

TOWN OF PLAINFIELD 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 the municipality, and it must be based on honest and fair deliberations and decisions. This process must be free from threats, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By enacting this code, the Town of Plainfield seeks to avoid any loss of trust and to maintain and increase the confidence of our citizens in the integrity and fairness of their government.

Section 1-1. Applicability.

1. The terms of this code shall apply to all Town Personnel including, but not limited to, the Office of Selectmen, Board of Education, Police, Town officers, Town departments, in the service of the Town of Plainfield and all other personnel elected and / or appointed to Town boards and commissions.
2. All of the above shall be referred to hereinafter as “persons governed by this code.”

Section 1-2. Definitions.

1. “Business” means any entity through which business for profit or not for profit is conducted including a corporation, partnership, limited liability company, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.
2. “Business with which he / she is associated” means a business of which the person or a member of his / her immediate family is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stock of any class.
3. “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.
4. “Commission” means the Town of Plainfield Ethics Commission established in section 7-1i of the Charter.
5. “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.
6. “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 by the giver from the public official or public employee. A gift does not include:
 - (a) a political contribution otherwise reported as required by law or a donation or payment as described in subdivision (9) or (11) of subsection (b) of 9-333b;
 - (b) services provided by persons volunteering their time to the Town or to a non-profit agency.
 - (c) a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;
 - (d) a gift received from (A) an individual’s spouse, fiancé or fiancée, (B) the parent, brother or sister of such spouse or such individual, (C) the child of such individual or the spouse of such child;
 - (e) goods or services which are provided to the Town of Plainfield and facilitate governmental action or functions;
 - (f) a certificate, plaque or other ceremonial award costing less than one hundred dollars;
 - (g) 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;

- (h) printed or recorded informational material germane to governmental action or functions;
 - (i) items of nominal value, not to exceed ten dollars, containing or displaying promotional material;
 - (j) an honorary degree bestowed upon a public official or public employee by a public or private university or college;
 - (k) 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;
 - (l) an incidental meal or social occasion provided in the home by an individual;
 - (m) gifts in-kind of nominal value not to exceed \$25.00 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;
 - (n) incidental gifts to teachers from parents and children, provided such gifts are of minimal value.
 - (o) customary payments received for performing the functions of a notary or justice of the peace.
7. "Immediate family" means any parent, spouse, child or dependent relative.
 8. "Individual" means a natural person.
 9. "Individual with whom one is associated" means an individual with whom the person or a member of his immediate family mutually has an interest in any business.
 10. "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.
 11. "Person" means an individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.
 12. "Personal interest" means an interest in any action taken by the Town of Plainfield in which individual will derive a nonfinancial benefit or detriment but which will result in the expenditure of municipal funds.
 13. "Probable Cause" means determining whether the facts would warrant a reasonable person to believe that a town official, officer, or employee violated this code; the belief should be more than a mere suspicion, but less than proof beyond a reasonable doubt.
 14. "Public employee" means a person employed, whether part-time or full-time, by the Town of Plainfield or a political subdivision thereof.
 15. "Public official" means an elected or appointed official, whether paid or unpaid or full or part-time, of the Town of Plainfield or political subdivision thereof.

Section 1-3. Conflicts of Interest.

1. Persons governed by this code shall not 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 / her official responsibilities in the public interest or which would tend to impair his /her independent judgment or action in the performance of his / her official responsibilities.
2. (a) Persons governed by this code shall not solicit or accept any gift from any person which to his / her knowledge is interested in any pending matter within such individual's official responsibility.

- (b) If a prohibited gift is offered, he / 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 / she does not take the corresponding tax deduction. Alternatively, it may be considered a gift to the Town of Plainfield provided it remains in the Town of Plainfield possession permanently.
3. (a) Persons governed by this code shall not engage or participate in discussion, voting or action on any matter brought before him / her or a board that he / she is member of, that would result in a financial gain or loss to that public official or public employee or his / her immediate family member or business which he / she is associated.
- (b) If such participation is within the scope of the public official or public employee official responsibility, he / she shall be required to disclose on the record or provide written disclosure, which sets forth in detail the nature and extent of interest, to the Commission. Upon disclosure, the public official or public employee shall recuse himself from such participation and vacate the room where the business is being conducted during the time of the discussion, voting or action.
- (c) Notwithstanding the prohibition in subsection (3) (a), a public official or public employee may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the group or general population.
- (d) Nothing herein shall prohibit the Board of Selectmen from voting on his / her salaries, provided the same are fully disclosed and approved by the Town as part of the budget process.
4. Except for a public official who receives no compensation for his / her service to the Town of Plainfield other than per diem payments and reimbursement of expenses, no public official or public employee shall:
- (a) Appear on behalf of private interests before any board, agency, or commission of the Town of Plainfield.
- (b) Represent private interests against the interest of the Town of Plainfield in any litigation to which the Town of Plainfield is a party.

The exception for a public official who receives no compensation under this provision in no way limits the restriction on appearances before boards and commissions mandated by C.G. S. Sections 8-11 and 8-21.

5. Nothing contained in this code shall prohibit or restrict a public official or public employee from appearing before any board or commission of the Town of Plainfield on his / her own behalf, or from being a party in any action, proceeding or litigation brought by or against the public official or public employee to which the Town of Plainfield is a party.
6. Unless otherwise required by law, persons governed by this code shall not disclose confidential information concerning the Town of Plainfield affairs, nor shall he / she use such information for the financial interests of himself / herself or others.
7. Persons governed by this code shall not request or permit the use of Town of Plainfield 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 Town of Plainfield policy for the use of such public official or public employee in the conduct of official business.
8. Persons governed by this code, or a business with which he / she is associated, or member of his / her immediate family shall not enter into a contract with the Town of Plainfield unless it is awarded through a process of public notice and competitive bidding, provided that the association or membership is publicly disclosed as part of the bidding process.
9. Persons governed by this code may not use his / her position or office for the financial benefit of himself / herself, a business with which he / she is associated, an individual with which he / she is associated, or a member of his / her immediate family.
10. Persons governed by this code shall not accept a fee or honorarium for an article, appearance or

speech, or for participation at an event, in his / her official capacity.

11. Persons governed by this code, or a business with which he / she is associated, or member of his / her immediate family, shall not 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 official or public employee would be or had been influenced thereby.

Section 1-4. Former Public Employees / Officials.

1. For a period of one year after termination of service with the Town of Plainfield, no person governed by this code shall be compensated for appearance before the board or agency of which he / she was a member.
2. Persons governed by this code shall not represent anyone other than the Town of Plainfield concerning any particular matter in which he / she participated personally and substantially while in municipal service.
3. Persons governed by this code shall not disclose or use confidential information acquired in the course of and by reason of his / her past official duties, for financial gain for himself / herself or others.
4. Persons governed by this code who participated substantially in the negotiation or award of a Town of Plainfield contract obliging the Town of Plainfield to pay an amount of \$100,000 or more, or who supervised the negotiation or award of such a contract shall not accept employment with a party to the contract other than the Town of Plainfield for a period of one year after such contract is signed.

Section 1-5. Ethics Commission.

1. There shall be a Town of Plainfield Ethics Commission consisting of five members, each of whom shall be appointed by unanimous vote of the Board of Selectmen. In making the initial appointments, three members shall be appointed for four years, and two shall be appointed for two years. Thereafter, appointments shall be for four year terms. No more than three shall be members of the same political party.
2. All members shall be electors of the Town of Plainfield. No member shall: (a) hold or campaign for any public office; (b) have held public office or have been a candidate for public office for a two year period prior to appointment; (c) hold office in any political party or political committee; or (d) serve as a member of any other municipal agency.
3. (a) Although any member or employee 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 publicly support any candidate for any municipal office subject to the Commission's jurisdiction. An individual would be publicly supporting a candidate by, for example, volunteering as a campaign worker, giving a speech at a political event or formally endorsing a candidate. A Commission member may be a member of a political party, but shall not hold an office in that party.
(b) No public officer may disseminate information, which indicates that a Commission member supports his or her candidacy.
4. 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. Four members shall constitute a quorum. A majority vote of the Commission shall be required for action of the Commission. The chairperson or any three members may call a meeting.

Section 1-6. Powers and Duties.

1. The Commission shall issue advisory opinions when requested by a person governed by this code; to investigate and hear complaints concerning allegations of unethical conduct as to any person governed by this code and render its opinion thereon; and to make recommendations to the Board of Selectmen for changes in this code.
2. The Commission may adopt rules and regulations not inconsistent with this code.
3. The Commission shall provide an annual written report summarizing the activities of the Commission to the Board of Selectmen on or before February 1.
4. The Commission shall not incur any expenses in excess of the funds appropriated by the legislative body for such purpose.

Section 1-7. Complaint Procedures.**1. Complaint**

- (a) Upon the complaint of any person (Complainant) on a form prescribed by the Commission, signed under penalty of false statement, the commission shall conduct an inquiry on any alleged violation of this code. If no form is available, the Commission may accept a signed letter with the information required by this section as a complaint.
- (b) Complaints shall include the name of the person accused (Respondent), the specific acts alleged to constitute the violation, when these acts occurred, and whether or not these allegations have been presented to other administrative or judicial authorities.
- (c) All information supplied to or received from the Commission during the evaluation and inquiry shall remain confidential, unless otherwise required by law.
- (d) No complaints may be made under this code except within one year after the violation alleged in the complaint has been committed.
- (e) After receipt of information from an individual, the Commission shall not disclose the identity of such individual, unless otherwise required by law.
- (f) 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 consent unless the Commission determines that such disclosure is unavoidable during the course of an inquiry or as required by law.
- (g) When a complaint is received the Commission shall determine whether the complaint is in proper form and whether the allegations if true would constitute a violation of this code. If the Commission determines that the complaint is not in proper form and / or does not allege facts sufficient to constitute a violation of this code, it shall dismiss the complaint. The Commission shall, not later than ten days after said determination, notify the Complainant and Respondent of its findings in writing.

2. Confidential Inquiry

- (a) Once the Commission accepts a complaint, it shall cause an inquiry to be made and concluded in ninety days to determine whether or not there is probable cause to believe a violation of this code has occurred.
- (b) In the conduct of its inquiry the Commission shall have the power to hold hearings, examine witnesses, receive oral and documentary evidence and request witnesses as prescribed by C.G.S. Section 7-148h.
- (c) During the inquiry, the Respondent shall have the right to appear and be heard, to have counsel appear on his / her behalf and to offer any information which may be relevant to the inquiry.
- (d) If the Commission finds probable cause, it must be by the concurring vote of four out of the five members and the Commission shall set the date for a public hearing not less than thirty days nor more than ninety days after its findings.
- (e) The Commission shall advise the Complainant and the Respondent of its findings and a summary of the reasons therefore not later than three business days after the termination of its inquiry by registered or certified mail.

- (f) After the termination of its inquiry and its decision that probable cause exists, the Commission shall make public its findings no earlier than ten days and no later than fourteen days.

3. Public Hearing

- (a) All hearings shall be recorded in a manner to be determined by the Commission.
- (b) Hearing shall not be subject to rules of court, except:
 - (1) The rights of an accused to confront and cross-examine his / her accuser,
 - (2) The rights of every witness or part to be represented by an attorney at law of his choice, and
 - (3) The right of every witness to decline to answer questions in accordance with the Fifth Amendment to the Constitution of the United States.
- (c) The Commission shall have the power to examine witnesses, receive oral and documentary evidence and request witnesses as prescribed by C.G.S. Section 7-148h.

4. Findings

- (a) No finding of violation of this code shall be made except upon concurring vote of four out of the five members of the Commission.
- (b) The Commission shall render a decision within thirty days of the public hearing and shall notify the Complainant and Respondent in writing.

Section 1-8. Penalties

1. Violation of any provision of this Code shall constitute grounds for, and may be punished by:
 - (a) A recommendation to the appropriate appointing or supervisory authority. Such authority will report within thirty days to the Commission whether action was taken and the reasons thereof .
 - (b) A recommendation to the Board of Selectman, where appropriate, to consider seeking restitution of any pecuniary benefits received because of the violation committed.

Section 1-9. Advisory Opinions

Upon the written request of a person governed by this code, the Commission shall render written advisory opinions based upon the provisions of this code. Such opinions shall be available to the public except as prohibited by law.

Section 1-10. Validity

1. If any part of this Code is determined to be invalid, such determination shall not affect the validity of any other part and the remainder shall remain in full force and effect.
2. If any part of this Code conflicts with the Federal Law, or the State of Connecticut General Statutes, the provisions of the Federal Law, or the State of Connecticut General Statutes shall prevail.

Section 1-11. Distribution of Code.

The Finance Director shall cause a copy of this code to be distributed to every person governed by this code within 60 days after enactment of this code. Each public official and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon the duties of his office or employment. A signed receipt for all copies shall be kept on file.



**ETHICS COMMISSION
TOWN OF PLAINFIELD, CONNECTICUT**

The following form is provided by the Ethics Commission to assist you in submitting a written complaint under the Code of Ethics, Town of Plainfield.

An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received from the commission shall not be disclosed during the investigation to any third party by a complainant, witness, designated part, or commission or staff member. State Statute 1-82 (b) and subject to State Statute 1-88.

Please print or type all information requested.
Name and address of person submitting complaint:

Name of the person(s) against whom the complaint is being filed.

Specific nature of complaint (please include the relevant sections of the Code of Ethics that you contend have been violated):

(Please use the back of this form and/or attach sheets if additional space is required for you to adequately complete this and/or the following section).

Relevant facts supportive of complaint: _____

Signed under penalty of false statement (State Statute 1-82), I declare that I have examined this statement and to the best of my knowledge and belief it is true, correct, and complete.

Signature of complainant _____ Date _____