

CHAPTER 19. - ETHICS, CODE OF

Sec. 19-1. - Title.

This chapter shall be known and referred to as "The Stamford Municipal Code of Ethics."

Sec. 19-2. - Declaration of policy.

- A. It is essential in a democratic system that the public has confidence in the integrity, independence, and impartiality of those who act on their behalf in government. Such confidence depends not only on the conduct of those who exercise official power, but on the availability of aid or redress to all persons on equal terms and on the accessibility and dissemination of information relating to the conduct of public affairs.
- B. For the purpose of promoting confidence in the government of the city and thereby enhancing the city's ability to function effectively, this Code of Ethics is adopted. The Code of Ethics establishes standards of conduct, disclosure requirements, and enforcement mechanisms relating to city officers and employees and others whose actions affect public faith in City government, such as former City officers and employees. By prohibiting conduct incompatible with the City's best interests and minimizing the risk of any appearance of impropriety, this Code of Ethics furthers the legitimate interests of democracy.
- C. Public service is a public trust. All City officers and employees are stewards of the public trust. They have a responsibility to the citizens of the city to enforce the city Charter and the associated ordinances and codes. To ensure and enhance public confidence in City government, each city officer and employee must not only adhere to the principles of ethical conduct set forth in this Code and technical compliance therewith, but they must scrupulously avoid the appearance of impropriety at all times. This section, 19-2, shall not be used for the basis of an ethics complaint.

Sec. 19-3. - Definitions.

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

Affiliated. Entities are "affiliated" if one is the parent or subsidiary of the other or if they are subsidiaries of the same parent entities.

Affinity. Related by marriage.

Agency. Includes a board, agency, commission, department or other entity of the city.

Benefit. Any monetary¹ or non-monetary favor, consideration, aid, assistance, profit, advantage or accommodation that might be obtained by an officer or employee, or a

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Including "non-monetary" in the definition of benefit makes the term "benefit" vague.

For example, if a BOR member gains votes or support from constituents by bringing an issue before the Board that concerns constituents in the member's district but not necessarily others in the City, wouldn't that be a non-monetary benefit to the member? Certainly, this type of action by a BOR member should not be judged an ethical violation since it's at the core of being an elected representative.

It is to be expected that a vague term such as this in the Code will lend the Code to substantial risk of unintended and inappropriate interpretation and application. Vague provisions in laws often lead to legal challenges by those who are charged with violating those laws, which sometimes lead to the law being declared unenforceable on account of vagueness – that is, the person charged with violating the law could not have known that their conduct was a violation of the vague provision. So, in this case, the City would be vulnerable to costly legal challenges and possible invalidation of portions of the Ethics Code.

C30.005 – As amended by Committee 9/1/20, 9/23/20,10/27/20, 12/1/20, 12/21/20, 2/4/21, 2/18/21, 4/8/21, 6/17/21, 7/19/21.

member of such officer's or employee's Immediate Family, or a Business Entity with which such officer or employee is associated, that is not available to the residents at large but is particular to the said officer, the officer's or employee's Immediate Family, or a Business Entity which such officer or employee is associated.

Business Entity. An association, commercial entity, corporation, enterprise, firm, franchise, holding company, organization, partnership, sole proprietorship, trust or other legal entity established to earn money.

Business Interest. The involvement of an individual in any trade or profession, along with any direct interest they have in any company. An officer of an organization who has a fiduciary responsibility to the organization is deemed to have a business interest in the organization whether or not that interest is compensated.

Business with which a person is associated. A business in which an officer or employee or a member of such person's Immediate Family is a paid employee, director or officer, or is a limited or general partner, beneficiary of a trust or holder of stock constituting five percent (5%) or more of the total outstanding stock of any class, or the owner of five percent (5%) or more of the equitable ownership interest, provided an officer or employee, or a member of such person's Immediate Family shall not be deemed to be associated with a not-for-profit entity solely by virtue of the fact that the officer or employee or member of such person's Immediate Family is an unpaid director or officer of the not-for-profit entity.

Clear and convincing evidence. The evidence supports the allegation that the respondent has violated the Code of Ethics, when considered fairly and impartially, and induces a reasonable belief in the minds of the Hearing Board Members that the allegations are true. Said evidence must indicate to said members that the probability that the respondent has committed a violation is substantially greater than the probability the respondent has not.

Complainant. A person who filed a written complaint with the Board of Ethics that alleged a violation of the Code of Ethics.

Consanguinity. Relationship by "consanguinity" (by blood). (a) Two individuals are related to each other by consanguinity if: (1) one is a descendant of the other; or (2) they share a common ancestor. (b) An adopted child is considered to be a child of the adoptive parent for this purpose. The degree of relationship by consanguinity between an individual and the individual's descendant is determined by the number of generations that separate them. A parent and child are related in the first degree, a grandparent and grandchild are related in the second degree, a great-grandparent and great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual are related in the third degree and so on.

Economic interest. "Economic interest" includes, but is not limited to, legal or equitable property interests in land, chattels, and intangibles, and contractual rights having more than de minimis value. Ownership of stock in a publicly traded corporation does not constitute ownership for purposes of this code if the employee or official officer

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owns less than five (5%) percent of the voting stock or shares of the entity or the value of the stock is less than fifteen thousand dollars (\$15,000.00).

Employee. An individual employed by the city, whether as a classified employee, unclassified, permanent or temporary, full-time or part-time, or employed by contract on a continuing basis, and all employees of the Board of Education.

Entity. “Entity” means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, joint-venture, or any other entity recognized by law, including non-profit entities.

Hearing board members. Three (3) individuals who are selected by the Chairperson from among the members of the Board of Ethics, including alternates, to hold a public hearing(s) and to determine whether there is clear and convincing evidence that the respondent has violated the Code of Ethics. No more than two (2) hearing board members shall be registered with the same political party.

Immediate Family. Includes a spouse, child, grandchild, brother, sister, in-laws, parent or grandparent or persons who reside in the same household.

Individual. A natural person.

Investigating Committee. Committee consisting of three (3) members of the Board of Ethics, including alternates, formed pursuant to Section 19-14.D(1)(b). No more than two (2) members of the Investigating Committee shall be registered with the same political party.

Officer. An individual elected to a municipal office or appointed by the Mayor, including but not limited to ad hoc committee members and members of the Board of Education, but excluding Justices of the Peace and constables.

Person. Includes associations, firms, partnerships and bodies politic and corporate, as well as individuals.

Probable cause. More than mere suspicion. There must be facts and circumstances within the Investigating Committee members' knowledge, and of which they have trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of Ethics has occurred.

Prohibited source. Any person who: (1) is seeking official action by the officer, the employee or their agency; or (2) does official business or seeks to do official business with the officer, the employee or their agency; or (3) conducts activity regulated by the officer, the employee or their agency; or (4) has interests that might be substantially affected by the performance or non-performance of the official duties of the officer, the employee or their agency.

Respondent. A person against whom a written complaint with the Board of Ethics was filed that alleged a violation of the Code of Ethics.

Sec. 19-4. - Conflicts of interests.

- A. General rule. To avoid the appearance and risk of impropriety, a city officer or employee shall not take any official action that such person knows is likely to affect the economic interests of:
- (1) The officer or employee;
 - (2) Such person's parent, child, spouse, or other family member within the second degree of consanguinity or affinity;
 - (3) Such person's outside client;
 - (4) A member of such person's household;
 - (5) The outside employer of the officer or employee or of such person's parent, child (unless the child is a minor), spouse, or member of the household (unless member of household is a minor);
 - (6) An entity in which the officer or employee knows that any of the persons listed in subsections A(1) or A(2) holds an economic interest as that term is defined in section 19-3;
 - (7) An entity which the officer or employee knows is an affiliate or partner of an entity in which any of the persons listed in subsections A(1) or A(2) holds an economic interest as that term is defined in section 19-3;
 - (8)
 - a. An entity for which the city officer or employee serves as an officer or director or in any other policy making position; or
 - b. Unless otherwise provided by law, an officer or employee shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if said individual or any member of said individual's Immediate Family or a business with which said individual is associated would be likely to gain or lose a benefit; or
 - c. Unless otherwise provided by law, no officer or employee, or any member of such officer's or employee's Immediate Family, or any Business Entity with which such officer or employee is associated, shall engage in any business transaction or arrangement with any municipal division of the City of Stamford.
 - (9) A person or entity with whom, within the past twelve (12) months:
 - a. The officer or employee, or the spouse of such ~~official~~ officer or employee, directly or indirectly has:
 1. Solicited an offer of employment for which the application is still pending;
 2. Received an offer of employment which has not been rejected; or
 3. Accepted an offer of employment; or

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Unless "non-monetary" is removed from the definition of benefit, this section would make virtually everything a BOR member does a violation of the Code. This is so because a Representative is charged with representing the interests of their district and they are, by law, residents of their district. They are presumably often benefiting themselves by benefiting their constituents.

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As written, this section could mean that it would be a violation of the Code for an officer's or an employee's relative to work for the City. Employment is a business transaction or arrangement.

This provision could create havoc. There are many City and BOE employees and officers who have relatives who work for the City/BOE.

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- b. The officer or employee, or the spouse of such ~~official~~ officer or employee, directly or indirectly engaged in negotiations pertaining to business opportunities, where such negotiations are pending or not terminated.
- B. Recusal and disclosure. A city officer or employee whose conduct would otherwise violate subsection (a) must recuse themselves. From the time that the conflict is, or should have been recognized, such person shall:
- (1) Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter; and
 - (2) A supervised employee shall promptly bring the conflict to the attention of such employee's supervisor who will then, if necessary, reassign responsibility for handling the matter to another person; and
 - (3) A member of a board shall promptly disclose the conflict to other members of the board and shall not be present during the board's discussion of, or voting on, the matter.
- C. Definitions. For purposes of this rule:
- (1) An action is likely to affect an economic interest if it is likely to have an effect on that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof; and
 - (2) The term client includes any business, financial or professional relationship to which a duty of care, confidence, trust, or privilege applies.

Sec. 19-5. - Prohibited interests.

- A. ¹General rule. A city officer or employee may not use such person's official position to ²unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including for such person) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to other persons. A city officer or employee who represents to a person that such officer may provide an advantage to that person based on the officer's position on a board or commission or employee's position with the City violates this rule.
- B. Special rules. The following special rules apply in addition to the general rule:
- (1) Acquisition of interest in impending matters. A city officer or employee shall not acquire an interest in, or be affected by, any contract, transaction, zoning decision, or other matter, if the officer or employee knows, or has reason to know, that the interest will be directly or indirectly affected by impending official action by the city.
 - (2) ³Reciprocal favors. A city officer or employee may not enter into an agreement or understanding with any other person that official action by the officer or employee will be rewarded or reciprocated by that person, directly or indirectly.
 - (3) Appointment of relatives. A city officer or employee shall not appoint or employ or vote to appoint or employ any relative within the third degree of

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The wording of this section is problematic -- not just the use of the word "unfairly" as per my specific comment concerning that but also in regard to what is the purpose and function of government. Government actors regularly work on behalf of segments of the population or specific entities and communicate to constituents that they will work within the authority of their office to help constituents. The way this is worded such action -- constituent representation, that is -- could be considered a violation of the Code.

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"unfairly" is word that is vague and does not limit the reach of this section -- it is a word that could well be interpreted and/or applied very differently by anyone who has to abide by the Code as well as by members of the Board of Ethics charged with enforcing the Code.

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This section is particularly problematic. Presumably, it's normal and acceptable for one member of the BOR to support another member's agenda item based on an agreement that the other member will reciprocate. There is no reason to assume that such agreements are contrary to the public interest. Presumably, this sort of an agreement isn't intended to be a violation of the Code. However, this term could make it so.

consanguinity or affinity or any member of his or her household to any office or position of employment within the city.

- (4) Supervision of relatives. No official officer or employee shall be permitted to be in the line of supervision of a relative within the third degree of consanguinity or affinity or any member of his or her household. Department heads are responsible for enforcing this policy. If an employee, by reason of marriage, promotion, reorganization, or otherwise, is placed into the line of supervision of a relative, one of the employees will be reassigned or other appropriate arrangements will be made for supervision.
- C. Recusal and disclosure. A city officer or employee whose conduct would otherwise violate this section shall adhere to the recusal and disclosure provisions provided in Section 19-4 (Conflicts of interest).
- D. In any proceeding of any Agency, officers shall not participate, deliberate, comment, or vote with regard to any agenda item of such Agency which is directly related to a Business Entity of which such officer is a director, board member, officer, trustee, executive, or manager.
- E. No officer shall participate, deliberate, comment, or vote at or in any proceeding of any Agency such officer is a member of on matter(s) that concern the employment of such officer or such officer's Immediate Family, or on matter(s) that concern the appointment or contractual terms of any director, department head, chief, supervisor, or executive administrator of any city division, department, bureau where the said officer or a member of the said officer's Immediate Family is employed in any capacity.
- E. Subsections A, B and C of this section do not prohibit:
- (1) An officer or employee being employed by a person having a contract of a kind available to all through open bidding with the city if the preparation, procurement and performance of the contract are not before the officer's or employee's agency.
 - (2) A purchase or sale between the city and an officer or employee of the city of property or an interest in or acquisition by condemnation by the city, if the transaction is conducted according to applicable procedure. The officer or employee must take no part in the transaction on behalf of the city. The terms of the transaction must be approved, in writing, by an officer or board independent of or having authority over the officer or employee.
 - (3) An officer or employee entering a contract or transaction with the city, not within his or her agency, of a kind available to all through open bidding.
 - (4) Performance of a contract entered prior to an individual's having become an officer or employee of the city if the contract is disclosed in accordance with § 19-11 of this chapter.
 - (5) An officer or employee being employed by a newspaper that publishes a public notice, resolution, ordinance or other document, the publication of which is required by law.

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- (6) An officer or employee being employed by a public utility regulated by the Public Utilities Commission.
- (7) An officer voting on a proposed municipal or Board of Education budget or appropriation provided that the total financial interest to the officer's Immediate Family, including, but not limited to, salary, health benefits, and pension, is insubstantial compared to the budget or appropriation being considered, or the appropriation is substantially unrelated to such total financial interest, and it is reasonable to expect that any likely action on said budget or appropriation will not financially or otherwise impact such officer or his or her Immediate Family.
- (8) A municipal or Board of Education employee, or Commission or Board member preparing and advocating budgets that are acted upon by the Board of Education, and/or the Planning Board, Board of Finance and/or Board of Representatives.

Sec. 19-6. - Prohibited representation.

- A. No officer or employee shall represent a person, other than the city, before the agency of which such officer or employee is a member or by which such officer or employee is employed, or an agency under such officer or employee's supervisory authority, except for representation of constituents by an officer in the course of such officer's responsibilities as such. No compensation or gift may be accepted in connection with such representation.
- B. An officer or employee who is employed or under retainer by a person having a matter pending before the agency of which the officer or employee is a member shall disclose that fact and shall abstain from participation in the matter. Participation includes but is not limited to discussion and/or voting on the matter.

Sec. 19-7. - Prohibited use of city property and facilities.

No officer or employee shall use or authorize others to use city-owned property, including vehicles and facilities, except:

- A. For city business;
- B. For purposes and on terms generally available to other persons; or
- C. According to a contract of employment with the city in which use of such property is part of the compensation or term of employment.

Sec. 19-8. - Prohibited use of influence and information.

- A. An officer or employee shall not attempt to influence any other officer or employee about any matter before any city agency from which said officer or employee would be likely to gain or lose a benefit that is not common to the general interest of other citizens of the city. This subsection does not prohibit an officer or employee from communicating about a matter in which such officer or employee has a property, contract or other legally protected interest as a citizen of the city, if the communication is:
 - (1) With an officer or employee responsible for the matter on behalf of the city; and

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- (2) Reasonable and necessary in transacting the matter and is conducted by means and in terms that other persons generally might lawfully use in the circumstances.
- B. Unless otherwise required by state law, an officer or employee shall not disclose city information other than in accordance with established city procedure where it is reasonably foreseeable that disclosure of the information will permit the officer or employee or any other person to obtain a benefit that is not common to the general interest of other citizens of the city.
 - C. An officer or employee shall not use information concerning the property or governmental affairs of the city, other than that which is generally available to the public, for the purpose of advancing the personal interest of such officer or employee or others.
 - D. Confidential information.
 - (1) Improper access. A city-officer or employee shall not use such officer's position to obtain official information about any person or entity for any purpose other than the performance of official duties.
 - (2) Improper disclosure or use. A city officer or employee shall not intentionally, knowingly, or recklessly disclose any confidential information gained by reason of that officer's or employee's position concerning the property, operations, policies, or affairs of the city. This rule does not prohibit:
 - (a) Any disclosure that is no longer confidential by law; or
 - (b) The confidential reporting of illegal or unethical conduct to authorities designated by law.
 - E. Political activity.
 - (1) Influencing subordinates. A city officer or employee shall not, directly or indirectly, induce or attempt to induce any city subordinate of the officer or employee:
 - (a) To participate in an election campaign, contribute to a candidate or political committee, or engage in any other political activity relating to a particular party, candidate, or issue, or
 - (b) To refrain from engaging in any lawful political activity. A general statement merely encouraging another person to vote does not violate this rule.
 - (2) Paid campaigning. A city officer or employee shall not accept any thing of value, directly or indirectly, for political activity relating to an item pending on the ballot, if such officer or employee participated in, or provided advice relating to, the exercise of discretionary authority by a city body that contributed to the development of the ballot item. Any thing of value does not include a meal or other item of nominal value the city officer or employee receives in return for providing information on an item pending on the ballot.

Sec. 19-9. - Prohibited gifts.

- A. Except as provided for by an officer's office or under the terms of an employee's employment, no officer or employee, or member of such person's Immediate Family, or business with which such person is associated, shall solicit or accept anything of value, including, but not limited to, a gift, service, loan, political contribution, or promise of future employment in exchange for providing confidential information or based on an understanding that the vote, official action, or judgment of the officer or employee is to be, or has been, influenced thereby.
- B. No officer or employee may knowingly accept, nor may the spouse, child or parent of an officer or employee, or any person who resides in the household of an officer or employee knowingly accept, with said officer's or employee's express or implied consent, anything having a value of fifty dollars (\$50.00) or more from a prohibited source, and the aggregate value of all things received from that source by any such recipient in a calendar year shall not exceed one hundred fifty dollars (\$150.00). Each officer or employee shall be bound by this section for a period of one (1) year after the officer or employee has left such person's position with the city.

This section does not prohibit:

- 1. Gifts or social courtesies between the officer or employee and donors who are Immediate Family (as defined in Section 19-3 above).
- 2. Gifts or social courtesies, given to celebrate major life events such as weddings, births, religious milestones or major holidays, given to the officer or employee from donors, who are: (a) other relatives that are not "Immediate Family" as defined in Section 19-3 above, or (b) close personal friends.

Gifts made under Section 19-9.B.(2) must be disclosed in writing within ninety (90) days to the Board of Ethics. In the event of a complaint of a violation of Section 19-9.B.(2), the officer or employee shall have the burden of proving that the gift is a bona fide gift or social courtesy customarily made for the occasion.
- 3. Public, governmental-sponsored or informational events generally accepted as a condition of office or employment, where food may be served and small souvenirs of the event, of a minor monetary value, may be distributed to all attendees, which are not designed to influence the proper judgment or action of the officer or employee in a matter within such person's authority.
- 4. Political contributions received in compliance with law.
- 5. Loans obtained according to commercial practice at the prevailing rate of interest.
- 6. Customary performance, merit awards, retirement gifts or honorariums, consistent with municipal practice.
- 7. Awards, plaques, gifts or other things of value given to employees as part of an official Employee Recognition/Incentive Program.

Sec. 19-10. - Specific violations.

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- A. Ordinances. It shall be a violation of the Stamford Municipal Code of Ethics for any city officer or employee to willfully violate the provisions of:
 - (1) Chapter 23, Article II of the Code of Ordinances, as amended, concerning the purchasing of supplies, materials, equipment and services.
 - (2) Chapter 52, Article II of the Code of Ordinances, guaranteeing legislative access [to] city records and data.
- B. Budget line items. It shall be a violation of the Stamford Municipal Code of Ethics for any city officer or employee to intentionally misrepresent any matter concerning budget line items.
- C. Board of Ethics' access to information. It shall be a violation of the Stamford Municipal Code of Ethics for any city officer or employee to intentionally deny access to information requested by the Board of Ethics in the course of an investigation or a public hearing, except to the extent that said city officer or employee is required or entitled to do so under relevant federal, state or local law.
- D. Additional specific violations. The Board of Representatives may, from time to time, pass ordinances with the specific intent that said ordinances are to be incorporated into and enforced through the ethics process.
- E. Examples only. The violations listed in this section are merely specific examples of Code of Ethics violations. Violations of the code are not limited to said examples.

Sec. 19-11. - Disclosure of interests.

- A. *Disclosure of conflict of interest.* Any municipal officer or employee who has, knows such officer or employee will have or later acquires a conflict of interest, as provided in Section 19-4, as a result of any matter under consideration before such officer or employee, or such officer's or employee's department, in such officer's or employee's or its official capacity shall disclose the existence of the conflict of interest, in writing or on the record, to the chairperson of the agency, commission or board of which such officer or employee is a member, or in the case of an employee, to such employee's superior. Such persons shall not debate the matter in such officer's or employee's official capacity as part of the agency, commission or board and shall disqualify themselves from voting or acting on such matter.
- B. *No discussion by disqualified individuals.* No officer or employee, disqualified due to a conflict of interest, shall discuss the matter under consideration with the intent of influencing any person who will participate in the action to be taken on that business. Prior to any public or private discussion on the matter, the disqualified officer or employee must notify the person to whom such officer or employee is speaking about such officer's or employee's conflict of interest.
- C. *Cooperation with Board of Ethics.* Any officer or employee whose conduct occasions an inquiry by the Board of Ethics concerning such officer's or employee's compliance with this code shall, upon request by the Board, supply relevant information as detailed by the Board, except to the extent such officer or employee is entitled to decline to do so on the basis of constitutional rights or governing state

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or federal law. Failure to supply information as requested shall result in a violation of this code.

Sec. 19-12. - Negotiation of future employment.

An officer or employee shall not solicit future employment with any person who has a substantial matter pending before the agency in which the officer or employee is employed during said period of employment or during the period of time said officer holds office. A matter is "substantial" if it involves a financial value of one thousand dollars (\$1,000.) or more or involves a question of policy of comparable significance.

Sec. 19-13. - Subsequent employment.

An individual who has served as an officer or employee shall not:

- A. Assist any person, other than the city, in any matter in which said individual participated personally and substantially during said individual's service with the city.
- B. Within one (1) year after termination of said individual's service, assist any person, other than the city, in any matter that was pending before the agency in which said individual was employed; or appear before the agency in which said individual was a member or employed, or assist any other person to make such an appearance.

Sec. 19-13.1. - Prohibited actions.

No person shall take or threaten to take official action against an individual in retaliation for such individual's good faith ethics complaint or disclosure of information to the Board of Ethics under the provisions of this Code of Ethics.

Sec. 19-14. - Board of Ethics.

A. Appointment of members and alternates.

- (1) The Board of Ethics shall consist of seven (7) members, no more than four (4) of whom shall be registered with any one political party, and two (2) alternates neither of whom shall be registered with the same political party.
- (2) All Board members and alternate Board members shall be resident electors of the City of Stamford. They shall be appointed by the Mayor and approved by a vote of two-thirds (2/3) of the members of the Board of Representatives present and voting. All nominees shall provide documentation they have completed the State of Connecticut Office of State Ethics' online ethics training, "Ethics 101" or the equivalent state course, within thirty (30) days of appointment by the Board of Representatives. No appointee may participate in any Board of Ethics activities until such training is completed. No nominee for appointment by the Mayor to be a Board member or alternate Board member shall have been an officer in a political party, a candidate for any office within the City of Stamford, or a chair of a campaign of a candidate for any office within the City of Stamford, for the period of one (1) year prior to such nomination. Upon

appointment by the Mayor, all Board members and alternate Board members shall continue to refrain from such activity throughout their terms on the Board.

- (3) All members and alternates shall serve without compensation for a term of three (3) years, which shall expire on December 1 of the final year of a member's term, subject to continuance in office for a period not to exceed the lesser of six (6) months or until a successor to said member or alternate has been nominated by the Mayor and approved by the Board of Representatives. No member may serve for more than three (3) consecutive terms, except that those members who are currently serving on the Board of Ethics may serve for an additional term beyond their present term.
 - (4) In order to preserve continuity on the Board, the first terms of the two (2) alternates shall be staggered so that one (1) of the alternates serve a term of two (2) years and the other shall serve for three (3) years. Upon the expiration of the original terms, all alternates shall then serve three (3) year terms as stated in § 19-14A(3) above.
 - (5) Notwithstanding the foregoing, the term of a member or an alternate shall not end until the conclusion of any case, initiated during the member's or alternate's term, provided that, in no event shall a member or alternate's term extend more than six (6) months beyond the expiration of such term.
 - (6) Alternates shall be considered working members of the Board, and, at the discretion of the Chairperson, they may ask questions and otherwise participate in the hearing process. The Chairperson shall have the right to limit such participation in any manner that the Chairperson deems necessary.
- B. *Organization.* The Board shall elect a Chairperson and a Secretary. The Board shall keep minutes of its meetings, which shall be filed in the office of the Town and City Clerk, and shall hold meetings at the call of the Chairperson and at such times as the Board may determine. Four (4) members present shall constitute a quorum in order for the Board to conduct official business. For the purposes of this section, alternates may be considered as members for the purpose of establishing that a quorum is present.
- C. *Opinions and advice.*
- (1) *Advisory opinions.*
 - (a) The Board shall render advisory opinions pursuant to:
 1. a written request from any officer or employee concerning such individual's behavior with respect to this Code of Ethics; or
 2. a written request concerning any officer or employee or any group of officers or employees, made by the Mayor, Corporation Counsel, President of the Board of Representatives, any six (6) members of the Board of Representatives, Town and City Clerk, a majority of the Board of Finance or a majority of the Board of Education; or
 3. a written request concerning any member, alternate, employee or any group of members, alternates, or employees of any board or

commission, made by the President, Chairperson or one-third (1/3) of the membership, including alternates, of any such board or commission; or

4. a written request concerning any supervised employee or employees, made by an officer or employee with supervisory authority over such employee.
- (b) The Board may, by a majority vote of the entire Board, decline to consider any request or may expand the scope of the opinion to include other officers, board or commission members or alternates, or employees not specifically named in the request or to exclude any officer(s), member(s), alternate(s) or employee(s) named in the request.
 - (c) An advisory opinion shall only be issued when all hearings concerning the request are held in open public meeting. Such advisory opinion shall be binding on the Board, the officer(s), board or commission member(s) or alternate(s), or employee(s) until amended or revoked, and reliance on it in good faith shall be an absolute defense in any action or proceedings brought under the provisions of this Code of Ethics.
 - (d) Within one hundred (100) days of valid receipt of the request, the Board shall render its opinion, or act not to consider such request, and shall file such opinion or action with the office of the Town and City Clerk.
 - (e) The Board of Ethics may amend or revoke any advisory opinion. Written notification of such amendment or revocation shall be made to the party who originally requested the advisory opinion, the Mayor, Corporation Counsel, President of the Board of Representatives, and Town and City Clerk within thirty (30) days of such amendment or revocation.
 - (f) Advice from other sources, including Corporation Counsel, shall not be a substitute for an Advisory Opinion from the Board of Ethics and may not be used as an absolute defense in an investigation of an ethics violation. Advice from other sources shall not be binding upon the Board of Ethics.

D. *Ethics complaints, investigation and procedures.*

(1) *Filing of the complaint, notification and amendment.*

- (a) Any person may submit a written complaint, on a form prescribed by the Board of Ethics and signed under penalty of false statement, alleging a violation of this Code of Ethics by an officer or employee or a person who was an officer or employee within the preceding year, provided, however, no member or alternate member of the Board of Ethics may submit a complaint. The complaint shall contain the specific act or acts which allegedly constitute the violation.
- (b) Upon receipt of said complaint by the Chairperson, or by the Secretary of the Board in the Chairperson's absence, the Chairperson of the Board of Ethics shall empanel an Investigating Committee by selecting, on a rotating basis, as practical, three (3) members from among the regular and alternate

Board members, to be the three (3) Investigating Committee members, as defined above. If a complaint is brought against a Board member, the member may not participate in any proceedings until that complaint is resolved. It shall be the Investigating Committee's responsibility to make a determination of whether or not probable cause exists to support the complaint.

- (c) The Board shall notify, by registered or certified mail, or by personal service by a sheriff, constable or indifferent person, any respondent against whom a complaint is filed not later than seven (7) days after receipt of such complaint. A copy of such complaint shall accompany such notice. The Board shall also notify the complainant in writing of its receipt of such complaint not later than seven (7) days after receipt of the complaint.
- (d) Subsequent to the filing of the original complaint, the Investigating Committee may, at its discretion, delete, defer, amend, or reject any complaint or element thereof filed with the Board to include other alleged violations, provided that such additional allegations are supported by materials uncovered during its investigation. Any such amendments shall be in writing, and a copy shall be sent by registered or certified mail or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within seven (7) days of such amendment.

(2) *Investigation of probable cause.*

- (a) The Investigating Committee shall investigate the complaint and such amendments as they may have made. For this purpose, informal interviews may be held to determine whether or not there is probable cause to believe that the respondent has violated the Code of Ethics. The Investigating Committee shall review the complaint to determine i) whether, if each allegation in the complaint were true, such allegations would be violation of this Code; and ii) whether such allegations are supported by material sufficient to reach a finding of probable cause. In the absence of such material provided with the complaint, the Investigating Committee shall request further information from the Complainant. If there is no such information provided by the Complainant, the Investigating Committee shall continue to investigate the complaint.
- (b) Any investigation and interviews, if held, shall be confidential and shall not be open to the public unless the respondent requests that such investigation, interviews and disclosures be open. By filing a complaint with the Board of Ethics, the complainant shall be bound by the requirement of confidentiality in the investigative phase. A violation of the requirement of confidentiality by the complainant, whether direct or indirect, shall be grounds for an ethics complaint to be filed against the complainant and may at the discretion of the Board of Ethics, be grounds for the dismissal of the complaint. Pending the outcome of the probable cause investigation, no member of the Board of Ethics shall disclose such member's knowledge of such investigation to a third party, except to the extent necessary to

conduct the investigation. The respondent shall have the right to appear and be heard and to offer any information by way of answer or denial of the allegations.

(3) *Finding of probable cause.*

- (a) A decision regarding probable cause shall be made by the Investigating Committee within sixty (60) days after the date that the Board received the complaint. A finding of probable cause that the respondent has violated the Code of Ethics shall require two (2) concurring votes.
- (b) Not later than three (3) business days after the termination of the investigation, the Board of Ethics shall inform the complainant and the respondent of its findings and provide them a summary of its reasons for making that finding. Such notification shall be either by registered or certified mail, or personal service by a sheriff, constable or indifferent person.
- (c) If the Investigating Committee determines that probable cause does not exist that the respondent has violated the Code of Ethics, it shall dismiss the complaint and all records of the complaint will remain confidential, except upon the request of the respondent.
- (d) If the Investigating Committee determines that probable cause does exist that the respondent has violated the Code of Ethics, it shall
 - i. submit a written report detailing each finding of probable cause and the evidence supporting such finding to the Chairperson of the Board of Ethics who shall initiate public hearings.
 - ii. The complainant and respondent shall be notified in writing of the decision regarding probable cause by the Chairperson of the Board of Ethics not later than three (3) business days after such decision has been made. Such notification shall be either by registered or certified mail, or personal service by a sheriff, constable or indifferent person.
 - iii. Within five (5) business days make public the finding of probable cause. At such time the entire record of the investigation and the written report shall become public, except that the Board of Ethics may postpone the release of such public records for a period not to exceed fourteen (14) days for the purpose of reaching a stipulated agreement with the respondent. The Respondent shall have the right to request postponement for the purpose of pursuing a stipulated agreement. Such postponement shall not be denied without good cause. Any such stipulated agreement shall require the approval of a majority of the non-Investigating Committee members. The Board of Ethics is to ensure the public records are posted to the city's Board of Ethics web page within the required time frames. The Board of Ethics is to ensure Stipulated Agreements are posted to the city's website within five (5) business days of the agreement being signed by the Respondent. If no stipulated

agreement is reached, public hearings shall commence within thirty (30) days of receipt by the Chairperson of the aforesaid written report.

- (e) All Stipulated Agreements shall include language indicating the Respondent requests the Stipulated Agreement be made public and posted on the city of Stamford's public website. The Board of Ethics is to ensure Stipulated Agreements are posted to the city's website within five (5) business days of the agreement being signed by the Respondent.
 - (f) In any public hearing held to determine a violation of the Code of Ethics, the Investigating Committee, with the assistance of the Office of Legal Affairs or other counsel, shall have the responsibility of gathering and presenting evidence, together with the complainant, to the Hearing Board members. If necessary, outside counsel should be retained to represent the Hearing Board with respect to any public hearings, assuming the Office of Legal Affairs will be unable to do so because of its prior and/or continuing representation of the Investigating Board. The Investigating Board members shall not participate in any manner in the vote to determine a violation of the Code of Ethics.
- (4) *Extension of time.* Upon extraordinary circumstances, reasonable extensions of time to any of the time limitations specified herein, if not controlled by state law, may be granted by the Board upon a vote of four (4) sitting members.
- (a) The Board shall give written notice of any extension(s) of time to the respondent and the complainant, that includes a brief description of the extraordinary circumstances used to justify the extension.
 - (b) Exceptions.
 - 1. No extensions may be given for time periods required for notification(s).
 - 2. No extensions may be given for the time limitation for ruling on actions unless otherwise specified herein.
- (5) *Rules and procedure for public hearings.*
- (a) Public hearings shall be conducted under the Board's rules and regulations, which shall include the following: oral evidence shall be taken under oath; documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and upon request, parties and the Board shall be given the opportunity to compare the copy to the original; and the complainant and respondent shall have the right:
 - 1. To be represented by counsel.
 - 2. To present oral or written documentary evidence which is not irrelevant, immaterial or unduly repetitious.
 - 3. To examine and cross-examine witnesses required for a full and true disclosure of the facts.
 - 4. To receive by registered or certified mail, or by personal service by a sheriff, constable or indifferent person, copies of the memorandum of

decision by the Board within thirty (30) days after the conclusion of hearings on said complaint.

- (b) The Board of Representatives shall have the power to adopt rules of procedure for hearings conducted pursuant to the Code of Ethics, in addition to those contained in Subsection D(5)(a) above, by resolution adopted by a majority vote of the entire Board, after publication of the text of the proposed rules of procedure or amendments thereto in a newspaper having a general circulation in the city. Any rules of procedure or amendments thereto shall become effective thirty (30) days after adoption, and the full text of the rules for procedure, adopted in accordance with this section, shall be available for public inspection at the office of the Town and City Clerk.
- (c) All Board of Ethics hearings shall be conducted in a manner in which they provide the respondent(s) with all due process that is required by federal, state and local law.
- (d) All hearings shall be recorded and made available to the public on the city's website. If a transcript is requested by either the respondent or complainant, the requesting party shall bear the costs for the same.
- (e) The Board may subpoena witnesses to testify and may compel the production of documents and other effects as evidence, and failure to obey such subpoena shall constitute a misdemeanor.

(6) *Finding of a violation of the Code of Ethics.*

- (a) A finding of a violation of the Code of Ethics shall require the affirmative vote of two (2) of the three (3) Hearing Board members that there is clear and convincing evidence that the respondent has violated the Code of Ethics.
- (b) The written final decision shall specify the code section violated and a factual explanation supporting each violation and shall be on the form prescribed.
- (c) The Board shall file its memorandum of decision with the Mayor, Town and City Clerk, Corporation Counsel, Clerk of the Board of Representatives and any other public office it deems appropriate or is required under section 19-15.C of this chapter.

E. *Other powers and responsibilities.*

- (1) *Freedom of Information Act.* In order to ensure the public's right of access to the proceedings held in accordance with the provisions of this chapter, the Board of Ethics shall follow the requirements of the Connecticut Freedom of Information Act.
- (2) *Annual Advisory Report.* On or before June 1 of each year, the Board shall submit to the Mayor and the President of the Board of Representatives a written report which shall include but not be limited to:

C30.005 – As amended by Committee 9/1/20, 9/23/20,10/27/20, 12/1/20, 12/21/20, 2/4/21, 2/18/21, 4/8/21, 6/17/21, 7/19/21.

- (a) A summary of its activities; and
- (b) Recommendations for improvements in the Municipal Code of Ethics.

Sec. 19-15. - Effect of violation.

- A. *Grounds for removal.* A violation of this Municipal Code of Ethics:
 - (1) By an elected officer may be considered dereliction of official duty, a cause of removal from office under Sec. C1-90-1 of the Stamford Charter.
 - (2) By a member of an appointed board or commission may be considered misconduct in the performance of duties, a ground for removal under Sec. C6-00-3(c)(1) of the Stamford Charter.
 - (3) By a municipal employee may be a grounds for termination, a demotion in rank or grade, suspension, with or without pay, and/or a recommendation to such employee's supervisory authority for appropriate disciplinary action under Sec. C6-140-8(14) of the Stamford Charter.
- B. *Public reprimand.* Any individual who is found in violation of this chapter may be issued a public reprimand by the Board of Ethics.
- C. *Recovery of damages by city.* Any individual who is found in violation of this chapter may be subject to a lawsuit by the city to recover damages, if any, that are incurred by the city as a result of said individual's unethical conduct. The costs of the Ethics Ordinance hearing process shall not be included in the aforementioned damages and shall not be recoverable under the provisions of this subsection.
- D. *Placement in File.* Any city officer or employee who is determined to have violated the provisions of this chapter shall have a copy of said decision placed in such person's official personnel file.
- E. *Voiding of action.* Where there has been a violation of the Stamford Municipal Code of Ethics, the city may void any municipal purchase, contract or ruling which the Board of Ethics has found to have been influenced by that violation, pursuant to Section 7-479 of the Connecticut General Statutes.

Sec. 19-16. - Jurisdiction.

- A. Time limitation for ruling on actions. No allegation in a complaint of a violation of the Stamford Municipal Code of Ethics shall be ruled upon by the Board of Ethics if three (3) years or more have passed between the time of the alleged violation and the filing of the complaint. In the event that multiple violations have been alleged, only those violations alleged in the complaint which have occurred within three (3) years of the filing of the complaint to the Board may be ruled upon.
- B. Tolling of period of limitation. In the event that a violation or evidence of a violation of this Code of Ethics has been actively concealed, such action shall have the effect of tolling the period of limitation during said period of concealment.

C30.005 – As amended by Committee 9/1/20, 9/23/20,10/27/20, 12/1/20, 12/21/20, 2/4/21, 2/18/21, 4/8/21, 6/17/21, 7/19/21.

C. *Continuing investigations.* If an officer or employee under investigation leaves office or employment, the Board by a majority vote shall have the power to continue the investigation and, if necessary, hold a public hearing.

Sec. 19-17. - Legal Representation and Attorney's Fees.

A. *Right to legal representation.* Any appointed or elected officer or employee of the city who is the subject of an ethics complaint shall have the right to legal representation by Corporation Counsel in such ethics action unless Corporation Counsel determines that a conflict of interest prevents such representation. If Corporation Counsel determines that a conflict of interest exists, such officer or employee shall have the right to retain outside counsel for legal representation in such ethics proceedings.

B. *Reimbursement of attorney's fees.* If an appointed or elected officer or employee retains outside counsel for legal advice or representation in an ethics action due to a conflict of interest as determined by the office of Corporation Counsel, the City of Stamford shall reimburse such officer or employee for reasonable attorney's fees incurred in the action subject to the following conditions:

- (1) A written agreement defining the proposed scope of work and hourly rate or other fee agreement of such outside counsel shall be submitted to Corporation Counsel for review and approval prior to the start of covered services.
- (2) Corporation Counsel shall have the authority to establish a reasonable scope of work, maximum hourly rate, a schedule of reimbursable and non-reimbursable fees and expenses, and/or a reasonable monetary cap on the fees and expenses that may be paid by the city as a part of such written agreement. Attorney's fees for services outside the scope of work or in excess of the approved fees in the written agreement shall be the responsibility of the officer or employee.
- (3) The city shall reimburse such attorney's fees in accordance with the terms of the written agreement at the conclusion of the ethics proceedings if the complaint is withdrawn, dismissed, settled by stipulated agreement (except as provided hereinafter) or there is no finding of probable cause of violation of the Code of Ethics. The city shall not reimburse attorney's fees in the event the Board of Ethics finds a violation of the Code of Ethics or if an officer or employee has stipulated in a settlement agreement to violating the Code of Ethics.

Sec. 19-18. - Ethics training.

A. *Ethics training.* The Director of Human Resources is responsible for developing and delivering, or contracting with other entities to develop and deliver, training programs for all officers and employees of the City of Stamford, whether elected or appointed, paid or unpaid, concerning the requirements of ethical behavior, as encompassed in the Code of Ethics. Such training shall be required promptly following the initial appointment, election or hiring of any officer or employee of the City of Stamford and mandatory follow-up training shall take place every four (4)

C30.005 – As amended by Committee 9/1/20, 9/23/20,10/27/20, 12/1/20, 12/21/20, 2/4/21, 2/18/21, 4/8/21, 6/17/21, 7/19/21.

years. The Director of Human Resources shall be responsible for certifying and maintaining records that all officers and employees have received such training.

- B. *Ethics Handbook*. The Director of Human Resources shall create and maintain a handbook regarding the Code of Ethics, to be distributed, together with a copy of the Code of Ethics, to all officers and employees during training. A copy of the handbook shall be kept at the office of the Town and City Clerk.