

## CODE OF ETHICS

**AN ORDINANCE OF THE CITY OF NEW LONDON, CONNECTICUT, PROVIDING FOR NEW LONDON CODE OF ETHICS AS AMENDED BY NEW LONDON ETHICS COMMISSION MAY 2010, DECEMBER 16, 2010 AND FURTHER AMENDED MAY 5, 2011**

**WHEREAS**, City of New London has a Code of Ethics established by prior City Council;

**WHEREAS**, New London Ethics Commission has made recommendations regarding the modifications to the Ordinance;

**WHEREAS**, In order to clarify and provide additional guidance to individuals regarding the City's policies regarding ethics; and

**WHEREAS**, It is in the best interest of the City of New London to modify and amend its current Ordinance as recommended by the New London Ethics Commission

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEW LONDON:**

**Section 1.** That the code of ordinances of the City of New London be amended by adding a section to be numbered \_\_\_\_\_ to read as follows:

**Sec. 15-201. - Policy.**

(a) The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed.

(b) People have a fundamental right to expect that public officials and employees will conduct themselves in a manner that will tend to preserve public confidence in and respect for the government they represent.

(c) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the government structure; and that public office not be used for personal gain. In recognition of these goals, a Code of Ethics for all City officials and employees is hereby adopted. The purpose of this Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those actions that are incompatible with the best interests of the City and by directing such disclosure by these officials and employees of private financial or other interests in matters affecting the City of New London, Connecticut. This process must be free from threats, favoritism, undue influence and all forms of impropriety so the confidence of the public is not eroded.

**Sec. 15-202. - Definitions.**

[As used in this article, the following words and terms shall have the meaning scribed thereto:]

*Agency* means and includes the City Council, the Board of Education and all other Agencies, Authorities, Boards, Commissions, Committees, Departments, and Offices of the City of New London without exception.

*Confidential information* means any information which is not available to the general public under the Connecticut General Statutes and which is obtained only by reason of an official's or employee's position.

*Financial interest* means any interest which will result in a direct or indirect pecuniary benefit accruing to a public officer, employee, spouse, or any member of his or her immediate family as a result of a contract or transaction which is or may be the subject of an official act or action by or with the City except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all persons and/or property similarly situated.

*Immediate Family* means spouse, domestic partner, child or step child, sibling or step – sibling, parent, grandparent, aunt, uncle, nephew, niece, mother-in-law, father-in-law, brother-in-law or sister-in-law.

*Notice* means posting of certified or registered mail to last known address, or delivery of written notice in person.

*Official or employee* means any person elected or appointed to, or employed or retained by, any public office or public body of the City whether paid or unpaid and whether part-time or full-time.

*Personal interest* means any interest other than financial which would affect the action of the official or employee except if that interest is based solely on the responsibility of his/her city office or employment. Membership in or affiliation with a social, fraternal, charitable, service, educational, religious, governmental or similar non-profit organization is not deemed to automatically create a presumption of personal interest unless the official employee is also an official or employee of the organization.

*Probable cause* is defined by determining whether facts would warrant a reasonable person to believe that an elected municipal official or a municipal employee violated this code. The belief should be more than a mere suspicion, but less than proof beyond a reasonable doubt.

*Public body* means any agency, board, body, commission, committee, department, or office of the City.

*Respondent* is any person accused of violating this Code.

**Sec. 15-203. - Persons covered.**

All city officials and employees shall be bound by this Code.

**Sec. 15-204. - Standards of conduct.**

(a) Officials and employees have an obligation to act morally and honestly in discharging their responsibilities.

(b) Officials and employees shall conduct themselves with propriety, discharge their duties impartially and fairly and make continuing efforts toward attaining and maintaining high standards of conduct.

(c) Each official serving on a multi-member agency is expected to devote the time, and effort necessary to the successful functioning of such body.

(d) No official or employee shall, for any reason, use or attempt to use his/her position to influence improperly any other official or employee, or any contractor doing business with the City, in the performance of his/her official duties.

**Sec. 15-205. - Use of resources.**

No official or employee shall use or permit the use of City owned material or City personnel in any manner prohibited by State Statute, City Ordinance, or administrative regulation. City owned property and City personnel may be used only for the conduct of official business except where such resources are available to the public generally.

**Sec. 15-206. - Treatment of the public.**

City officials and employees represent the City government to the public. In their contact with the public, officials and employees must bear in mind their role as public servants. Each member of the public shall be treated courteously, impartially, and fairly, the relationship between City officials and employees and the public is recognized to be one which requires cooperation and mutual respect. It is therefore urged that the public conduct itself with the same propriety and consideration expected of City officials and employees.

**Sec. 15-207. - Conflict of interest.**

(a) No official or employee shall engage in any other public or private employment or business which conflicts with the proper discharge of his/her official duties.

(b) If an official or employee has any direct or indirect financial or personal interest in the outcome of any matter or transaction coming before the agency of which he is a member or by which he/she is employed, such official or employee shall disclose on the records of the agency and to his/her superior or other appropriate authority the existence of such financial or personal interest. An official or employee having such a financial or personal interest shall not engage in deliberations concerning the matter, shall disqualify

himself from acting on the matter and shall not communicate about such matter with any person who will participate in the action to be taken on such matter. No public employee or official may use his/her position or office for the financial benefit of himself, a business with which he/ she is associated, or a member of his/her immediate family.

(c) No official or employee, whether paid or unpaid, shall represent or appear on behalf of any individual or entity before any agency of the City, or take any appellate proceedings from any action of such agency, either personally or through an associate or partner, against the interest of the City or any of its agencies in any action or proceeding unless it is sufficiently remote from his/her official duties that no actual conflict of interest exists.

(d) No official or employee whether paid or unpaid, shall represent or appear on behalf of any individual or entity before an agency of the City, either personally or through an associate or partner, unless there is first disclosure to that agency of his/her status as an employee or official, and unless the matter is sufficiently remote from his/her official duties that no conflict of interest exists and the officer or employee is not in a position to exert improper influence.

(e) Nothing herein shall be interpreted or construed to prohibit any official or employee from exercising his/her legal rights as to his/her own personal interests in processing a claim against or request to the City or any of its agencies, or in defending a claim made against him/her by the City or any of its agencies, or to prohibit an official or employee from testifying as a witness in any administrative or judicial proceeding.

(f) 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.

(g) No public employee or public official, or a business with which he/she is associated, or member of his, her immediate family shall enter into a contract with the municipality unless it is awarded through a process of public notice and competitive bidding.

(h) No public employee or public official shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event, in his/ her official capacity. Nothing in the preceding shall prevent public employees or public officials from receiving necessary and appropriate expenses.

(i) 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/her duties as a consultant.

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

No paid consultant shall disclose confidential information learned while performing his/her duties for the City of New London nor shall he/she use such information for the financial interests of himself/herself or others.

(j) No former public employee or public official shall appear for compensation before any municipal board or agency in which he/she was formerly employed at any time within a period of one year after termination of his /her service with the City of New London.

No former public employee or public official shall represent anyone other than the municipality within a period of one year after termination of his/ her service concerning any particular matter in which he/she participated personally and substantially while in service to the City of New London in which the City has a substantial interest.

No former public employee or public official shall disclose or use confidential information acquired in the course of and by reason of his/her official duties for financial gain for himself/herself or others following termination of his/her service with the City of New London.

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 termination of his / her service with the City of New London.

**Sec. 15-208. - Confidential information.**

(a) No official or employee shall, without legal authority, disclose confidential information concerning the personnel, property, government, or affairs of the City.

(b) No official or employee shall use confidential information to advance either his/her own personal financial or personal interests or the financial or personal interests of any other person.

**Sec. 15-209. - Gifts, gratuities and favors.**

No official or employee shall accept any thing or things as a gift, gratuity or favor, whether in the form of a service, loan, thing, or promise, from any person or entity which to his/her knowledge is interested directly or indirectly, in any manner whatsoever, in any matter with any City agency as to which said official or employee has the power to take or influence official action, providing that acceptance of such gifts or gratuities which are both trivial and occasional in nature shall not constitute a violation of this Code.

**Sec. 15-210. - Board of ethics, call of meetings.**

The Chairman, or in his or her absence or inability to act, the Vice-Chairman, shall call such meetings as are necessary for the conduct of the Board's business. A meeting shall also be called if requested by any four members of the Board.

The Chairman, or in his absence the Vice-Chairman, shall preside at meetings. If both are absent, a member selected by a majority of those present shall preside.

**Sec. 15-211. - Powers and duties.**

(a) Advisory opinions. The Board of Ethics shall have the power and duty to give advisory opinions on proposed action when requested to do so by an official or employee. Before requesting an opinion, the official or employee shall consult with the director of his/her department, or other supervisory authority about the matter. Requests for advisory opinions shall be made in writing on a form prescribed by the Board and signed by the official or employee. All relevant facts shall be stated. The Board may require additional information. The Board shall meet within fifteen days of receipt of all information and shall render its decision in writing within fifteen days of the meeting, a copy of which shall be sent to the party requesting the opinion. A copy of the decision shall be filed with the City Clerk's office. An official or employee who, in good faith, relies on the opinion of the Board shall not be disciplined if such action is thereafter found to be a violation of this Code. No advisory opinion shall be made except upon the concurring vote of five members of the Board.

(b) Investigations and hearings.

(1) Complaints. The Board of Ethics shall have the power and duty to investigate and hear complaints concerning allegations of violations of this Code and/or provisions of the City Charter relating to unethical behavior concerning any official or employee of the City. Upon the complaint of any person on a form prescribed by the Board, signed under penalty of false statement, or upon its own complaint, the Board shall investigate any alleged violation of this Code. The complaint shall be signed under penalty of false statement and shall name the person accused (respondent), and shall specify the acts alleged to constitute the violation, and when they occurred. It shall also state whether these allegations have been presented to other administrative or judicial authorities. Unless the Board makes a finding of probable cause for a hearing, or unless the

respondent requests in writing that the entire record and any hearings be open to the public the complaint and all information supplied to or received from the Board during evaluation or investigation shall remain confidential, as specified by provisions of the Connecticut General Statutes, Section 1-82a(a) relating to operations of a Board of Ethics.

(2) Evaluation and acknowledgment. Upon presentation of a complaint to the Board it shall evaluate it to decide whether the allegations would constitute a violation if true, and are of sufficient gravity, and whether it would be more reasonable to refer the matter to another administrative or judicial authority. Based on this evaluation it may in its discretion refuse the complaint and return notice to the complainant of its reasons for that action. If it accepts the complaint, acknowledgment of receipt shall be sent to the complainant within 5 business days thereafter, and a copy of the complaint furnished the respondent. The respondent shall be notified that he/she is afforded at least 10 business days to submit any response he/she wishes the Board to consider before it decides to open a hearing.

(3) Investigations. If the Board accepts the complaint, it shall make or cause an investigation to be made, sufficient to decide whether there is probable cause to believe a violation of this Code has occurred. The investigation shall be concluded within 90 days. In the conduct of its investigation, the Board shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses and to require the production for examination by the Board of any books and papers which the Board deems relevant in any manner under investigation or in question. During the investigation the respondent shall have the right to appear and be heard and offer any information which may tend to clear him/her of probable cause to believe he/she has violated any provision of the Code of Ethics.

(4) No probable cause. If the Board finds no probable cause by the concurring vote of four (4) of its members, it shall, within 3 business days advise the complainant and the respondent of its finding and a summary of the reasons therefore, and the complaint and the record of investigation shall remain confidential.

(5) Probable cause. If the Board finds probable cause by the concurring vote of four (4) of its members, it shall, within three (3) business days after the termination of its investigation advise the complainant and the respondent of its finding and a summary of the reasons therefore. If there is found such probable cause, the Board shall make public its finding within 5 business days after the termination of its investigation, and the entire record of investigation shall become public, with exception for postponement of the release of said record for a period not to exceed fourteen (14) days during negotiations for the resolution of the matter by stipulation, agreed settlement or consent order and/or as provided for in § 4-177 of the Connecticut General Statutes as referenced in § 1-82a(e). Any such stipulation agreement or settlement shall be approved by a majority of those Board members present and voting. It shall also, unless resolved as stated above fix a date for a hearing on the complaint, and shall give notice of that date to the respondent,

such date to be not less than 10 days following notice, nor more than 90 days after the finding of probable cause.

(6) Hearings. After there is a finding of Probable Cause, hearings shall be open to the public. Oral evidence shall be taken under oath. The respondent shall have the right to be represented by counsel, to present evidence and to examine and cross examine witnesses. Hearings shall be recorded by a stenographer or a recording device provided by the Board. If the Board does not provide a stenographer, the complainant or respondent may employ a stenographer at his/her own expense. If a transcript is made, a copy shall be made available to the other party upon payment one half the cost of obtaining the transcript.

(7) Finding. No finding of violation of this Code shall be made except upon concurring vote of five (5) members of the Board. The Chairman shall render the finding of the Board within thirty (30) days after conclusion of the hearing. A copy of the finding shall be sent to the complainant, the respondent, and the City.

(8) Board Initiated Complaints. Upon a concurring vote of five (5) or more members, the board may initiate its own complaints. In doing so, it is not required that the complaint be sworn.

#### **Sec. 15-212. - Sanctions.**

Upon finding of a violation of any provision of the Code, the Board may take appropriate disciplinary action, as permitted by law or take no action, or may recommend to the appropriate appointing or managerial authority, a reprimand, reduction in rank or grade, suspension, dismissal or other disciplinary action. The authority affected will report within thirty (30) days to the Board of Ethics the action taken or lack of action and the reasons therefore.

#### **Sec. 15-213. - Secretary of the board of ethics.**

The secretary of the Board shall record the minutes of the meetings and any hearings and shall supervise the transcription of the tapes. The secretary shall prepare minutes of the meetings. The secretary shall provide administrative support as necessary to conduct the business of the Board.



**Sec. 15-214.**

**(a). Distribution of code**

The Director of Personnel shall cause a copy of this Code of Ethics to be distributed to every public employee and public official within sixty (60) days after enactment of this Code. Each new public employee shall be furnished a copy as part of their orientation process. A signed receipt recording same shall be maintained by the Personnel Department.

The City Clerk shall cause notice to be given to all elected officials and members of the Boards and Agencies.

**(b). Appeals.**

Any person aggrieved by any final decision of the Board may appeal such decision in accordance with the provisions of Section 4-175 or Section 4-183 of the Connecticut General Statutes.

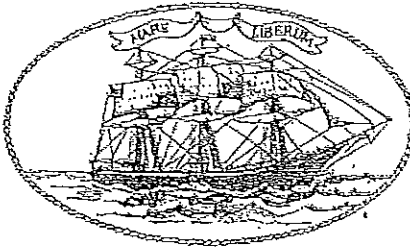
**Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 3.** If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance that can be given effect without the invalid provisions or applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

**Section 4.** This ordinance shall become effective fifteen (15) days after Notice of its passage is duly published.

Ordinance Number 06-20-11-1

Approved by the New London City Council June 20, 2011



**City Of New London**

**Board of Ethics**

**COMPLAINT / INVESTIGATION TIME LINE**

Complaint received	If accepted, acknowledge to complainant and respondent in <u>5 days</u> and allow <u>respondent 10 days</u> to respond.
If Board accepts complaint	<u>Investigate for up to ninety (90) days</u>
If no Probable Cause found	Advise complainant and respondent of findings <u>within three (3) business days</u>
If finding Probable Cause	On vote of four (4) Board members, within three (3) business days after conclusion of investigation (90 days), advise complainant and respondent of findings. <u>After investigation, if Probable Cause found, make decision public within five (5) to fourteen (14) days.</u>
If after investigation, Probable Cause is found	Set up hearing not less than ten (10) days, nor more than ninety (90) days after decision.
Finding of violation of Code	Requires vote of five (5) members
After conclusion of hearing	<u>Render findings within thirty (30) days.</u>

City Of New London  
Board of Ethics  
**COMPLAINT FORM**  
**CONFIDENTIAL**

Name of Complaining Party: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Accused: \_\_\_\_\_

City Department or Office of Accused (if known): \_\_\_\_\_

Brief Statement of Facts Including Date and Circumstances Wherein You Feel the Accused Violated the City Charter or Code of Ethics: \_\_\_\_\_

Provisions of the City Charter or Code of Ethics You Feel Were Violated (Not Mandatory): \_\_\_\_\_

*Under the Provisions of the Code of Ethics of the City of New London, I do hereby state that the foregoing complaint and facts to be true to the best of my knowledge and belief.*

Dated at New London this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed : \_\_\_\_\_

STATE OF CONNECTICUT            }

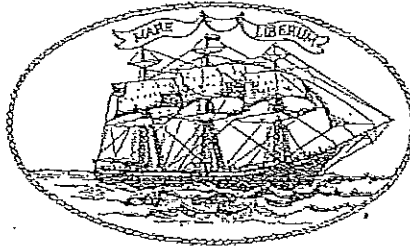
COUNTY OF \_\_\_\_\_ } SS. \_\_\_\_\_

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me \_\_\_\_\_

The undersigned officer, personally appeared \_\_\_\_\_; known to me (or satisfactorily proven) to be the person whose name is subscribed to within the instrument who swore to the truth of the statement contained herein.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public / Justice of the Peace/ Commissioner of the Superior Court



**City Of New London**

**Board of Ethics**

**REQUEST FOR AN ADVISORY OPINION**

YOUR NAME: \_\_\_\_\_

YOUR POSITION WITH THE CITY OF NEW LONDON: \_\_\_\_\_

YOUR IMMEDIATE SUPERVISOR : \_\_\_\_\_

BRIEF STATEMENT OF ISSUE (attach extra pages if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PORTIONS OF CODE OF ETHICS OR CITY CHARTER YOU FEEL MAY BE RELEVANT (not mandatory) :

\_\_\_\_\_  
\_\_\_\_\_

TIME RESTRICTIONS, IF ANY: (Example: When issue is to be voted upon or contract awarded.) \_\_\_\_\_

Dated at New London, Connecticut this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Your Signature: \_\_\_\_\_

FILE DATE: \_\_\_\_\_ (Clerk, City of New London) \_\_\_\_\_