

AMENDMENT 8-5-19

MUNICIPAL CODE
TOWN OF OLD SAYBROOK

Chapter 23. ETHICS, CODE OF

History: Adopted by the Town Meeting of the Town of Old Saybrook at referendum 5-25-1995. Amendment accepted and adopted by the Town Meeting of the Town of Old Saybrook, July 16, 2019. Effective date: August 5, 2019.

§ 23.1. Declaration of Policy and Purpose.

There is hereby established a Code of Ethics for all Town officials and employees and other affected personnel as specified in § 23-2 (hereinafter, the “Code”). The purpose of this Code is to establish suitable ethical standards for all Town officers, employees and officials by prohibiting official conduct that is not in the best interests of the Town of Old Saybrook, and to prevent conflicts of interest in official action as defined in Chapter 12 of the Town Code of Ordinances. In the event of any inconsistencies in the interpretation between this Chapter and Chapter 12 of the Code of Ordinances, this Chapter 23 shall govern.

§ 23.2 Applicability.

A. This Code shall apply to all Town officers, employees, and officials whether elected or appointed, paid or unpaid. This Code shall also apply to all town personnel including, but not limited to, the Office of the Selectmen, Board of Education, Police and Fire Commission, Town officers, Town departments, and all other personnel elected or appointed to boards, commissions, committees and agencies of the Town.

B. This Code shall also apply to all persons, businesses, consultants, companies, corporations and/or their agents and employees, or others hired by the Town or having a contractual relationship with the Town of Old Saybrook.

C. All of the above individuals or entities shall be referred to hereinafter collectively as “persons governed by this Code.”

§ 23.3 Conflict of interest.

A. Persons governed by this Code shall not engage in or participate in any business or transaction, and/or shall not have a conflict of interest, direct or indirect, which is incompatible with the proper discharge of that person’s official

duties in the public interest, or that would tend to impair that person's independent judgment or action in the performance of that person's official duties.

B. Persons governed by this Code also shall not appear at any time within a period of one year of the date upon which that person's official position with the Town ends, before any Town board, commission, committee, department, or agency with which that person was formally employed, appointed, acting, or participating on behalf of the Town, in connection with any matter or case with which that person was associated while an officer, employee, or official of the Town. Any such officer, employee, or official may, upon written application to the Ethics Commission, be released from this obligation after review and approval of such application by a majority vote of the Ethics Commission.

C. Persons governed by this code shall not be financially interested or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment, or contractual services furnished to or used by the board, commission, committee, department, or agency of which that person is a member, or of which that person or persons is or are an employee. It is further provided, notwithstanding the above, that no member of the Board of Selectmen of the Town of Old Saybrook, and no member of the Board of Finance of the Town of Old Saybrook, shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment, or contractual services furnished to or used by any board, agency, or commission of the Town of Old Saybrook.

D. Persons governed by this code shall not accept or receive, directly or indirectly, from any person, firm, or corporation to which any contract or purchase order may be awarded by the Town of Old Saybrook, or any of its boards, commissions, committees, departments, or agencies, or commissions, by rebate, gifts, or otherwise, any money, or anything of value whatsoever, or any promise, obligation, or contract for future reward or compensation, except as otherwise provided in Section 23-5

E. Persons governed by this code who have a financial or personal interest in any transaction or contract with the Town, including the sale of real estate, materials, supplies, or the provision of services to the Town, shall not vote or otherwise participate in the transaction or contract on behalf of the Town. That person shall promptly disclose the conflict of interest in writing to the head of the board, commission, committee, department, or agency making the decision, and to the First Selectman.

F. Persons governed by this Code shall not request or permit the use of Town-owned vehicles, equipment, facilities, materials, or property for personal convenience or profit, except when such public property is available to the public generally, or when provided in accordance with an established municipal policy for the use of such public property by the officer, employee, or official as within the interests of the Town.

G. Persons governed by this code shall not grant any special consideration, treatment, favor, or advantage to any person, firm, or corporation beyond which is generally available to residents and/or taxpayers of the Town.

§ 23-4. Incompatible employment.

Persons governed by this Code shall not accept employment by a person, firm, company or corporation, or render services for a private interest when those services or employment are incompatible with the proper discharge of that person's official duties, or otherwise impair that person's judgment and obligation to act in the best interests of the Town.

§ 23-5. Gifts.

A. For the purposes of this provision, a "gift" is defined to mean anything of monetary value, and specifically includes travel, lodgings and meals. This provision is meant to compliment and amplify the gift prohibition set forth in Chapter 12 of the Town Code of Ordinances.

B. Prohibited Gifts

Unless an exception applies, persons governed by this code may not accept gifts that are offered because of the recipient's official position or that come from certain interested sources ("Prohibited Sources").

A "Prohibited Source" is a person or entity (or an organization made up of such persons) who:

- 1) is seeking official action by, is doing business or seeking to do business with, or is regulated by a person governed by this Code; and/or
- 2) has interests that may be substantially affected by the official action or non-action of a person governed by this Code.

C. Exceptions

There are a few exceptions to the prohibition on persons governed by this Code

accepting gifts. These exceptions allow persons governed by this Code to accept from a person other than a Prohibited Source:

- 1) a gift valued at \$20 or less, provided that the total value of gifts received from the same person totals no more than \$50 in a calendar year;
- 2) a gift motivated solely by a family relationship or personal friendship;
- 3) a gift based on a person's or spouse's outside business or employment relationships, including a gift customarily provided by a prospective employer as part of bona fide employment discussions;
- 4) a gift, including awards and honorary degrees; certain discounts and other benefits; and attendance at certain social events in which the person is attending in their official capacity..

D. Exclusions

The following items are not considered gifts and may be accepted by persons governed by this Code:

- 1) modest refreshments (such as coffee and donuts), greeting cards, plaques and other items of little intrinsic value; and
- 2) discounts available to the public or to all employees of the Town or members of a Town board, commission, committee, or agency and rewards or prizes connected to competitions open to the general public.

E. Prohibition on Soliciting Gifts

Notwithstanding the foregoing:

- 1) Persons governed by this code shall never solicit or coerce the offering of any gift, or accept a gift in return for being influenced in the performance of an official act; and
- 2) Persons governed by this code may not accept any gifts so frequently that a reasonable person might think that the person governed by this code was using public office for private gain.

F. Disposition of Prohibited Gifts

If a person governed by this Code has received a gift that cannot be accepted, that person must:

- 1) return the gift; or
- 2) pay the donor the market value of the gift; or
- 3) if the gift is perishable (e.g. a fruit basket or flowers) and it is not practical

to return it, the gift may, be given to charity, shared with the office, or destroyed.

G. Gifts between employees of the Town.

In this section, an "employee" means "an employee of the Town."

- 1) An employee may not contribute toward, solicit contributions for, nor give a gift to the employee's official supervisor(s), or any other person in charge of determining that employee's continued employment terms (hereinafter, a "Supervisor").
- 2) An employee may not accept a gift from another employee who receives less pay, unless the recipient employee is not the gifting employee's subordinate and a personal relationship justifies the gift.
- 3) An employee may not ask another employee for a contribution toward a gift for the employee's own Supervisor or for the other employee's Supervisor.
- 4) These rules do not prohibit an employee from giving a gift to another employee, or accepting a gift from another employee, as long as a personal friendship or familial relationship justifies the gift and the employees are not in the same supervisory "chain of command," i. e., neither employee has a direct or indirect supervisory role with respect to the other.
- 5) Exceptions:
 - a. On an occasional basis (including for a birthday or annual holiday), an employee may give, and the Supervisor (or other employee receiving more pay than the gifting employee) may accept:
 - i. gifts, other than cash, having a market value of \$10 or less per occasion;
 - ii. items such as food and refreshments to be shared in the office among several employees;
 - iii. personal hospitality at a residence which is of a type and value customarily provided by the employee to personal friends;
 - iv. gifts exchanged in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions.
 - b. On "Special Occasions," an employee may give, and his or her Supervisor (or employee receiving more pay than the gifting employee) may accept a gift appropriate to that Special Occasion. Special Occasions include:
 - i. infrequently occurring events of personal significance, such as marriage, illness, or the birth or adoption of a child (as distinguished from a birthday or annual holiday); or

- ii. occasions that terminate the subordinate-Supervisor relationship, such as retirement, resignation, or transfer.
- c. In addition, notwithstanding the limitations above concerning solicitations and contributions, an employee may solicit or contribute--on a strictly voluntary basis--nominal amounts for a group gift to a Supervisor for:
 - i. items such as food and refreshments to be shared in the office among several employees; and/or
 - ii. a "Special Occasion."

§ 23-6. Procedures for complaints and advisory opinions.

The Ethics Commission shall adopt procedures and regulations for the initiation and handling of complaints, including those initiated by private citizens. The Commission shall also adopt procedures and regulations whereby all persons governed by this Code may request and receive advisory opinions from the Ethics Commission as to whether certain conduct by such officials and employees complies with this Code of Ethics.

§ 23-7. Distribution of Code of Ethics.

This Code of Ethics, together with all rules, regulations, and procedures adopted by the Ethics Commission, shall be printed in booklet form and distributed to all persons governed by this code. The Commission shall adopt regulations and procedures to implement and insure compliance with the provisions of this section.

§ 23-8. Deadline for Filing Complaints.

All complaints for violation of the Old Saybrook Code of Ethics against any person shall be filed within two years of the date of any such alleged violation. No complaint shall be filed for any claimed violation of the Old Saybrook Code of Ethics for any event occurring prior to the effective date of the enactment of the Old Saybrook Code of Ethics.