

## INTRODUCTION

1. The City Code requires that...  
“each public employee and public official shall be furnished a copy before entering upon the duties of this office or employment. A signed receipt for all copies shall be returned to the City Clerk and retained on file.”
2. Upon receipt...
  - Sign the Acknowledgment and return it to the City Clerk.**
  - Read the Code of Ethics.
  - Keep the booklet with your personal files for future reference.
3. If you desire an Advisory Opinion, or to disclose an interest...
  - Complaints shall be filed on a prescribed form, with the City Clerk, who shall immediately seal said complaint and cause it to be delivered to the Chairman of the Board.

Board of Ethics Procedures are on file and available in the City Clerk’s Office.

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## ACKNOWLEDGMENT

I acknowledge receipt of a copy of the Meriden Code of Ethics.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Department, Board, or Commission.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**§ C7-8. Board of Ethics; conflicts of interest.**

[Amended 6-26-1996]

There shall be a Board of Ethics consisting of five members. Members shall be appointed in accordance with § C3-3J of the City Charter for a term of three years, except that of the initially appointed members, who will serve for one year, two for two years, and two for three years. No more than two shall be members of the same political party.

All members shall be electors of the municipality. No member shall be appointed or continue to serve who shall (1) hold or be nominated for any elective public office, (2) have held public office, including office as a member of a party committee as defined by state statute, or have been a declared candidate for elective public office, or have been a member of any municipal agency, board, commission or committee, during a one-year period prior to appointment, (3) hold office in any party committee defined by state statute, (4) serve as a member of any other municipal agency, board, commission or committee, (5) be a City employee.

The City Council shall enact, and may amend from time to time, a Code of Ethics to provide guidelines for ethical standards of conduct for all City officials, employees, and contractors, by setting forth those acts or actions which are incompatible with the best interests of the City, by directing disclosure of private financial or other interests in matters affecting the City, by providing for a procedure by which said Board shall hear complaints and issue decisions and advisory opinions, by providing for penalties and the effect of violation of such code, and by defining conflicts of interest under said code, all in conformity with state statutes, as the same may be amended from time to time.

# CODE OF ETHICS

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[HISTORY: Adopted by the Council of the City of Meriden 9-15-1980; amended in its entirety 6-26-1996. Subsequent amendments noted where applicable.]

## § 21-1. Purpose.

The proper operation of democratic government requires that public officials and employees be independent and impartial, that public office not be used for personal gain, and that the public have confidence in the integrity of its government. 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 acts or actions that are incompatible with the best interests of the City and by directing disclosure of private financial or other interests by such officials and employees in matters affecting the City.

## § 21-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

### BOARD OF ETHICS

The Board of Ethics established in § 21-3.

### BUSINESS

Any entity through which business for profit or not for profit is conducted, including a corporation, partnership, proprietorship, firm, enterprise, franchise, association, limited liability company, trust organization, or sole proprietorship or self-employed individual.

### BUSINESS WITH WHICH HE IS ASSOCIATED

A business of which a person or a member of his immediate family is a director, officer, partner, owner, employee, compensated agent, or holder of stock which constitutes 5% or more of the total outstanding stock of any class.

## **CHARTER**

The Charter of the City of Meriden.

## **CITY**

The City of Meriden and any special district contained therein.

## **CONFIDENTIAL INFORMATION**

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.

## **FINANCIAL INTEREST**

Any interest with a monetary value of \$1,000 or more or which generates a financial gain or loss of \$1,000 or more in a calendar year.

## **GIFT**

Anything of value, including entertainment, food, beverage, travel and lodging, given or paid to a public official or public employee without consideration of equal or greater value therefor. 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 § 9-601a of the Connecticut General Statutes, as amended.
- B.** A gift received from an individual's spouse, fiancé or fiancée; the parent, brother or sister of such spouse or such individual; or the child of such individual or the spouse of such child.
- C.** An honorary degree bestowed upon a public official or public employee by a public or private university or college or a certificate, plaque or other ceremonial award costing less than \$100.
- D.** A rebate or discount on the price of anything of value made in the ordinary course of business without regard to the recipient's status.
- E.** Printed or recorded informational material germane to governmental action or functions, or items of nominal value not to exceed \$25, containing or displaying promotional material, received in the course of an individual's official duties, or 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 official capacity.
- F.** Gifts in-kind of nominal value not to exceed \$100 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 that the total value of such gifts in any calendar year does not exceed \$200 per donor.
- G.** Items of nominal value, provided in social occasions, not to exceed \$25 per occasion, or a meal provided in the home by an individual who resides in Meriden.

## **IMMEDIATE FAMILY**

An individual's spouse, fiancé or fiancée; the parent, brother or sister of such individual or spouse; and the child of such individual or the spouse of such child.

## **INDIVIDUAL**

A natural person.

## **OFFICIAL RESPONSIBILITY**

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.

## **PERSON**

An individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

## **PERSONAL INTEREST**

An interest in any action taken by the City in which an individual will derive a nonfinancial benefit or detriment as the result of the expenditure of municipal funds.

## **PROBABLE CAUSE**

Such facts as would reasonably persuade a reasonable person to believe that the respondent has violated this code.

## **PUBLIC EMPLOYEE**

A person employed, whether part time or full time, by the City.

## **PUBLIC OFFICIAL**

An elected or appointed official, whether paid or unpaid or full or part time, of the City.

## **§ 21-3. Board of Ethics.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- A.** There shall be a Board of Ethics as provided in § C7-8 of the Charter and Chapter 6, Article I of this Code.
- B.** Although any member or employee of the Board shall have an unrestricted right to vote, make political contributions, and attend fund-raising or other political events, no member shall publicly support any candidate for municipal office. Publicly supporting a candidate includes, but is not limited to, giving a speech at a political event or formally endorsing a candidate. Limited volunteer activity as a campaign worker shall not constitute a violation of this section. This provision shall not apply to a member of the City Council

appointed to the Board. A violation of this subsection shall be a violation of this code.

C. The Board shall elect a Chairperson who shall preside at meetings of the Board and a Vice Chairperson to preside in the absence of the Chairperson. Three members shall constitute a quorum. A majority vote of the members of the Board present and voting shall be required for action of the Board, except as hereafter set forth. The Chairperson or any three members may call a meeting.

#### **§ 21-4. Records and reports; advisory opinions; regulations; staff.**

A. The Board shall:

(1) Compile and maintain a record of all reports, advisory opinions, statements, and memoranda filed by and with the Board.

(2) Issue advisory opinions with regard to the requirements of this code upon the request of any person subject to this code. Advisory opinions rendered by the Board, until amended or revoked, shall be binding on the Board and shall be deemed to be final decisions of the Board. Any advisory opinion concerning the person who requested the opinion and who acted in reliance thereon, in good faith, shall be an absolute defense to a claimed violation of this code concerning any matter encompassed by such advisory opinion.

(3) Report annually on or before February 1 to the City Council summarizing the activities of the Board.

B. The Board may adopt, after a public hearing, rules and regulations not inconsistent with this code for the administration and implementation of this code.

C. The Board may employ necessary staff or outside counsel within available appropriations.

#### **§ 21-5. Complaints.**

[Amended 7-20-1998]

A. Complaints may be filed by any five or more electors, by the City Manager or City Attorney, by the Mayor, and by any member of the City Council. Complaints may also be initiated by the Board. Complaints shall be filed with the City Clerk, who shall immediately seal said complaint and cause it to be delivered to the Chairman of the Board.

B. Procedure.

(1) Complaints shall be filed on a form prescribed by the Board and signed under penalty of false statement. The Board shall investigate any alleged violation of this code.

(2) Not later than 10 days after the receipt or issuance of such complaint, the Board shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant.

(3) The Board shall review any complaint to determine whether or not the allegations contained therein, if proven, would constitute a violation of any provision of this code and whether or not there is probable cause to believe that there has been a violation of this code. If the Board determines that the complaint does not allege sufficient acts to constitute a violation, or that there is not probable cause to believe a violation of this code has occurred, the Board shall dismiss the complaint and duly notify the complainant and respondent by registered or certified mail.

(4) If the Board determines that the complaint alleges sufficient acts to constitute a violation and that there is probable cause to believe that there has been a violation of this code, then within 30 days after so determining the Board shall fix a date for the commencement of the hearing on the allegation contained therein. The hearing date regarding any complaint shall be not more than 60 days after the filing of the complaint or said complaint shall be deemed dismissed. All hearings shall be concluded within 120 days of such hearing date.

C. In the conduct of its investigation and hearing of an alleged violation of this code, the Board, to the extent permitted by law, shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and require the production for examination by the Board of any books and papers which the Board deems relevant in any matter under investigation or in question. In the exercise of such powers, the Board may use the services of the Department of Law, which shall provide the same upon the Board's request. The respondent shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses.

D. The Board shall make no determination of probable cause that there is a violation of any provision of this code, nor any finding that there is a violation, except upon the concurring vote of at least four of its members. No person shall be held to have violated this code except upon clear and convincing proof.

E. Any hearing conducted by the Board shall be governed by the rules of evidence standard in administrative hearings.

F. No complaint may be made under this code except within five years next after the violation alleged in the complaint has been committed.

G. No person shall take or threaten to take official action against an individual in retaliation for such individual's disclosure of information to the Board

under the provisions of this code. The provisions of this subsection shall apply in addition to the provisions of § 31-51m of the Connecticut General Statutes, as amended. A violation of this subsection shall be a violation of this code.

### **§ 21-6. Preliminary investigation.**

**A.** The Board may conduct a preliminary investigation to determine whether the filing of a complaint on its own initiative is warranted. This preliminary investigation shall be confidential. Any allegations and any information supplied to or received from the Board shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, the Board, or any staff employed by or assigned to the Board.

**B.** Unless the Board upon investigation and review determines that there is probable cause to believe that there has been a violation of this code, a complaint alleging a violation and all proceedings prior to such determination shall be confidential except upon the written request of the respondent.

**C.** If the Board makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No complainant, respondent, witness, designated party, or Board staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. A violation of this subsection shall be deemed a violation of this code.

**D.** The Board shall make public a finding of probable cause not later than five business days after the termination of the hearing. At such time, the entire record of the investigation shall become public. The Board shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making such a finding by registered or certified mail not later than three business days after termination of the hearing.

**E.** Any respondent aggrieved by a decision of the Board regarding a finding of a violation may, within 30 days, take an appeal to the Superior Court for the Judicial District of New Haven or any court of competent jurisdiction.

**F.** Nothing herein shall prohibit the Board of Ethics from reporting the possible commission of a crime to the appropriate prosecutorial authority.

### **§ 21-7. Penalties for offenses.**

**A.** Violation of any provision of this code shall constitute grounds for and may be punished by:

- (1) Public censure and reprimand;
- (2) In the case of a public employee, a recommendation to the appropriate authority for such personnel action as appears appropriate;
- (3) A civil penalty of not more than \$100 per violation; or



(4) Restitution of any pecuniary benefits received because of the violation committed.

**B.** Any contract, transaction or official act or action which was entered into or taken in violation of this code shall be voidable by resolution of the City Council.

## **§ 21-8. Conflicts of interest.**

**A.** No public employee or public official shall engage in or participate in any business or transaction, including outside employment, or have an interest, direct or indirect, which is incompatible with the proper discharge of his official duties or responsibilities or which would tend to impair his independent judgment or action in the performance of his official responsibilities, as hereinafter defined in this section.

**B.** Gifts.

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

(2) If a prohibited gift worth more than \$100 is offered, it must be refused and reported to the City Manager, the City Attorney, or Chairman of the Board of Ethics. An unsolicited gift may be donated to a charitable organization or retained by the City at the discretion of the City Manager.

**C.** Voting and participating in certain matters.

(1) A public employee or public official shall refrain from voting upon or otherwise participating in any matter if he, a business with which he is associated, or a member of his immediate family has a financial or personal interest in the matter.

(2) If such participation is within the scope of the public employee's or public official's official responsibility, he shall be required to provide written disclosure, which sets forth in detail the nature and extent of such interest, to the Board.

(3) Notwithstanding the above, a public employee or public official may vote or otherwise participate in a matter if it involves a determination of general policy and any benefit or detriment accrues to him, a member of his immediate family, or a business with which he or a member of his immediate family is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group.

**D.** Except for a public official who receives no compensation for his service to the City other than per diem payments and reimbursement of expenses, no public employee or public official shall:

(1) Appear on behalf of private interests before any board, agency, or committee of the City.

(2) Represent private interests against the interest of the City in any litigation to which the City or any of its insurers or indemnities is a party.

E. Nothing contained in this code shall prohibit or restrict a public employee or public official from appearing before any board, agency or commission of the City on his own behalf, or from being a party in any action, proceeding or litigation brought by or against the public employee or public official to which the City is a party, or from appearing before any board, agency or committee of the City in his official capacity in any matter in which he does not have a personal interest.

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

G. No public employee or public official shall request or permit the use of City-owned vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such is available to the public generally or is provided as City policy for the use of such public employee or public official in the conduct of official business.

H. No public employee or public official, or a business with which he is associated, or member of his immediate family, shall enter into a contract with the City unless it is awarded in conformity with the provisions of § C8-1 of the Charter, as amended.

I. No public employee or public official may use his position or office for the financial benefit of himself, a business with which he is associated, or a member of his immediate family.

J. 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 official capacity.

K. No public employee or public official, or member of such individual's immediate family or business with which he is associated, shall solicit or accept anything of value, including but not limited to a gift, loan, political contribution, reward or promise of future employment, based on any understanding that the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.

## **§ 21-9. Paid contractors.**

A. No paid contractor of the City shall represent a private interest in any action or proceeding against the interest of the City which is in conflict with the performance of his duties pursuant to his contract.

**B.** No paid contractor may represent anyone other than the City or himself concerning any matter in which he participated personally and substantially as a contractor to the City.

**C.** No paid contractor shall disclose confidential information learned while performing his duties for the City nor shall he use such information for any purpose other than in performing under said contract.

### **§ 21-10. Former public employees or officials.**

**A.** No former public employee or public official, except a public official who receives no compensation for his service to the City other than per diem payments and reimbursement of expenses, shall appear for compensation before any City board or agency by which he was formerly employed, or which he provided service to, or was a member of, at any time within a period of one year after termination of his service with the City.

**B.** No former public employee or public official shall represent anyone other than the City concerning any particular matter in which he participated personally and substantially while in municipal service.

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

**D.** No former public employee or public official who participated substantially in the negotiation or award of a municipal contract obliging the City 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 City for a period of one year after such contract is signed, except for such contracts as may be awarded to the lowest bidder in conformity with § C8-1 of the Charter.

### **§ 21-11. Statement of financial interest; filing requirements.**

**A.** A public official or employee shall disclose any financial or personal interest which he, or a business with which he is associated, or a member of his immediate family, has in any matter within the scope of such official's or employee's duties and official responsibilities as required by § 21-8C of this code.

**B.** Such person shall disclose such other information as requested by the Board which is reasonably likely to lead to the discovery of information relevant to whether or not a violation of this code has occurred.

### **§ 21-12. Exceptions.**

No public official or employee shall be found to have violated any provision of this code by reason of:

A. Voluntary, uncompensated service to, membership in or affiliation with a social, fraternal, charitable, service, religious, philanthropic, cultural or similar nonprofit institution or organization.

B. A commercially reasonable loan made in the ordinary course of business by an institution or organization authorized by law to engage in the making of such loans.

C. One or more contractual relationships with any specific entity totaling less than \$1,000 within a one-year period.

### **§ 21-13. Legal representation in Board proceedings.**

A. The Department of Law shall provide representation to the Board upon request and shall not represent any public official or employee in Board proceedings.

B. Any public officer or employee who is the respondent in any complaint filed with the Board and who wishes to be represented by an attorney with regard to said complaint and to have the City pay the fees of such attorney shall submit the proposed scope of work and hourly or other fee agreement of such attorney to the City Attorney, who shall approve or disapprove the same within seven days.

C. Provided that the City Attorney shall have given prior written approval to such scope of work and hourly or other fee agreement, the City shall pay the fees of such attorney with respect to any matter alleged in such complaint upon which the Board does not find the respondent to have violated this code.

### **§ 21-14. Delay in proceedings.**

The City Council shall inquire into any failure of the Board of Ethics to complete any action required of it within the time limits fixed by this code. The City Council may order said Board to so act or refer the complaint to a committee of the City Council to act thereon in accordance with this code.

### **§ 21-15. Distribution of code.**

The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public employee and public official within 60 days after enactment of this code. Each public employee and public official shall be furnished a copy before entering upon the duties of his office or employment. A signed receipt for all copies shall be returned to the City Clerk and retained on file. The City Clerk shall make additional copies available without charge to any person engaged in any transaction with the City.