

TOWN COUNCIL POLICIES

SUBJECT:	Standards of Conduct for	No.	19
	Public Officials	Date:	April 5, 2011
		Revised:	November 11, 2009 March 5, 2015

I. Declaration of Policy

The Town Council and the Board of Education of the Town of Avon deem it to be in the best interests of the Town and its citizens that all elected and appointed officials of the Town, the Board of Education, and all commissions, committees, authorities and other governmental entities of the Town and the Board of Education be independent, impartial and responsible, that public office not be used for personal gain, and that citizens have confidence in the integrity of their government. In recognition of these goals, the Town Council has adopted these standards of conduct.

These standards of conduct supplement restrictions that are contained in the Town Charter and in Connecticut law and do not preclude the adoption of additional restrictions or guidelines by other Municipal Entities. Employees of the Town or Board of Education who are not covered by these standards of conduct shall be subject to appropriate standards set forth in the personnel rules of the Town and Board of Education.

II. Definitions

The following definitions shall apply to these standards of conduct.

A. "Board Entity" is defined as the Avon Board of Education and any other commission, committee, authority or governmental entity of the Board of Education.

B. "Business" is defined as a corporation, partnership, limited liability company, partnership, joint venture, sole proprietorship or any other person or entity that operates on a for-profit or not-for-profit basis.

C. "Conflict of Interest" is defined as an interest or relationship of a Public Official that has resulted or may result in a violation of these standards of conduct or the standards of conduct or conflict-of-interest rules of the State of Connecticut, the Town Charter or any Municipal Entity.

D. "Dependent" is defined as (i) a person under the age of eighteen who resides with a Public Official or (ii) a person who would qualify as a dependent on a federal income tax return.

E. "Gift" is defined as anything of value given or paid to a Public Official, except:

1. A non-pecuniary gift of nominal value;
2. An award publicly presented in recognition of public service;
3. Meals, accommodations and/or registration or entrance fees in connection with meetings or events in which the Public Official participates in his or her official capacity;
4. A gift that would have been offered or given even if the recipient were not a Public Official;
5. A political contribution otherwise reported as required by law; or
6. Food and beverages consumed on a single occasion.

F. "Municipal Entity" is defined as a Town Entity or a Board Entity.

G. "Public Official" is defined as (i) the Town Manager, the Superintendent of Schools and the Town Treasurer, (ii) any person elected by the voters who serves without compensation on a Municipal Entity, and (iii) any person appointed by the Town Council or Board of Education who serves without compensation on a Municipal Entity.

H. "Spouse" is defined as a person to whom a Public Official is related by marriage, civil union or domestic partnership.

I. "Town Entity" is defined as the Town Council, the Board of Finance, the Board of Assessment Appeals, the Planning and Zoning Commission, the Zoning Board of Appeals, the Building Code Board of Appeals, the Water Pollution Control Authority, the Inland Wetlands Commission, and any other commission, committee, authority and governmental entity of the Town with the exception of a Board Entity.

III. Prohibited Activities

A. Gifts to Officials. No Public Official shall solicit or accept a Gift from any person or entity that is interested in a matter pending, or anticipated to become pending, before the Public Official or a Municipal Entity of which the Public Official is a member.

B. Contracts with Town or Board of Education. No Public Official and no Business in which a Public Official has an ownership interest of more than 1% may provide, or contract to provide, goods or services to any Municipal Entity in exchange

for payment or other consideration. For purposes of this Section B, goods or services shall not include employment by a Municipal Entity.

This restriction shall remain in effect for one year following the termination of office of a Public Official.

C. Disqualification of Officials. Except as qualified below, no Public Official shall vote, otherwise participate on behalf of a Municipal Entity or communicate with another Public Official or employee of the Town or Board of Education concerning any matter or proceeding in which the Public Official has a Disqualifying Interest. For purposes of this provision, a "Disqualifying Interest" is defined as:

1. A personal or financial interest of a Public Official or of the Spouse or Dependent of the Public Official;

2. The financial interest of a Business of which the Public Official or the Spouse or Dependent of the Public Official is an officer or director, or in which the Public Official or the Spouse or Dependent of the Public Official has a financial interest (other than a less than 1% equity interest in a company whose shares or other units of equity are publicly traded);

provided, however, that:

3. A Public Official may participate in a matter involving a determination of general policy if the Disqualifying Interest of the official is shared with a substantial segment of the population of the Town; and

4. A Public Official may participate in matters affecting the nature and level of compensation and benefits programs generally applicable to officials or employees of the Town or the Board of Education.

If participation in a prohibited matter or proceeding would otherwise come within the scope of the Public Official's official responsibility, the official shall, in addition to declining to participate, disclose the nature and extent of his or her Disqualifying Interest to the applicable Municipal Entity, and the disclosure shall be reflected in the minutes of the meeting of the Municipal Entity at which the disclosure is presented.

D. Confidential Information. No Public Official may use confidential information concerning the property, government or affairs of the Town or Board of Education to advance his or her personal or financial interests or the personal or financial interests of the Spouse or Dependent of the Public Official, and, except as required by law, no Public Official may, without proper authorization, disclose such confidential information to unauthorized persons.

E. Appearance by a Public Official Before a Municipal Entity of Which the Official is a Member. No Public Official may appear on his or her own behalf or on behalf of any other person or entity before a Municipal Entity of which the Public Official is a member.

F. Appearance by a Compensated Public Official Before a Municipal Entity. No Public Official who receives compensation for services to the Town may appear on behalf of a private interest (other than his or her own interest or the interest of a member of the official's immediate family) before any Municipal Entity.

G. Representation of a Person or Entity by a Public Official. No Public Official (or, if the official is an attorney, no attorney within the law firm of the Public Official) may for compensation represent or advise a person or entity with respect to a matter that is pending or is expected to be pending in the future before a Municipal Entity of which the Public Official is a member.

H. Prohibition Against Employment.

1. No Public Official of a Town Entity and no Spouse or Dependent of that Public Official may be employed in any capacity by a Town Entity in a circumstance in which the Public Official could exercise direct authority or supervisory control over the Spouse or Dependent of the Public Official. No Public Official of a Board Entity and no Spouse or Dependent of that Public Official may be employed in any capacity by a Board Entity in a circumstance in which the Public Official could exercise direct authority or supervisory control over the Spouse or Dependent of the Public Official. The prohibitions in this subsection H.1. shall not apply to instances where (a) both the Public Official and the Spouse or Dependent have been elected to offices established by state statute, or (b) the Spouse or Dependent is a part-time employee compensated at less than \$2,500 per year or a temporary or seasonal employee.

2. Notwithstanding anything to the contrary herein, including Section H.1, above, the Spouse or Dependent of the Town Manager, the Town Treasurer or any member of the Town Council or the Board of Finance may not be employed in any capacity by a Town Entity.

IV. Avon Volunteer Fire Department, Inc.

It is the finding of the Town Council that the Avon Volunteer Fire Department, Inc. is not under the "jurisdiction" of the Town or any Municipal Entity for purposes of Section 11.1.3 of the Avon Town Charter.

V. Advisory Opinions and Complaints

A. Advisory Opinion. Upon the request of a person who is either a resident of the Town or is liable to the Town for taxes on the most recent Grand List or upon its own initiative, the Town Council, the Board of Education, the Town Manager or the Superintendent of Schools may request an advisory opinion from the Town Attorney concerning a possible Conflict of Interest.

B. Complaints as to a Possible Conflict with Respect to Town Officials.

1. Any person who is either a resident of the Town or is liable to the Town for taxes on the most recent Grand List may file a complaint with the Town Manager alleging that a Public Official of a Town Entity has acted with a Conflict of Interest. Upon receiving a complaint, the Town Manager shall undertake a preliminary investigation of the complaint and shall determine whether there is prima facie evidence that a Conflict of Interest may have occurred. In undertaking the investigation, the Town Manager shall consult with the Public Official who is the subject of the complaint and may request the assistance of the Town Attorney and such other persons as he or she deems necessary. If the Town Manager does not find that there is prima facie evidence that a Conflict of Interest has occurred, he or she shall so inform the complainant. If the resident elector does not agree with the decision of the Town Manager, he or she may submit the complaint to the Town Council. If the Town Council agrees with the decision of the Town Manager that there is no prima facie evidence that a Conflict of Interest has occurred, the complainant shall be so informed and no further action shall be taken by the Town.

2. If the Town Manager or the Town Council, as applicable, finds that there is prima facie evidence that a Conflict of Interest has occurred, the Town Council shall with the assistance of the Town Attorney determine whether a Conflict of Interest has occurred utilizing the same procedures as are set forth in Section 11.4.4 of the Town Charter.

3. If the Town Council determines that a Conflict of Interest has occurred, the Town Council shall issue a written finding concerning the Conflict of Interest. If the Public Official was appointed by the Town Council, the Town Council may remove the Public Official from that office if it finds the violation to have been serious.

C. Complaints as to a Possible Conflict with Respect to Board Officials.

1. Any person who is either a resident of the Town or is liable to the Town for taxes on the most recent Grand List may file a complaint with the Superintendent of Schools alleging that a Public Official of a Board Entity has acted with a Conflict of Interest. Upon receiving a complaint, the Superintendent of Schools shall undertake a preliminary investigation of the complaint and shall determine whether there is prima facie evidence that a Conflict of Interest may have occurred. In undertaking the investigation, the Superintendent of Schools shall consult with the Public Official who is the subject of the complaint and may request the assistance of the Town Attorney and such other persons as he or she deems necessary. If the Superintendent of Schools does not find that there is prima facie evidence that a Conflict of Interest has occurred, he or she shall so inform the complainant. If the resident elector does not agree with the decision of the Superintendent of Schools, he or she may submit the complaint to the Board of Education. If the Board of Education agrees with the decision of the Superintendent of Schools that there is no prima facie evidence that a Conflict of Interest has occurred, the complainant shall be so informed and no further action shall be taken by the Board of Education.

2. If the Superintendent of Schools or the Board of Education, as applicable, finds that there is prima facie evidence that a Conflict of Interest has occurred, the Board of Education shall with the assistance of the Town Attorney determine whether a Conflict of Interest has occurred utilizing the same procedures as are set forth in Section 11.4.4 of the Town Charter.

3. If the Board of Education determines that a Conflict of Interest has occurred, the Board of Education shall issue a written finding concerning the Conflict of Interest. If the Public Official was appointed by the Board of Education, the Board of Education may remove the Public Official from that office if it finds the violation to have been serious.

VI. Annual Disclosures of Public Officials

Within 30 days following his or her election or appointment and no less frequently than annually thereafter, every Public Official shall provide to the Town Clerk in writing the following information with respect to the Public Official:

1. The names and addresses of all Businesses in which the Public Official or the Spouse or Dependent of the Public Official is a director, officer, owner, employee, compensated agent, or holder of stock that constitutes one percent or more of the total outstanding stock of any class. For purposes of this disclosure, a compensated agent shall be obligated to identify only those Businesses that individually, during the preceding 12 months, provided compensation to the agent that represented more than 20% of the agent's total gross income for that period.

2. The names and addresses of current employers and current position titles, and name and addresses of any other employer during the prior five years and the last position titles of the Public Official with any such prior employers.

3. The addresses of all real property located in the Town of Avon that is owned, in whole or in part, by the Public Official or the Spouse or Dependent of the Public Official or held in the name of any trust or other entity for the benefit of the Public Official or the Spouse or Dependent of the Public Official.

4. Any lease or other contract with the Town of Avon or any Municipal Entity held or entered into by the Public Official.

To the extent that a disclosure that is required under this Section VI would include information that is exempt from disclosure under the Freedom of Information Act, the Town shall, upon request, take appropriate steps to protect the information from public disclosure.