of the Ethics Commission in care of the Town Clerk, Town Hall, Trumbull, Connecticut. The Town Clerk will advise the Chairman of the receipt of such mail and hold it unopened for delivery to the Chairman.

(c) Each request for Commission action shall be assigned a file number by the Commission and be identified by same. A cover sheet shall record the official date of receipt, dates of all required notices, meetings on same and action taken.

(d) Except where a complaint is filed by the Commission, upon receipt of a complaint, the Commission shall meet in executive session and decide whether to dismiss the complaint for lack of jurisdiction or lack of probable cause or to accept the complaint and to proceed with any necessary investigation. In the event that the Commission proceeds with the complaint, the Commission shall promptly notify the person charged with any violation in writing by sending to the person charged a copy of the complaint. Any person charged may be represented by counsel and all hearings shall be recorded by stenographic recording or tape. The Commission shall have the power to require the attendance of any witness by subpoena. Any person charged shall be notified in writing at least ten (10) business days prior to any hearing regarding the complaint. At the beginning of the hearing, the Commission may, in its discretion, ask for clarification of the issues involved after which the complaining party or his attorney, shall present his claims, proofs and witnesses who shall submit to questions or other examination by the party charged or his attorney, the Commission or its attorney, and counsel for the complaining party, if any. Thereafter, the party charged, or his attorney, shall present his defenses, proofs and witnesses who likewise shall submit to questions from the complaining party or his attorney, the Commission or its attorney or counsel for the party charged. Exhibits, when offered by either party, may be received in evidence including affidavits sworn to under oath, to afford a full and equal opportunity for the presentation of any material or relevant proofs. The Commission may in its discretion vary the foregoing procedure where in the interest of fairness it deems it appropriate. The Commission may proceed in the absence of any person charged with a complaint, the charging party or any witnesses but shall make every effort to receive sufficient competent evidence in order to render a just and final decision.

(e) After hearing and within one hundred twenty (120) days of the filing of the complaint, the Commission shall notify the complainant, the person charged, and the Town Clerk of its final action in writing and the sanction, if any, imposed. Any such action shall be deemed final. The Commission shall have the right to reject any complaint or request for advisory opinion if it determines, by majority vote, that the matters presented have been previously heard by the Commission and appropriate action has been taken.

(f) The Commission may be guided by the advisory opinions of the Ethics Commission of the state (See: Conn. Gen. Stat. S1-81), and the opinions of the Connecticut Bar Association with respect to the code of professional responsibility, and shall abide by the laws of the state.

(Code 1962, § 2-54.1; Ord. No. TC12-4, 11-9-88)

### **Sec. 2-551. Findings and recommendations.**

Any findings and recommendations of the Ethics Commission arrived at after a full hearing shall be recorded with the Town Clerk.

(Code 1962, § 2-54.1(Art. VI))

### **Sec. 2-552. Advisory opinions.**

The Commission may render advisory opinions of a general nature, without reference to any

specific case, to guide officials and employees with respect to the application and interpretation of the code of ethics, but no such opinion shall be rendered unless approved by the majority of the membership of the Commission.

(Code 1962, § 2-54.1(Art. VII); Ord. No. TC12-4, 11-9-88)

### **Sec. 2-553. Amendments.**

The Commission may, from time to time, in its discretion, suggest amendments to the Code of Ethics for approval by the Town Council by ordinance.

(Code 1962, § 2-54.1(Art. VIII); Ord. No. TC12-4, 11-9-88)

Secs. 2-554--2-570. Reserved.