

LEGAL NOTICE

TOWN OF PUTNAM

The following ORDINANCE was approved at the Special Town Meeting held on July 12, 2010 and shall become effective twenty-one (21) days after date of publication. The Town of Putnam Code of Ethics adopted on May 18, 1995 is hereby repealed in its entirety and there is substituted therefore the 2010 Revised Code of Ethics.

Dated at Putnam, Connecticut this 20th, day of July, 2010.

Sara J. Seney
Town Clerk

ORDINANCE

CODE OF ETHICS

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TOWN OF PUTNAM
CODE OF ETHICS

STATEMENT OF PURPOSE

Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of Putnam, and it must be based on honest and fair deliberations and decisions. This process must be free from threats, favoritism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By enacting this Code, the Town of Putnam seeks to avoid any loss of trust and to maintain and increase the confidence of citizens in the integrity and fairness of their government.

SECTION 1-1. DEFINITIONS

(a) "Business" means any entity through which business for profit or not for profit is conducted including a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.

(b) "Business with which one is associated" means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or public employee or member of his or her immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five percent or more of the total outstanding stock of any class, provided, a public official or public employee, or member of his or her immediate family, shall not be deemed to be associated with a not-for-profit entity solely by virtue of the fact that the public official or public employee or member of his or her immediate family is an unpaid director or officer of the not-for-profit entity. "Officer" refers only to the president, executive or senior vice president or treasurer of such business.

(c) "Business days" means Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, excluding days on which the Putnam town offices are closed for holidays, special observances, inclement weather conditions or emergencies.

(d) "Commission" means the Town of Putnam Ethics Commission established in section 1-2.

(e) "Confidential information" means information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of

such nature that it is not, at the time of transmission, a matter of public record or public knowledge.

(f) "Conflict of interest" means an interest which is in substantial conflict with a public official's or public employee's proper discharge of his or her duties or ... employment in the public interest and of his or her responsibilities as prescribed by law. Such public official or public employee has such an interest if he or she has reason to believe or expect that his or her own self, spouse, dependent child, or a business with which he or she is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity. Any such public official or public employee does not have an interest which is in substantial conflict with the discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by law, if any benefit or detriment accrues to himself or herself, his or her spouse, dependent child or to a business with which he or she, his or her spouse or 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. If there is any conflict between the provisions of this definition and any other portion of this Code, the provisions of this definition shall prevail.

(g) "Financial interest" means any interest with a monetary value of \$100 or more or which generates a financial gain or loss of \$100 or more in a calendar year.

(h) "Gift" means anything of value, including entertainment, food, beverage, travel, and lodging given or paid to a public official or public employee to the extent that consideration of equal or greater value is not received. A gift does not include:

(1) a political contribution otherwise reported as required by law or a donation or payment as described in subdivision (9) or (II) of subsection (b) of Section 9-333b of the Connecticut General Statutes;

(2) services provided by persons volunteering their time;

(3) a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;

(4) a gift received from (a) an individual's spouse, fiancé or fiancée, (b) the parent, brother or sister of such spouse or such individual, or (c) the child of such individual or the spouse of such child;

(5) goods or services which are provided to the municipality and facilitate governmental action or functions;

(6) a certificate, plaque or other ceremonial award costing less than one hundred dollars;

(7) a rebate or discount on the price of anything of value made in the ordinary course of business without regard to that person's status;

(8) printed or recorded informational material germane to governmental action or functions;

(9) items of nominal value, not to exceed twenty dollars, containing or displaying promotional material;

(10) an honorary degree bestowed upon a public official or public employee by a public or private university or college;

(11) a meal provided at an event and/or the registration or entrance fee to attend such an event, in which the public employee or public official participates in his or her official capacity; or a working business meal for which the value of the public employee's or public official's meal does not exceed twenty-five dollars;

(12) a meal provided in the home by an individual who resides in the municipality;

(13) gifts in-kind of nominal value not to exceed twenty-five dollars tendered on gift-giving occasions generally recognized by the public including Christmas, Hanukkah, birthdays, the birth or adoption of a child, weddings, confirmations or bar/bat mitzvahs, provided the total value of such gifts in any calendar year does not exceed fifty dollars.

(i) "Individual" means a natural person.

(j) "Individual with whom one is associated" means an individual with whom the person or a member of his or her immediate family mutually has an interest in any business.

(k) "Municipality" shall include any special district contained therein which has taken appropriate legal action to adopt this Code of Ethics to apply to the conduct of its public officials and public employees.

(l) "Official responsibility" means the direct administrative or operating authority, whether intermediate or final and whether exercisable personally or through subordinates, to approve, disapprove, or otherwise direct government action.

(m) "Person" means an individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

(n) "Personal interest" means an interest in any action taken by the municipality in which an individual will derive a nonfinancial benefit or detriment but which will result in the expenditure of municipal funds.

(o) "Probable cause," for the purpose of a complaint under the Town of Putnam ethics ordinance, shall consist of such state of facts which would induce a reasonably intelligent and cautious individual to believe that a violation of the code has occurred.

(p) "Public employee" means a person employed, whether part-time or full-time, by the municipality or a political subdivision thereof.

(q) "Public official" means an elected or appointed official, whether paid or unpaid or full or part-time, of a municipality, including candidates for the office.

(r) "Relative" means the spouse, parent, grandparent, child, grandchild, sibling, stepparent, and stepchild of an individual, and also their respective spouses;

(s) "Special district" means a district established pursuant to the Connecticut General Statutes, section 7-324.

SECTION 1-2. MUNICIPAL ETHICS COMMISSION. MEMBERS; APPOINTMENT; QUALIFICATIONS; POLITICAL ACTIVITY.

(a) There shall be a Town of Putnam Ethics Commission consisting of five (5) members. The members shall be appointed by majority vote of the Board of Selectmen for a term of two (2) years. No more than three shall be members of the same political party.

(b) All members shall be electors of the municipality. No member of the appointing authority, which is the Board of Selectmen shall (1) serve on the Ethics Commission and (2) that no member of the Ethics Commission shall serve as an officer of any political party or political committee, but mere membership on a political committee shall not be a bar to service on the Ethics Commission.

(c) (1) Although any member of the Commission shall have an unrestricted right to vote, make political contributions, and attend fundraising or other political events, no member or employee shall take a leadership role in any candidate's political campaign for any municipal office subject to the Commission's jurisdiction. An individual would take a leadership role by, for example, serving as a campaign manager, giving a speech at a political event, or formally endorsing a candidate.

(2) No candidate for political office may disseminate information which indicates that a Commission member or employee supports his or her candidacy.

(d) The Commission shall elect a chairperson who shall preside at meetings of the Commission and a vice-chairperson to preside in the absence of the chairperson. Three members shall constitute a quorum. A majority vote of the quorum shall be required for action of the Commission, except as specified in section 1-4(d). The chairperson or any two members may call a meeting.

(e) Vacancies on the Commission will be filled in the manner prescribed by the Charter of the Town of Putnam for other appointive offices.

SECTION 1-3. DUTIES OF COMMISSION CONCERNING REPORTS, ADVISORY OPINIONS, MEMORANDA AND REGULATIONS. EMPLOYMENT OF NECESSARY STAFF.

(a) The Commission shall: (1) compile and maintain a record of all reports, advisory opinions, statements, and memoranda filed by and with the Commission to facilitate public access to such reports and statements; (2) issue advisory opinions with regard to the requirements of this Code upon the request of any public employee or public official inquiring on his or her own behalf. The Commission shall provide such an advisory opinion no later than 35 business days after it receives the request for the advisory opinion. Advisory opinions rendered by the Commission, until amended or revoked, shall be binding on the Commission and shall be deemed to be final decisions of this Commission. Any advisory opinion concerning the person who requested the opinion and who acted in reliance thereon, in good faith, shall be an absolute defense in any matter brought under the provisions of this Code.

(b) The Commission may adopt, after a public hearing, rules and regulations not inconsistent with this Code for the administration and implementation of the Code.

(c) The Commission may employ necessary staff or outside counsel within available appropriations.

SECTION 1-4. COMPLAINTS, PROCEDURES, TIME LIMITS,
INVESTIGATION, NOTICE, HEARINGS.

(a) (1) Upon the complaint of any person, set forth on a form prescribed by the Commission, signed under penalty of false statement and addressed to the Commission in care of the Town Clerk (who shall then forward the complaint forthwith to the Ethics Commission), the Ethics Commission shall investigate any alleged violation of this Code.

(2) Not later than ten (10) business days after the Commission's receipt of such complaint from the Town Clerk, the Commission shall provide notice of such receipt and a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed, and shall also include notice of the confidentiality provisions listed in section 1-5 of this Code, including notice that the respondent has the right to waive confidentiality by submitting a written request to the Commission. The Commission shall also provide the complainant with notice of the receipt of the complaint by registered or certified mail. The correspondence to the respondent and complainant described above shall include notification of the date, time and place for the commencement of the Commission's meeting for preliminary review of the complaint, described in paragraph (a)(3) of this section, and also notification that the respondent has the right to attend that meeting, but not to participate except as requested by the Commission.

(3) The Commission shall meet to hold a preliminary review of the complaint to determine whether or not the allegations contained therein, if true, would constitute a violation of any provision of the Code. The commencement of the meeting for preliminary review of the complaint shall be held within fifteen (15) business days after the correspondence to the complainant and respondent described in paragraph (a)(2) of this section has been sent.

(4) If the Commission determines at its preliminary review that the allegations, if true, would constitute a violation of any provision of this Code, then the Commission shall fix a date for the commencement of a probable cause hearing on the complaint. The probable cause hearing will be scheduled not more than ten (10) nor fewer than five (5) business days after the completion of the preliminary review.

(5) If the Commission determines that there is probable cause to believe that the allegations in the complaint are true and that, if true, they constitute a violation of this Code, then the Commission shall fix a date for the commencement of a public

hearing on the allegations not more than ten (10) nor fewer than five (5) business days after the finding of probable cause.

(6) The Commission shall inform the complainant and the respondent of the result of the public hearing by registered or certified mail not later than three (3) business days after the termination of the hearing. The notification shall include a summary of the Commission's reasons for making such a finding

(7) The Commission shall have the authority to adjourn any of its proceedings for completion at a later date.

(b) (1) A complaint under this Code may be initiated by the Commission itself, acting on its own behalf. Before the issuance of such a complaint, the Commission may conduct an investigation as described in section 1-5(c). No complaint shall be issued by the Commission without a finding that the allegations therein, if true, would constitute a violation of the Code.

(2) Not later than five (5) business days after the Commission's issuance of such complaint, the Commission will provide a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed, and shall also include notice of the confidentiality provisions listed in section 1-5 of this Code, including notice that the respondent has the right to waive confidentiality by submitting a written request to the Commission. The Commission shall then proceed to a meeting for preliminary review of the complaint as described in Section 1-4(a)(3) of this Code, and the correspondence to the respondent shall include notification of the date, time and place of the commencement of such meeting, which shall take place within fifteen (15) business days after the correspondence is sent. The correspondence shall also include notification that the respondent has the right to attend the meeting. Further proceedings shall take place as described in part (a) of this section.

(c) (1) In the conduct of its investigation of an alleged violation of this Code, the Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and require the production for examination by the Commission of any books and papers which the Commission deems relevant in any matter under investigation or in question.

(2) The respondent shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses.

(d) The Commission shall make no finding that there is a violation of any provision of this Code except upon the concurring vote of at least three of its members.

(e) Any hearing conducted by the Commission shall be governed by the administrative rules of evidence.

(f) No complaint may be made under this Code except within one year next after the violation alleged in the complaint has been committed. No complaint may be made under this Code for any violations alleged to have occurred prior to the enactment of this Code.

(g) No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the Commission under the provisions of this Code. After receipt of information from an individual, the Commission shall not disclose the identity of such individual without his or her consent unless the Commission determines that such disclosure is unavoidable during the course of an investigation.

SECTION 1-5. CONFIDENTIALITY OF COMPLAINTS AND COMMISSION PROCEEDINGS.

(a) All proceedings prior to the Commission's finding of probable cause shall be confidential except upon the written request of the respondent. If the Commission finds probable cause to believe that the allegations in the complaint are true and that, if true, they would constitute a violation of this Code, the record of all proceedings in the matter shall be made public no later than five (5) business days after such finding of probable cause.

(b) If the Commission makes no such finding of probable cause, the complaint and the record of its investigation shall remain confidential, except upon the written request of the respondent. No complainant, respondent, witness, designated party, or Commission or staff member 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.

(c) Prior to the filing of a complaint by the Commission on its own behalf, the Commission may conduct a preliminary investigation to determine whether the filing of a complaint is warranted. This preliminary investigation shall be confidential except upon the written request of the respondent. If the investigation is confidential, any allegations and any information supplied to or received from the Commission shall

not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or Commission or staff member.

SECTION 1-6. PENALTIES.

Violation of any provision of this Code shall constitute grounds for, and may be punished by (1) public censure and reprimand; (2) a civil penalty of not more than \$100 per violation; (3) restitution of any pecuniary benefits received because of the violation committed; (4) removal from a municipal position of any individual who gained that position under circumstances prohibited by this Code.

SECTION 1-7. HIRING PRACTICES.

(a) (1) No municipal board, commission or other public body shall hire a relative of any member of that board, that commission or that public body.

(2) No public employee with the authority to hire other public employees shall hire a relative of himself or herself or of any member of the municipal board, commission or other public body by which he or she is employed.

(b) (1) No person shall accept a position of municipal employment if a relative has hiring authority over that position, whether that relative is a public employee or public official.

(2) Officials of municipal boards, commissions and bodies with hiring authority, and public employees with hiring authority, shall require all applicants for municipal positions to sign a statement that they do not have a relative with hiring authority over the position which the applicant is seeking.

(c) The provisions of sections 1-7(a) and 1-7(b) above shall not apply to the hiring or employment of persons under 21 years of age for municipal positions that are temporary and/or seasonal in nature.

(d) No individual shall be appointed to a municipal board, commission or other body, including appointment to fill a vacancy in an elective office, if that board, commission or other body employs a relative of that individual.

(e) Nothing in this Code shall prevent an individual from seeking elective office because a relative is an employee of the municipal board, commission or other body on which he or she is seeking a seat.

SECTION 1-8. CONFLICTS OF INTEREST

(a) No public employee or public official shall engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of his or her official responsibilities in the public interest or which would tend to impair his or her independent judgment or action in the performance of his or her official responsibilities.

(b) (1) No public employee or public official shall solicit or accept any gift from any person who to his or her knowledge is interested in any pending matter within such individual's official responsibility.

(2) If a prohibited gift is offered to a public employee or public official, he or she must refuse it, return it, pay the donor the full value of the gift, or donate it to a non-profit organization provided he or she does not take the corresponding tax write-off. Alternatively, it may be considered a gift to the municipality provided it remains in the municipality's possession permanently.

(c) A public official or public employee must refrain from voting or taking action on any matter in which he or she has an interest which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest and of his or her responsibilities as prescribed by law. Such public official or public employee has such an interest if he or she has reason to believe or expect that his or her own self, spouse, dependent child, or a business with which he or she is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity. Any such public official or public employee does not have an interest which is in substantial conflict with the discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by law, if any benefit or detriment accrues to himself or herself, his or her spouse, dependent child or to a business with which he or she, his or her spouse or 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.

(d) (1) Except for a public official who receives no compensation for his or her service to the municipality other than per diem payments and reimbursement of expenses, no public employee or public official shall appear on behalf of private interests before any board, agency, or committee of the municipality.

(2) Except for a public official who receives no compensation for his or her service to the municipality other than per diem payments and reimbursement of expenses, no

public employee or public official shall represent private interests against the interest of the municipality in any litigation to which the municipality is a party.

(e) Nothing contained in this Code shall prohibit or restrict a public employee or public official from appearing before any board or commission of the municipality on his or her own behalf, or from being a party in any action, proceeding or litigation brought by or against the public employee or public official to which the municipality is a party.

(f) No public employee or public official shall disclose confidential information concerning municipal affairs, nor shall he or she use such information for the financial interests of himself or herself or others.

(g) No public employee or public official shall request or permit the use of municipal owned vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such are available to the public generally or are provided as municipal policy for the use of such public employee or public official in the conduct of official business.

(h) No public employee or public official, or a relative or a business with which he or she is associated, shall enter into a contract with the municipality unless it is awarded through a process of public notice and competitive bidding.

(i) No public employee or public official may use his or her position or office for the financial benefit of himself or herself, a business with which he or she is associated, an individual with whom he or she is associated, or a relative.

(j) No public employee or public official acting in his or her official capacity shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event.

(k) No public employee or public official, or his or her relative or business with which he or she is associated, shall solicit or accept anything of value, including but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.

SECTION 1-9. PAID CONSULTANTS OF THE MUNICIPALITY.

(a) No paid consultant of the municipality shall represent a private interest in any action or proceeding against the interest of the municipality which is in conflict with the performance of his or her duties as a consultant.

(b) No paid consultant may represent anyone other than the municipality concerning any matter in which he or she participated personally and substantially as a consultant to the municipality.

(c) No paid consultant shall disclose confidential information learned while performing his or her duties for the municipality nor shall he or she use such information for the financial interests of himself or herself or others.

SECTION 1-10. FORMER PUBLIC EMPLOYEES AND PUBLIC OFFICIALS

(a) No former public employee or public official shall appear for compensation before any municipal board or agency in which he or she was formerly employed at any time within a period of three months after termination of his or her service with the municipality.

(b) No former public employee or public official shall represent anyone other than the municipality concerning any particular matter in which he or she participated personally and substantially while in municipal service.

(c) No former public employee or public official shall disclose or use confidential information acquired in the course of and by reason of his or her official duties, for financial gain for himself or herself or others.

(d) No former public employee or public official who participated substantially in the negotiation or award of a municipal contract obliging the municipality to pay an amount of \$100,000 or more, or who supervised the negotiation or award of such a contract, shall accept employment with a party to the contract other than the municipality for a period of one year after such contract is signed.

SECTION 1-11. DISTRIBUTION OF CODE.

The Town Clerk shall cause a copy of this Code of Ethics to be distributed to every public employee and public official within thirty (30) business days after enactment of this Code. Each public employee and public official shall be furnished a copy before

entering upon the duties of his or her office or employment. A signed receipt for all copies shall be returned to the Town Clerk and retained on file.

END

S/whs-2/Putnam/Ethics/Town of Putnam Code of Ethics rev. 7-19-10