

*Town of East Lyme*  
**ETHICS CODE**

**§ 35.15 DECLARATION OF POLICY AND PURPOSE.**

Public office is a public trust. In order for the town government to function most efficiently, the trust of the public is critical. Public policy developed by government officials and employees impacts every citizen and property owner of the town, and as such, must be consistently based on honest and fair deliberation and decisions. The process of policy formulation and decision making must be free from threats, favoritism, undue influence and even the appearance of impropriety so that the confidence of the public in the town government is maintained.

(Ord. passed 8-2-2007)

**Editor's note:**

*TM Volume 22, page 704*

**§ 35.16 APPLICABILITY.**

- (A) The Code shall apply to all public town officials and town employees whether elected or appointed, paid or unpaid.
- (B) All of the above shall be referred to hereinafter as "persons governed by this Code".
- (C) A provision of this Code shall not be applicable if it conflicts in whole or in part with any provisions of any labor agreement, employment contract or state statute.

(Ord. passed 8-2-2007)

**§ 35.17 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGENCY.** Any board, commission, department, authority and advisory committee of the town.

**BUSINESS.** Any entity through which business for profit or not for profit is conducted including a corporation, company, partnership, proprietorship, firm, enterprise, franchise, association, organization or self-employed person.

**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 a nature that it is not at the time of transmission a matter of public record or public knowledge.

**FINANCIAL INTEREST.** Pecuniary or material benefit accruing to a town official or employee as a result of a contract, transaction, decision or other matter which is, or may be, the subject of any official act or action by or with the town 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 owners similarly situated.

**GIFT.**

- (1) Anything of value in excess of \$25.
- (2) The term **GIFT** does not include:
  - (a) A political contribution otherwise reported as required by law or a donation or payment as described in Conn. Gen. Stat. §§ 9-333b(b)(9) or (11):

- (b) Services provided by persons volunteering their time;
- (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:
  - 1. An individual's spouse, fiancé or fiancée;
  - 2. The parent, brother or sister of such spouse or such individual; or
  - 3. The child of such individual or the spouse of such child.
- (e) Goods or services which are provided to the town and facilitate governmental action or functions;
- (f) A certificate, plaque or other ceremonial award;
- (g) Printed or recorded informational material germane to governmental action or functions;
- (h) An honorary degree bestowed upon a public official or public employee by a public or private university or college;
- (i) 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;
- (j) A meal provided in the home of an individual; and
- (k) Gift-giving occasions, generally recognized by the public, including Christmas, Hanukkah, birthdays, the birth or adoption of a child, weddings, First Communion, confirmations or bar/bat mitzvahs, provided the total value of such gifts for each person for each event shall not exceed \$25 per calendar year.

**IMMEDIATE FAMILY.** Spouse, parent, grandparent, child, grandchild, stepchild, sibling, stepsibling, all in-laws and/or any individual who has a family-like relationship and/or who resides in the household.

**ON THE RECORD.** A writing, signed and dated, or a directive to the recording secretary of a meeting to note in the minutes a particular statement.

**PERSONAL BENEFICIAL INTEREST.** Any interest, other than financial, which would affect the action of the official or employee. Membership in or affiliation with a social, fraternal, charitable, service, education, religious, governmental or similar non-profit organization is not deemed to automatically create a personal interest.

**TOWN OFFICIAL, OFFICER or EMPLOYEE.** An individual whether elected or appointed, whether paid or unpaid, full or part time, including members and employees of any agency of the town.

(Ord. passed 8-2-2007)

**§ 35.18 STANDARDS OF CONDUCT.**

(A) Conflict of interest.

- (1) A person governed by this Code shall not engage in or participate in any business or transaction, nor have an interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest, or would tend to impair his or her independent judgment or action in the performance of his or her official duties.
- (2) A person governed by this Code shall not be financially interested or have any personal beneficial interest, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the board, agency or commission of which he

or she is a member, or of which he or she is an employee. Notwithstanding the above, no member of the Board of Selectmen and no member of the Board of Finance shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by any board, agency or commission of the town.

- (a) A town official, officer or employee shall refrain from voting upon or otherwise participating in any matter if he or she, or a member of his or her immediate family, has a financial or personal interest in the transaction or contract, including, but not limited to, the sale of real estate, material, supplies or services to the municipality.
  - (b) Notwithstanding the prohibition in division (A)(2)(a) above, a town official, officer or 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 population of the town.
- (3) Any public official or public employee who has a conflict of interest, direct or indirect, in any contract, transaction or decision within the purview of his or her official responsibilities shall disclose that conflict of interest. Such disclosure shall disqualify the public official or public employee from participation or deliberation in the matter, transaction or decision. Such disclosure shall be made in executive session of an agency at the request of the public official or the public employee.
- (B) Financial interest. A person governed by this Code who has a financial or personal interest in any transaction or contract with the town, including, but not limited to, the sale of real estate, materials, supplies or services to the town, in which he or she may be called upon to act in his or her official capacity shall not vote or otherwise participate in the transaction on behalf of the town. That person shall declare on the record that he or she has a conflict of interest that disqualifies him or her from participating and voting.
- (C) Town-owned property. A person governed by this Code shall not request or permit the use of town-owned vehicles, equipment, facilities, material or property for personal convenience or profit, except when such town property is available to the general public as a result of a policy adopted in the interest of the town.
- (D) Appearance of impropriety.
- (1) No public official or public employee shall accept a gift or engage in private employment or render services when the gift, employment or services:
    - (a) Are incompatible with the proper discharge of the official duties of the public official or public employee; or
    - (b) Could tend to impair independence of judgment or action by the public official or public employee, in the performance of his or her official duties.
  - (2) To avoid even the appearance of impropriety or creation of a situation that would be contrary to the declared policy and purpose of the Code, a public official or public employee, not otherwise restrained by the code, shall exercise care when appearing before other agencies and shall disclose whether he or she is appearing in his or her official capacity or as a private citizen.

(Ord. passed 8-2-2007)