

DRAFT
CODE OF ETHICS

PART I ADMINISTRATIVE LEGISLATION

1. Legislative Intent.

The proper operation of government requires that public officials and public employees be independent, impartial and responsible to the people; that governmental decisions and policies be made free from undue influence and in the proper channels of governmental structure; that governmental office and employment not be used for unauthorized personal gain; that governmental officials and employees strive to avoid even the appearance of impropriety; and that the public have confidence in the integrity of its government. The purpose of this Code of Ethics is to set forth standards of ethical conduct to guide elected or appointed officials and employees of the Town of Bolton in the conduct of their public responsibilities and to develop and maintain a tradition of responsible and effective public service. In recognition of these goals, this Code of Ethics is established pursuant to authority granted to the Town by Connecticut General Statutes Section 7-148h as amended.

2. Definitions.

For the purpose of this ordinance, the following terms shall have the indicated meanings:

AGENCY -- All boards, commissions, authorities and committees of the Town of Bolton, including the Board of Education, but not including a Town Meeting.

BENEFICIAL INTEREST -- Any nonfinancial interest or special treatment that is not common to other citizens of the Town. An individual's beneficial interests shall include the beneficial interests of all members of his/her family.

BOARD -- Shall mean the Ethics Board unless otherwise noted.

CONFIDENTIAL INFORMATION -- Information, whether transmitted orally or in writing, that is obtained by an official or employee by reason of his/her public position and is of such nature that, at the time of transmission, it is not a matter of public record.

CONSULTANT -- Any independent contractor or professional person or firm that is engaged by and receives compensation from any agency for the purpose of providing scientific, technical or other specialized opinion to such agency and is in a position to influence any decision of an agency, official or employee.

EMPLOYEE -- Includes all persons, including but not limited to officers and supervisors, employed by the Town and encompasses all persons, including but not limited to officers and supervisors, employed by the Board of Education.

FINANCIAL INTEREST -- Any interest that has a monetary value of \$100 or more or generates a financial gain or loss of \$100 or more in a calendar year and is not common to the other citizens of the Town. An individual's financial interests shall include the financial interests of all members of his/her family but shall not include any duly authorized compensation from the Town.

OFFICIAL -- Includes all persons who are members of a Town agency.

3. Consultants.

- A. This Code of Ethics shall be incorporated into all contracts entered into by an agency and a consultant.
- B. Persons or firms who are engaged by and receive compensation from other entities, such as the state or federal government, and who are in a position to influence any decision of an agency, official or employee shall be guided by this Code of Ethics, and the Board of Ethics, upon complaint or its own motion, may make recommendations to the entity employing such persons.

4. Confidential Information.

Except as otherwise required by law, no official, employee or consultant shall disclose, without proper authorization, confidential information, nor shall he/she use such information to advance his/her financial or beneficial interests or the financial or beneficial interests of others. This section shall not be used to restrict the release of information that is properly available to the public.

5. Use of Influence.

No official, employee or consultant may inappropriately use his/her position to influence a decision affecting a financial interest or a beneficial interest in his/her favor or in favor of any other person or entity.

6. Gifts and Favors.

- A. No official, employee or consultant or any member of his/her immediate family nor any agency, employee organization or group of employees shall solicit or accept any valuable gift, whether in the form of a service, a loan at a less than a commercially reasonable rate, a material thing or a promise, from any person or entity who or which is interested directly or indirectly in any business transactions or pending matters that are within the purview of such prospective recipient's official responsibilities. No official or employee shall accept any special favor, treatment, consideration or advantage beyond that which is generally available to citizens of the Town from any person who, to the official or employee's knowledge, is interested directly or indirectly in any business transactions or pending matters that are within his/her official responsibilities. For purposes of this section, pending matters include, but are not limited to, applications to agencies, bids for work to be performed, applications for employment and bids for the furnishing of supplies, equipment or other items.
- B. The Board of Ethics shall formulate guidelines for delineating gifts and favors deemed not to be of value in order to avoid de minimis situations. Such guidelines shall become effective upon adoption by the Board of Selectmen.
- C. This section shall not apply to a political contribution otherwise reported as required by law.

7. Equal Treatment.

Without proper authorization, no official, employee or consultant shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

8. Conflict of Interest.

- A. An official or employee or consultant has a conflict of interest when he/she engages in or participates

in any transaction, including private employment and the rendering of private services, that is incompatible with the proper discharge of his/her official responsibilities in the public interest or which gives the perception that his/her independent judgment or action in the performance of his/her official responsibilities has been impaired.

- B. An official or employee or consultant has a financial interest or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if he/she has reason to believe or expect that he/she will derive such interest by reason of his/her performance of his/her official responsibilities.
- C. An official or employee or consultant does not have a financial or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if any such interest accrues to him/her as a member of a business, profession, occupation or group to no greater extent than it accrues to any other member of the business, profession, occupation or group that he/she represents. This does not relieve an individual from his/her obligation to refrain from voting on any matter that would directly benefit his/her business, profession, occupation, group or family as required by this Code of Ethics, the Town of Bolton Charter and General Statutes Section 7-148h(b) as amended.

9. Disclosure.

- A. Any official, employee or consultant who has a financial or beneficial interest, direct or indirect, in any contract, transaction or decision within the purview of his/her official responsibilities shall disclose that interest in writing to the Board of Selectmen. Such disclosure also shall be provided, in the case of an official, to the agency of which the official is a member, and, in the case of an employee or consultant, to the agency by which he/she is employed or has been retained. Such disclosure shall disqualify the official, employee or consultant from participation in the matter, and violation of this section shall be grounds for removal by the appropriate agency in accordance with applicable law.
- B. No official or employee or consultant shall appear on behalf of any private person or party before any agency in connection with any cause, proceeding, application or other matter in which he/she has a financial or beneficial interest without first disclosing such interest to the agency, which shall record such disclosure in the record of the agency's proceeding. The Secretary or Clerk of said agency shall notify the First Selectman and, in the case of an official or employee of the Board of Education, the Chairman of the Board of Education, and the Chairman of the Board of Ethics in writing of such disclosure within three business days.

10. Incompatible Employment and Activities.

- A. No official or employee shall engage in or accept private employment or render services for private interest when the employment or services: are incompatible with the proper discharge of his/her official duties; or which gives the perception that his/her independence of judgment or action in the performance of his/her official duty has been impaired. No consultant shall engage in employment or render services for interests other than the Town when such employment or services: are incompatible with the proper discharge of his/her consulting duties; or would tend to impair the independence of his/her judgment or action on the matter for which he/she has been engaged by the Town.
- B. No former official, employee or consultant shall appear on behalf of any private person or other entity before any agency with which he/she previously was employed or affiliated for a period of one year after the termination of his/her public service or employment. Such an individual may be relieved of

his/her duty to refrain from such appearance upon written application to the Board of Ethics, which Board shall review the written application and relevant facts.

- C. No former official, employee or consultant shall appear on behalf of any private person or other entity before any agency in regard to a matter in which he/she previously participated in the course of his/her official responsibilities for a period of one year after the termination of his/her public service or employment. Such an individual may be relieved of his/her duty to refrain from such appearance upon written application to the Board of Ethics, which Board shall review the written application and relevant facts.
- D. Subsections B and C of this section shall not prohibit any current or former official, employee or consultant from appearing before any agency on his/her own behalf or on behalf of members of his/her family. To avoid the appearance of impropriety, officials are strongly discouraged from appearing before their own agency unless extenuating circumstances exist. When in doubt, an official should seek an opinion from the Board of Ethics prior to appearing before his/her own agency.
- E. An official should not appear before, or participate in the proceeding of, another agency in violation of Connecticut General Statutes Section 8-11 or 8-21 as amended or any other provision of the General Statutes.
- F. To avoid even the appearance of impropriety, an official not otherwise prohibited shall exercise care when appearing before other agencies and shall disclose whether he/she is appearing in his/her official capacity or as a private citizen.

11. Ethics Acknowledgment Form

- A. Every elected or appointed official shall sign and file with the Board of Selectmen an Ethics Acknowledgment Form, as approved by the Board of Selectmen, indicating his/her awareness of the provisions of this Code of Ethics, the guidelines issued thereunder on or before being sworn into office. The Board of Selectmen shall adopt and implement a procedure for monitoring compliance with the aforesaid filing requirement.
- B. Every consultant shall sign and file with the agency by which he/she is retained an Ethics Acknowledgment Form, supplied by the Administrative Officer/Superintendent of Schools, indicating his/her awareness of the provisions of this Code of Ethics on or before being retained by an agency. The Board of Selectmen shall adopt and implement a procedure for monitoring compliance with the aforesaid filing requirement.
- C. Employees.
 - (1) The Board of Selectmen shall adopt and the Administrative Officer shall implement a plan for making all employees, other than persons who are employed by the Board of Education, aware of the provisions of this Code of Ethics, the guidelines issued thereunder. The plan adopted by the Board of Selectmen shall contain a provision requiring that department heads review such provisions with all such employees at an interval to be determined by the Board of Selectmen. The plan shall be completed within 120 days after the adoption of this Code of Ethics, and a copy of the plan shall be filed with the Board of Ethics upon its adoption.
 - (2) Every employee, other than persons employed by the Board of Education, shall execute an Ethics Acknowledgment Form, supplied by the Administrative Officer, indicating the employee's awareness

of the provisions of this Code of Ethics and the guidelines issued thereunder as follows:

- (a) New employees shall execute the form at the time of employment and thereafter in accordance with Subsection C(2)(b) below.
- (b) Current employees shall execute the form within 60 days after the adoption of the procedure set forth in Subsection C(1) above.

D. Board of Education.

- (1) The Board of Education shall adopt and the Superintendent shall implement a plan for making all employees of the Board of Education aware of the provisions of this Code of Ethics, the guidelines issued thereunder. The plan adopted by the Board of Education shall contain a provision requiring that department heads review such provisions with all employees at an interval to be determined by the Board of Education. The plan shall be completed within 120 days after the adoption of this Code of Ethics, and a copy of the plan shall be filed with the Board of Ethics upon its adoption.
- (2) Every employee of the Board of Education shall execute an Ethics Acknowledgment Form, supplied by the Superintendent, indicating the employee's awareness of the provisions of this Code of Ethics and the guidelines issued thereunder as follows:
 - (a) New employees shall execute the form at the time of employment and thereafter in accordance with Subsection D(2)(b) below.
 - (b) Current employees shall execute the form within 60 days after the adoption of the procedure set forth in Subsection D(1) above.

12. Board of Ethics.

- A. Establishment. As authorized by the Town of Bolton Charter, Ordinance and Section 7-148h as amended of the Connecticut General Statutes, the Board of Selectmen shall appoint a Board of Ethics consisting of six members, two of whom shall be registered Republicans, two of whom shall be registered Democrats and two of whom shall be unaffiliated voters. The members of the Board shall serve four-year terms, except that at the first appointment by the Board of Selectmen, one Republican, one Democrat and one unaffiliated voter shall be appointed for two-year terms, with the remaining members appointed for four-year terms.
- B. Organization and Procedure. The Board shall elect a Chairman and Vice Chairman/Secretary and shall establish its own rules and procedures to carry out the intent of this Ordinance, which shall be filed in the office of the Town Clerk and be available to any elector of the Town upon request to the Board. The first rules and procedures shall be established within six months of the date this Ordinance becomes effective. The need to maintain confidentiality in order to protect the privacy of public officials, employees and consultants shall be considered when establishing the rules and procedures. It shall keep records of its meetings and shall hold meetings at the call of the Chairman and at such other times as it may determine.
- C. Powers and Duties.
 - (1) The Board shall render advisory opinions with respect to whether specific situations or activities may or may not result in a violation of the Code of Ethics to any agency or any official, employee

or consultant pursuant to a written request or upon its own initiative. The Board may also issue operational guidelines. Such opinions and guidelines, until amended or revoked, shall be binding on the Board, and reliance upon them in good faith is an absolute defense in any action brought under the provisions of this ordinance. Any request or opinion, the disclosure of which invades the personal privacy of any individual [as that term is used in Connecticut General Statutes Section 1-19(b)(2) as amended by the Connecticut Freedom of Information Commission and the courts], shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Board may make available to the public any advisory opinions that do not invade an individual's privacy and may take other appropriate steps in an effort to increase public awareness of this Code of Ethics.

- (2) The Board shall establish procedures by which any person may initiate complaints alleging a violation of this Code of Ethics. The Board itself may also initiate such a complaint. The Board shall have that power and to hold hearings concerning the application of this Code and its violation and may administer oaths and compel the attendance of witnesses by subpoena. As required by Section 7-148h(a) as amended of the Connecticut General Statutes, the provisions of Section 1-82(a) through (c) as amended of the Connecticut General Statutes and Section 1-82a as amended of the Connecticut General Statutes shall apply to all investigations and hearings held under this chapter. If the Board determines that there is probable cause, it shall continue the investigation and hold such further hearings as may be necessary. In the event a hearing is held, the person against whom such complaint is filed shall have the right to counsel, to confrontation of all witnesses, to cross-examination and to present evidence on his behalf. He shall have the right to have a hearing held in Executive Session or, at his request the hearing will be held in Open Session. If the Board determines that the respondent has, in fact, violated the provisions of this Code, it shall file a memorandum of decision with a recommendation for appropriate action with the Board of Selectmen, except with respect to individuals under the jurisdiction of the Board of Education, in which cases the memorandum of decision shall be filed with the Board of Education. In the case of a consultant, it shall also be filed with the contracting agency.
- (3) If an official, employee or consultant who is the subject of a complaint under investigation leaves office or employment after filing of the complaint but before resolution of the complaint, the Board shall have the power, by majority vote, to continue investigation of the complaint. If an ethics complaint is filed against a former Town of Bolton official, employee or consultant within 90 days after he or she has left employment for the Town, the Board shall have the power, by majority vote, to initiate an investigation.
- (4) The recommended action may include reprimand, public censure, restitution from any pecuniary benefit received because of the violation or other such action as the Board of Selectmen or Board of Education may deem appropriate in accordance with their respective responsibilities under the law, provided that in the case of union employees, such recommended action does not constitute a unilateral change in conditions of employment. No such recommendation shall limit the authority of the Board of Selectmen or the Board of Education under the Charter of the Town of Bolton or under any ordinance, statute or any other law, and the actions hereunder shall be supplemental to any authority the Board of Selectmen or Board of Education has under any ordinance, statute or any other law. Any discussion by the Board of Selectmen, Board of Education or contracting agency of an individual affected by said memorandum of decision shall be in executive session, unless the individual affected requests that such discussion be held in open session.

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participates in any transaction, including private employment and the rendering of private services, that is incompatible with the proper discharge of the person's official responsibilities in the public interest or which gives the perception that the person's independent judgment or action in the performance of the person's official responsibilities has been impaired.

- B. An official or employee or consultant has a financial interest or beneficial interest that is incompatible with the proper discharge of the person's official responsibilities in the public interest if the person has reason to believe or expect that the person will derive such interest by reason of the person's performance of the person's official responsibilities.
- C. An official or employee or consultant does not have a financial or beneficial interest that is incompatible with the proper discharge of the person's official responsibilities in the public interest if any such interest accrues to the person as a member of a business, profession, occupation or group to no greater extent than it accrues to any other member of the business, profession, occupation or group that the person represents. This does not relieve an individual from the person's obligation to refrain from voting on any matter that would directly benefit the person's business, profession, occupation, group or family as required by this Code of Ethics, the Town of Bolton Charter and General Statutes Section 7-148h(b) as amended.
- D. An official or employee who has authority to participate in the specification, and/or the source-selection, and/or the approval process for a purchase of goods and/or services may not act as a supplier of those goods and/or services unless the following conditions are met:
 - 1) The official or employee did not participate in any way in the purchase specifications beyond routine advice on applicability and/or availability;
 - 2) The official or employee receives approval as a potential supplier for the purchase in question from the Board of Selectmen for town related items and Board of Education for School related items;
 - 3) If the official is a member of the Board of Selectmen or Board of Education approving potential supplier status, the official must recuse themselves from the vote on their approval as a potential supplier;
 - 4) The official or employee notifies the Board of Selectmen of the official's or employee's approved role as a potential supplier for the purchase in question; and
 - 5) The official or employee granted potential supplier status shall not in any way attempt to influence the purchasing decision.

9. Disclosure.

- A. Any official, employee or consultant who has a financial or beneficial interest, direct or indirect, in any contract, transaction or decision within the purview of the person's official responsibilities shall disclose that interest in writing to the Board of Selectmen. Such disclosure also shall be provided, in the case of an official, to the agency of which the official is a member, and, in the case of an employee or consultant, to the agency by which the person is employed or has been retained. Such disclosure shall disqualify the official, employee or consultant from participation in the matter, and violation of this section shall be grounds for removal by the appropriate agency in accordance with applicable law.
- B. No official or employee or consultant shall appear on behalf of any private person or party before any agency in connection with any cause, proceeding, application or other matter in which the person has a financial or beneficial interest without first disclosing such interest to the agency, which shall record such disclosure in the record of the agency's proceeding. The Secretary or Clerk of said agency shall notify the First Selectman and, in the case of an official or employee of the Board of Education, the

Chairman of the Board of Education, and the Chairman of the Board of Ethics in writing of such disclosure within three business days.

10. Incompatible Employment and Activities.

- A. No official or employee shall engage in or accept private employment or render services for private interest when the employment or services: are incompatible with the proper discharge of the person's official duties; or which gives the perception that the person's independence of judgment or action in the performance of the person's official duty has been impaired. No consultant shall engage in employment or render services for interests other than the Town when such employment or services: are incompatible with the proper discharge of the person's consulting duties; or would tend to impair the independence of the person's judgment or action on the matter for which the person has been engaged by the Town.
- B. No former official, employee or consultant shall appear on behalf of any private person or other entity before any agency with which the person previously was employed or affiliated for a period of one year after the termination of the person's public service or employment. Such an individual may be relieved of the person's duty to refrain from such appearance upon written application to the Board of Ethics, which Board shall review the written application and relevant facts.
- C. No former official, employee or consultant shall appear on behalf of any private person or other entity before any agency in regard to a matter in which the person previously participated in the course of the person's official responsibilities for a period of one year after the termination of the person's public service or employment. Such an individual may be relieved of the person's duty to refrain from such appearance upon written application to the Board of Ethics, which Board shall review the written application and relevant facts.
- D. Subsections B and C of this section shall not prohibit any current or former official, employee or consultant from appearing before any agency on the person's own behalf or on behalf of members of the person's family. To avoid the appearance of impropriety, officials are strongly discouraged from appearing before their own agency unless extenuating circumstances exist such as in the case of an official representing or advocating on behalf of a child or student. When in doubt, an official should seek an opinion from the Board of Ethics prior to appearing before the person's own agency.
- E. An official should not appear before, or participate in the proceeding of, another agency in violation of Connecticut General Statutes Section 8-11 or 8-21 as amended or any other provision of the General Statutes.
- F. To avoid even the appearance of impropriety, an official not otherwise prohibited shall exercise care when appearing before other agencies and shall disclose whether the person is appearing in the person's official capacity or as a private citizen.

11. Ethics Acknowledgment Form

- A. Every elected or appointed official shall sign and file with the Board of Selectmen an Ethics Acknowledgement Form, as approved by the Board of Selectmen, indicating the person's awareness of the provisions of this Code of Ethics, the guidelines issued thereunder on or before being sworn into office. The Board of Selectmen shall adopt and implement a procedure for monitoring compliance with the aforesaid filing requirement.

B. Every consultant shall sign and file with the agency by which the person is retained an Ethics Acknowledgment Form, supplied by the Administrative Officer/Superintendent of Schools, indicating the person's awareness of the provisions of this Code of Ethics on or before being retained by an agency. The Board of Selectmen shall adopt and implement a procedure for monitoring compliance with the aforesaid filing requirement.

C. Employees.

- (1) The Board of Selectmen shall adopt and the Administrative Officer shall implement a plan for making all employees, other than persons who are employed by the Board of Education, aware of the provisions of this Code of Ethics, the guidelines issued thereunder. The plan adopted by the Board of Selectmen shall contain a provision requiring that department heads review such provisions with all such employees at an interval to be determined by the Board of Selectmen. The plan shall be completed within 120 days after the adoption of this Code of Ethics, and a copy of the plan shall be filed with the Board of Ethics upon its adoption.
- (2) Every employee, other than persons employed by the Board of Education, shall execute an Ethics Acknowledgment Form, supplied by the Administrative Officer, indicating the employee's awareness of the provisions of this Code of Ethics and the guidelines issued thereunder as follows:
 - (a) New employees shall execute the form at the time of employment and thereafter in accordance with Subsection C(2)(b) below.
 - (b) Current employees shall execute the form within 60 days after the adoption of the procedure set forth in Subsection C(1) above.

D. Board of Education.

- (1) The Board of Education shall adopt and the Superintendent shall implement a plan for making all employees of the Board of Education aware of the provisions of this Code of Ethics, the guidelines issued thereunder. The plan adopted by the Board of Education shall contain a provision requiring that department heads review such provisions with all employees at an interval to be determined by the Board of Education. The plan shall be completed within 120 days after the adoption of this Code of Ethics, and a copy of the plan shall be filed with the Board of Ethics upon its adoption.
- (2) Every employee of the Board of Education shall execute an Ethics Acknowledgment Form, supplied by the Superintendent, indicating the employee's awareness of the provisions of this Code of Ethics and the guidelines issued thereunder as follows:
 - (a) New employees shall execute the form at the time of employment and thereafter in accordance with Subsection D(2)(b) below.
 - (b) Current employees shall execute the form within 60 days after the adoption of the procedure set forth in Subsection D(1) above.

12. Board of Ethics.

A. Establishment. As authorized by the Town of Bolton Charter, Ordinance and Section 7-148h as amended of the Connecticut General Statutes, the Board of Selectmen shall appoint a Board of Ethics consisting of six members, two of whom shall be registered Republicans, two of whom shall be

registered Democrats and two of whom shall be unaffiliated voters. The members of the Board shall serve four-year terms, except that at the first appointment by the Board of Selectmen, one Republican, one Democrat and one unaffiliated voter shall be appointed for two-year terms, with the remaining members appointed for four-year terms.

- B. Organization and Procedure. The Board shall elect a Chairman and Vice Chairman/Secretary and shall establish its own rules and procedures to carry out the intent of this Ordinance, which shall be filed in the office of the Town Clerk and be available to any elector of the Town upon request to the Board. The first rules and procedures shall be established within six months of the date this Ordinance becomes effective. The need to maintain confidentiality in order to protect the privacy of public officials, employees and consultants shall be considered when establishing the rules and procedures. It shall keep records of its meetings and shall hold meetings at the call of the Chairman and at such other times as it may determine.
- C. Powers and Duties.
- (1) The Board shall render advisory opinions with respect to whether specific situations or activities may or may not result in a violation of the Code of Ethics to any agency or any official, employee or consultant pursuant to a written request or upon its own initiative. The Board may also issue operational guidelines. Such opinions and guidelines, until amended or revoked, shall be binding on the Board, and reliance upon them in good faith is an absolute defense in any action brought under the provisions of this ordinance. Any request or opinion, the disclosure of which invades the personal privacy of any individual (as that term is used in Connecticut General Statutes Section 1-19(b)(2) as amended by the Connecticut Freedom of Information Commission and the courts), shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Board may make available to the public any advisory opinions that do not invade an individual's privacy and may take other appropriate steps in an effort to increase public awareness of this Code of Ethics.
 - (2) The Board shall establish procedures by which any person may initiate complaints alleging a violation of this Code of Ethics. The Board itself may also initiate such a complaint. The Board shall have that power and to hold hearings concerning the application of this Code and its violation and may administer oaths and compel the attendance of witnesses by subpoena. As required by Section 7-148h(a) as amended of the Connecticut General Statutes, the provisions of Section 1-82(a) through (c) as amended of the Connecticut General Statutes and Section 1-82a as amended of the Connecticut General Statutes shall apply to all investigations and hearings held under this chapter. If the Board determines that there is probable cause, it shall continue the investigation and hold such further hearings as may be necessary. In the event a hearing is held, the person against whom such complaint is filed shall have the right to counsel, to confrontation of all witnesses, to cross-examination and to present evidence on his behalf. He shall have the right to have a hearing held in Executive Session or, at his request the hearing will be held in Open Session. If the Board determines that the respondent has, in fact, violated the provisions of this Code, it shall file a memorandum of decision with a recommendation for appropriate action with the Board of Selectmen, except with respect to individuals under the jurisdiction of the Board of Education, in which cases the memorandum of decision shall be filed with the Board of Education. In the case of a consultant, it shall also be filed with the contracting agency.
 - (3) If an official, employee or consultant who is the subject of a complaint under investigation leaves office or employment after filing of the complaint but before resolution of the complaint, the Board shall have the power, by majority vote, to continue investigation of the complaint. If an

ethics complaint is filed against a former Town of Bolton official, employee or consultant within 90 days after he or she has left employment for the Town, the Board shall have the power, by majority vote, to initiate an investigation.

- (4) The recommended action may include reprimand, public censure, restitution from any pecuniary benefit received because of the violation or other such action as the Board of Selectmen or Board of Education may deem appropriate in accordance with their respective responsibilities under the law, provided that in the case of union employees, such recommended action does not constitute a unilateral change in conditions of employment. No such recommendation shall limit the authority of the Board of Selectmen or the Board of Education under the Charter of the Town of Bolton or under any ordinance, statute or any other law, and the actions hereunder shall be supplemental to any authority the Board of Selectmen or Board of Education has under any ordinance, statute or any other law. Any discussion by the Board of Selectmen, Board of Education or contracting agency of an individual affected by said memorandum of decision shall be in executive session, unless the individual affected requests that such discussion be held in open session.

**TOWN OF BOLTON
BOARD OF ETHICS
RULES AND PROCEDURES**

POWERS AND DUTIES: The Board of Ethics, hereinafter referred to as “Board”, shall have all the powers and duties as established in Section 12 of the Code of Ethics Ordinance. Under the Ordinance, the Board shall render advisory opinions with respect to whether specific situations or activities may or may not result in a violation of the Code of Ethics to any agency or any Town of Bolton official or employee or Consultant pursuant to a written request or upon its own initiative. Further, the Board has the power to hold hearings concerning the application of the Code of Ethics and its violation and may administer oaths and compel the attendance of witnesses by subpoena. As required by Section 7-148h(a), as amended, of the Connecticut General Statutes, the provisions of Section 1-82(a) through (c), as amended, of the Connecticut General Statutes and Section 1-82a, as amended, of the Connecticut General Statutes shall apply to all investigations and hearings held under this chapter.

SUBMISSION OF COMPLAINT: Any person, hereinafter referred to as the “Complainant”, who believes an employee or public official has violated the Code of Ethics may submit a complaint in writing to the Board. No Complaint may be made under this Code except within ten (10) calendar months of the date of knowledge of the alleged violation, but no more than six (6) calendar months after the date of the alleged violation.

All Board procedures related to the Complaint shall be confidential until the Board determines probable cause, unless the Respondent wishes the proceedings to be made public. Failure by the Complainant to observe the confidentiality required by the statute may result in summary dismissal of the Complaint.

1. The Complainant must complete and sign the Complaint form. Forms are made available in the Town Clerk’s office.
2. The completed form shall be submitted in a sealed envelope to the Town Clerk’s Office. The mailing address of the Board is: Chairman, Board of Ethics, c/o Town Clerk’s Office, 222 Bolton Center Road, Bolton, CT 06043.
3. The Town Clerk’s Office will forward the sealed Complaint form to the Chairman of the Board. The Complaint form will be marked received by the Chairman, or in the Chairman’s absence, Vice-Chairman of the Board, and assigned a number.

ACKNOWLEDGEMENT OF COMPLAINT:

1. An "Acknowledgement of Complaint" letter will be sent via certified mail and regular mail to the Complainant notifying them that it has been received by the Board within ten (10) business days.

Any Complaint not submitted according to the procedures outlined in submission of Complaint above will be considered incomplete. If it is deemed incomplete, the Chairman, or in the Chairman's absence, a member of the Board will follow-up with the Complainant and inform them of the procedural error or missing information. No investigation or further action by the Board will occur if the Complaint is incomplete.

NOTIFICATION TO RESPONDENT:

A "Notification to Respondent" letter will be sent via certified mail and regular mail to the Respondent no later than ten (10) business days after the review of the Complaint for completeness together with a copy of the Complaint, Code of Ethics and the Board of Ethics Rules and Procedures. The letter will advise the Respondent of the next steps the Board will take as well as their rights to due process and representation.

INVESTIGATION:

The Board will make an initial investigation of the Complaint and supporting documents to determine whether there is potentially cause to believe that its allegations may constitute a violation of the Code. This initial investigation will be done as soon as possible within twenty (20) business days after notification to Respondent. If, after the initial review, the Board determines that the Complainant failed to demonstrate which specific provision of the Code was allegedly violated, the Board may dismiss the Complaint without further proceedings. No later than ten (10) business days after a Complaint is dismissed, the Chairman, or Vice Chairman in the Chairman's absence, will notify the Complainant and Respondent in writing via certified or registered mail. The Board will discuss the results of the investigation and by majority vote, will determine whether probable cause exists.

The Board shall determine the following:

1. Whether the Respondent is an elected or appointed official or an employee of the Town of Bolton.

2. Whether the alleged act(s) in the complaint, if proven, are a violation of the Charter or Code of Ethics Ordinance of the Town of Bolton.
3. Whether sufficient evidence has been provided to warrant further proceedings.
4. Whether the Complainant or the alleged act(s) are governed by a collective bargaining agreement, personal employee contract, or other agreement policy, the provisions of which would take precedence over this article.
5. Whether probable cause is present.

If the Board determines that the alleged act(s) are subject to a collective bargaining agreement, personal employee contract, or other agreement policy applicable to the Respondent, the Board shall pursue one of the following:

1. Within ten (10) business days of the conclusion of the probable cause investigation, the Board will forward copies of the Complaint and the Board's probable cause conclusion to the appropriate forum having jurisdiction.
2. The Board shall take one of the following actions regarding jurisdiction:
 - a. Retain jurisdiction, but defer any further action until the appropriate forum has rendered a decision on the matter.
 - b. Relinquish jurisdiction to the appropriate forum and close the file on the Complaint.

If the Board determines that the alleged act(s) are not covered by a collective bargaining agreement, personal employee contract, or other agreement but probable cause alleged acts in the Complaint exists and might be a violation of the Charter or Code of Ethics, the Board will inform the Complainant and Respondent of its findings and provide them with a summary of its reasons for making that finding. It will notify them in writing within ten (10) business days of the conclusion of the probable cause investigation.

If the Board finds no probable cause, the Complaint, any additional information and the record of its investigation shall remain confidential, except upon request of the Respondent. Furthermore, some or all of the records may be used in subsequent proceeds. In the case of a Consultant, the finding shall be sent to the contracting agency. The finding shall also be made public, except as set forth in Section 1-82a, and except as may be otherwise ordered by a court of competent jurisdiction.

HEARING:

The Board shall within twenty (20) business days of the conclusion of the probable cause investigation, schedule a hearing to determine the merits of the Complaint. The Board shall set a date for a public hearing within thirty (30) business days of the date of the issuance of a probable cause notice to the Complainant and Respondent. The Chair or Vice-Chair in the Chair's absence, will make a reasonable effort to schedule a hearing date that is mutually agreeable to Board members, the Respondent and Complainant. If a hearing is to be convened, the Chair or Vice-Chair in the Chairs Absence, will notify the respective parties of the date, time and location. The hearing date regarding any complaint shall be no more than sixty (60) calendar days after the filing of the Complaint. Should the Board grant an earlier or later date, it shall be set forth in the minutes of the Board. Any hearing on a Complaint may be adjourned by the Board for a reasonable time for cause shown.

Rules of the Hearing:

1. All hearings shall be conducted in accordance with the Connecticut General Statutes Section 1-82a, as amended, with confidentiality rules strictly adhered to. In the case of a nonpublic hearing, the Respondent shall have the right to a public hearing. The hearing shall be conducted in a manner which is fundamentally fair to the parties in the case.
2. Both the Complainant and Respondent shall have the right to legal counsel, at their own expense.
3. The Complainant shall be allowed to present evidence, including documentation.
4. The Respondent (and that person's counsel) shall be allowed to present evidence.
5. All parties may have witnesses and to cross-examine witnesses. The Board reserves the right to call additional witnesses.
6. Witnesses shall testify under oath.
7. All parties shall have the right to be fully heard provided, however, that the Board reserves the right to remove any person from the hearing for cause shown.
8. All parties to the proceedings may introduce relevant documentary evidence. In nonpublic hearings, evidentiary documents shall be subject to the confidentiality rules.
9. Once all evidence has been presented by both parties, the Board shall deliberate. The deliberation process may occur immediately at the conclusion of the hearing or may be scheduled for another time, provided that deliberation is finished with ten (10) business days of the conclusion of the hearing. The Board may also seek an Advisory Opinion from the Town Attorney.
10. Deliberations will be conducted in executive session.
11. The Board shall schedule additional hearing sessions if needed.

12. Aside from the hearing process, the Board may conduct other investigations as it deems necessary to reach a conclusion on a Complaint. The results of any such investigation shall be disclosed to the parties.
13. Upon conclusion of a hearing, the Board shall render a decision as to the merits of the Complaint. Within ten (10) business days after its deliberations and its decision, it will produce a Findings of Fact to the Board of Selectmen or Board of Education, as the case may be, that the Complaint be dismissed or not. If the Complaint is not dismissed, action to the Respondent must be either of the following:
 - a. Reprimanded;
 - b. Publicly censured; or
 - c. Fined in an amount not to exceed \$100.00
14. If the Board finds probable cause, such finding shall be forwarded, not later than ten (10) business days after the termination of the investigation, to the Board of Selectmen or the Board of Education, with respect to Respondents under their respective jurisdictions.
15. The Board's recommendation shall be considered advisory only and not binding on the Board of Selectmen or Board of Education. They may take whatever action they deem appropriate in accordance with the Bolton Code of Ethics and other applicable law.
16. If the Board determines the Complaint is without merit, the matter will be closed and there will be no recommendation made to either the Board of Selectmen or Board of Education.

Date

Name

Address

City, State, Zip

Dear Name:

Please be advised that the Town of Bolton's Board of Ethics is in receipt of your complaint regarding an alleged violation of the Code of Ethics. Copies of the following documents are enclosed for your information:

- Code of Ethics
- Rules and Procedures of the Board of Ethics

The Board will meet to investigate the complaint to determine whether there is probable cause that the allegations may constitute a violation of the Code. The investigation conducted prior to a probable cause finding shall be confidential except upon the request of the Respondent. During a confidential investigation, any allegations and any information received by the Board shall not be disclosed to any third party by a Complainant, witness, designated party, Bolton Board or staff member.

I, or a member of the Board, will contact you within the next few weeks to discuss this matter and gather additional information, if needed.

Sincerely,

Chairman
Bolton Board of Ethics

Date

Name

Address

City, State, Zip

Dear Name:

Please be advised that the Town of Bolton's Board of Ethics has received a complaint involving you regarding an alleged violation of the Code of Ethics. Copies of the following documents are enclosed for your information:

- Complaint
- Code of Ethics
- Rules and Procedures of the Board of Ethics

The Board will meet to investigate the complaint to determine whether there is probable cause that the allegations may constitute a violation of the Code. The investigation conducted prior to a probable cause finding shall be confidential except upon the request of you as the Respondent. During a confidential investigation, any allegations and any information received by the Board shall not be disclosed to any third party by a Complainant, witness, designated party, Bolton Board or staff member.

I, or a member of the Board, will contact you within the next few weeks to set-up a meeting with you to discuss this matter and gather additional information.

If you are an employee of the Town and a member of a union, you may consult with your union representative at any time.

Please feel free to contact me at
matter.

you have any questions regarding this

Sincerely,

Chairman
Bolton Board of Ethics