

Chapter 12 5/8 ETHICS IN LOCAL GOVERNMENT*

***Editor's note:** Ord. No. 1561, adopted Dec. 17, 2007, amended and restated former Ch. 12 5/8, §§ 12 5/8-1--12 5/8-10, in its entirety to read as herein set out. Former Ch. 12 5/8 pertained to the same subject matter and derived from the following: Ord. of 9-17-84, §§ 1--10; Ord. of 7-29-85; Ord. of 3-17-86; Ord. of 9-18-89, §§ 1, 2; Ord. of 8-2-93.

Sec. 12 5/8-1. Title.

This chapter shall be known and referred to as the "Ethics in Local Government Ordinance."
(Ord. No. 1561, 12-17-07)

Sec. 12 5/8-2. Declaration of policy and purpose.

- (a) The proper operation of the municipal government of the City of New Haven requires that all public officials and municipal employees, whether elected or appointed, paid or unpaid, shall be impartial and responsive to the public interest; that public office and employment shall not be used for personal gain or advantage; and, that the public have confidence in the integrity of municipal government.
- (b) In recognition of these principles, and pursuant to section 7-148(c)(10)(B) of the Connecticut General Statutes and Article XXXVII of the Charter of the City of New Haven, establishing a "Code of Ethics" for all municipal employees and public officials, the purpose of this chapter is to provide specific articulation of said "Code of Ethics" and shall be deemed to be a part of said Code as if it were set forth therein.
(Ord. No. 1561, 12-17-07)

Sec. 12 5/8-3. Definitions.

As used in this chapter, the following words and terms shall have the meaning ascribed thereto.

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

Business with which he is associated means a business of which the public official or municipal employee or a member of his immediate family is a director, officer, principal, owner, partner, beneficiary of a trust, or holder of stock constituting five (5) per cent or more of the total outstanding stock of any class; provided, a public official or municipal employee or member of his immediate family shall not be deemed to be associated with a not-for-profit entity solely by virtue of the fact that the public official or municipal employee or member of his immediate family is an unpaid member of the governing body or an unpaid officer of the not-for-profit entity. "Officer" refers only to the chairman and vice-chairman of the board, president, executive director, executive or senior vice president, chief financial officer, treasurer, or secretary of such business.

Charter means Charter of the City of New Haven.

City means the City of New Haven.

Conflict of interest means in a situation that presents a conflict with the proper discharge of a public official's or municipal employee's duties or responsibilities.

Disclose or disclosure means to notify, make known, reveal, expose, inform, to the board of ethics, or such other body of the city government or a public official designated by the board of ethics.

Discretionary public action means any deliberation, official participation or voting on a matter by a member of a board, commission or task force, or any official participation by a public official or municipal employee in an action of his municipal department on any matter properly before said board or commission or any of its committees or said municipal department where the judgment of the public official or municipal employee is not substantially determined by existing legal or administrative guidelines.

Financial interest means any interest in the result of a discretionary public action in which an individual derives, or expects that he or she will or may derive economic and/or pecuniary gain or loss, to himself, a member of his immediate family, or of any organization with which said individual is affiliated as an employee, owner, partner, or member of a governing board or body, or from which said individual will receive, has received, or expects to receive a gift.

Gift means a payment, loan, advance, forbearance, rendering of services, deposit of money, or anything of value, unless consideration of equal or greater value is received therefore. "Gift" shall not include:

- (1) A political contribution otherwise reported as required by law;
- (2) Services provided without compensation by persons volunteering their time;
- (3) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;
- (4) A gift to a public official or municipal employee from a member of his immediate family, unless said family member makes the gift with the intent of influencing a discretionary public action in which the donor or other person receives or expects to have a financial or personal interest; or
- (5) Food or beverage or both, consumed on a single occasion, the cost of which is less than fifty dollars (\$50.00) per person on a single occasion, not more than once in any thirty-day period.
- (6) Promotional or complimentary tickets or entrance to events sponsored by a non-profit organization, provided that the value of said ticket, tickets or entry fee does not exceed one hundred dollars (\$100.00) per event per sponsoring organization.

Governmental entity means the State of Connecticut or any political subdivision thereof.

Household means all the individuals who reside in a single housing unit, including related and unrelated people.

Immediate family means:

- (1) The individual's spouse or partner; or
- (2) The individual's parent, brother or sister, or the parent, brother or sister of the individual's spouse or partner; or
- (3) The individual's child, or that child's spouse, partner, or dependent relative who resides in the individual's household.

Individual means a natural person or persons, sometimes herein referred to as and meaning "him," "her," or "they."

Interference shall mean any action that intentionally hinders or obstructs the exercise of any public official's or municipal employee's duties or responsibilities.

Lobbyist means any person who, on behalf of any person other than himself, or as any part of his duties as an employee or agent of another person, undertakes to influence any legislative, executive, or administrative action or decision by any public official, municipal official, or governmental body of the City of New Haven.

Municipal employee means any employee in the executive or legislative branch of the municipal government of the City of New Haven, whether in the classified or unclassified service and whether full-time or part-time, or any contractor or any person hired as a contractor to perform the duties of any such employee or position.

Partner means an adult who is related to an individual as husband, wife, or partner joined through a civil union.

Person means an individual, partnership, business, company, firm, trust, corporation, limited liability company or partnership, association, union, committee, club, other organization, or group of persons.

Personal interest means any interest, other than a financial interest, which shall affect or benefit the individual or his immediate family or any organization with which the individual is affiliated, which is not common to the general interest of other citizens of the city.

Political subdivision shall include any city, town, borough, district, board of education, public social service or welfare agency, housing authority, redevelopment or urban renewal agency, board, commission, special district established pursuant to Conn. Gen. Stat. Section 7-324, or other public authority or public agency established by law, or the governing board or body of any of the foregoing.

Practice warranting removal from office means those practices enumerated in section 12 5/8-8 of this chapter in addition to those enumerated in section 211 of the Charter of the City of New Haven.

Public official or *city official* means any elected officer, or any individual appointed to any office of the legislative or executive branch, including boards, commissions, and task forces.

Spouse means husband, wife, or partner joined through a civil union.

Substantial or *substantially* means material, appreciable, considerable.

Unethical conduct means any conduct that violates the charter or this chapter, including but not limited to a conflict of interest or practice warranting removal from office.

(Ord. No. 1561, 12-17-07)

Sec. 12 5/8-4. Standards of conduct.

- (a) A public official or municipal employee who has a conflict of interest in a matter affecting the city shall refrain from taking any action on or in the matter.

- (b) The professional and personal conduct of public officials and municipal employees shall avoid impropriety and even the appearance of impropriety.
 - (c) Public officials and municipal employees shall refrain from abusive conduct, personal charges, or affronts upon the character, motives, or intents of other public officials or municipal employees, or of members of the public.
 - (d) Public officials and municipal employees shall not give no special treatment or consideration to any person or group beyond that which is available to any other person or group.
 - (e) Recognizing the value of boards, and commissions, and task forces in the public policy decision-making process, public officials and municipal employees shall refrain from using their public positions to improperly influence the proceedings, deliberations, decisions, actions, or administration of any board, commission, or task force.
 - (f) Public officials and municipal employees shall represent the policies and positions of the city government to the best of their abilities when designated as delegates for such purpose. When representing their own individual opinions or personal positions, public officials and municipal employees shall state explicitly that the opinions or positions are their own and not the opinion or position of the city or of any administrative or other body within the city government, and shall not cause or allow such an inference to occur.
 - (g) Public officials and municipal employees shall avoid any action or activity that constitutes or gives rise to a conflict of interest.
 - (h) Public officials shall not interfere or seek to interfere with the duties or responsibilities of other public officials or municipal employees over whom they do not have supervisory authority and responsibility.
 - (i) Public officials shall support and contribute to the maintenance of a positive and constructive workplace environment. Recognizing their special role in the public trust, public officials shall refrain from inappropriate action toward other public officials, municipal employees or members of the public.
- (Ord. No. 1561, 12-17-07)

Sec. 12 5/8-5. Conflict of interest.

No officer, employee or official of the City of New Haven, whether elected or appointed, paid or unpaid, shall engage in any activities which result in a conflict of interest between the duties and responsibilities of his public office and his private affairs, or which are incompatible with the proper discharge of his official duties or responsibilities. (Section 209(b) of the city charter.)

- (a) A public official or municipal employee has a conflict of interest if he or she has, or has reason to believe or expect that they or a member of their immediate family or household, or a business or other organization with which or whom they are employed or with which or whom they are associated with, will or may derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official's or employee's official activity or position.
 - (b) A municipal employee or public official has a conflict of interest if they, or a member of their immediate family or household, have a financial interest or personal interest in the outcome of any matter requiring the exercise of judgment or discretion within or before their department, or a board, or commission, or task force of which they are a member, except in circumstances enumerated in sections 12 5/8-6 or 12 5/8-7.
 - (c) A municipal employee or public official has a conflict of interest if he accepts outside employment which will either impair their independence of judgment or performance with regard to their official duties or responsibilities or require them to disclose confidential information acquired by them in the course of their public duties or responsibilities.
 - (d) A municipal employee or public official who becomes employed by any person, other than other than a governmental entity, has a conflict of interest if they perform services under or receive compensation from a contract with the city during the one-year period after termination of their city employment or term of office, if the municipal employee or public official was directly involved in the preparation, procurement, awarding, performance, administration, or oversight of that city contract.
 - (e) A public official or municipal employee has a conflict of interest if he makes or participates in the making of any governmental decision or the taking of any governmental action with respect to any matter in which he has any economic interest distinguishable from that of the general public.
 - (f) A public official or municipal employee has a conflict of interest if, during the one-year period after termination of their city employment or term of office, they act as a lobbyist for or against any legislative, executive, or administrative action or decision by the city.
- (Ord. No. 1561, 12-17-07)

Sec. 12 5/8-6. Exceptions to the conflict of interest provisions.

The following situations shall not constitute a conflict of interest under section 209 of Article XXXVII of the City Charter, or of this chapter:

- (a) A public official or municipal employee does not have an interest that is in substantial conflict with the proper discharge of their duties and responsibilities if, as a result of the official's or the employee's activity or position, a benefit or detriment accrues to the official or employee or a member of their immediate family or their household or to a business with which the official or employee or their immediate family or household, 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.
 - (b) Where a municipal employee or public official is employed by a person who enters into a contract with the city, where said employee or official is not directly involved in the preparation, procurement, awarding, or performance, administration, or oversight of such contract and whose remuneration is not, directly or indirectly, derived from said contract;
 - (c) Where a municipal employee or public official is employed by any newspaper which publishes any municipal notice, resolution, ordinance, or other proceeding, where such publication is required or authorized by law;
 - (d) Where a municipal employee or public official is employed by a public utility that furnishes public utility services to the city with respect to the utility's rates or charges when the rates or charges therefor are fixed or regulated by the public utilities control authority;
 - (e) Where a municipal employee or public official is employed by a person or business that has a contract with the city, if the total combined consideration under that contract and under other contracts in which the employee or official has an interest does not exceed five hundred dollars (\$500.00).
- (Ord. No. 1561, 12-17-07)

Sec. 12 5/8-7. Disclosure.

In accordance with Article XXXVII, Section 210, of the City Charter, interests requiring disclosure shall include, but not be limited to the following:

- (a) Where a public official or municipal employee, or a member of the immediate family or household of a member of a board, commission, or task force is employed by the city;
- (b) Where a member of a board, commission or task force is employed by a non-municipal agency or entity the funding of which is, in part or in its entirety, provided by funds authorized or provided by the city;
- (c) Where a member of a board, commission or task force serves on the board of directors or governing board of a nonprofit or other organization when said organization is, has been, or is likely to be engaged in the application for federal or state funding or local funding authorized by the city;
- (d) Where a member of a board, commission or task force serves on the board of directors or governing board of a nonprofit or other organization where said organization is or will be lobbying for or against specific legislation before the city, or where said organization is or will be lobbying for or against specific State of Connecticut legislation that will or may result in the city receiving funding which is administered or controlled by the city board, commission or task force of which the individual is a member;
- (e) Where a member of a board, commission or task force serves on the board of directors or governing board of a nonprofit or other organization where said organization is, has been, or may become engaged in litigation against the city;
- (f) Where a member of a board, commission or task force accepts an offer of employment, whether paid or unpaid, by the city or by a program recommended by said board, commission or task force, but has not yet resigned or retired from said board, commission or task force to accept said offer of employment;
- (g) Where a municipal employee or public official has a financial interest or personal interest in a contract which was entered into prior to the time of his or her nomination, appointment, or election to or employment in said position;
- (h) Where a municipal employee or public official seeks or obtains employment with a person, company, or corporation engaged in business with the city but has not yet resigned his or her position to assume said employment;
- (i) Where a municipal employee or public official, or a member of their immediate family or household, applies for a city program or benefit over which the official or employee has actual or apparent control, influence, or discretionary authority;

(j) The amount of any reimbursement to the a public official or municipal employee of necessary expenses incurred that are due to an article, appearance, or speech, or for participation in an event in the official's or employee's official capacity.

An interest requiring disclosure by a municipal employee or public official shall not be construed to constitute a conflict of interest as defined in section 12 5/8-5 so long as he or she refrains from the activities enumerated in section 12 5/8-8 of this chapter.

(Ord. No. 1561, 12-17-07)

Sec. 12 5/8-8. Prohibited practices; removal from office.

In addition to those practices enumerated in the City Charter, section 190(b) and section 211(b) of Article XXXVII, which concern removal from office, the following shall be considered cause for removal from office:

(a) The deliberating, testifying or voting by a member of a board or commission or task force on any matter before said board, or commission, or task force, or any of its committees, which matter requires involves a disclosure of interest on the part of by said member pursuant to section 210 of Article XXXVII of the City Charter or 12 5/8-7, except that:

(1) In the case of an alderman who is voting, deliberating or testifying on passage or rejection of a collective bargaining agreement, stipulation to a collective bargaining agreement, or fact-finder report, said alderman shall be disqualified from voting, testifying, or deliberating only if a member of his or her immediate family or household was engaged in the negotiations of said fact-finder report.

(2) In the case of an alderman, where an interest is derived from their membership on the board of directors or governing board of a nonprofit organization, said alderman shall be required to disqualify herself or himself from deliberating or testifying only if the source of the disclosed interest is litigation between said nonprofit organization and the city or the board of aldermen.

(b) No public official or municipal employee shall request, use, or permit the use of, any consideration, treatment, advantage, benefit, or favor beyond that which it is the general practice to grant or make available to the public at large.

(c) No public official or municipal employee shall request, use, or permit the use of any publicly owned or supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or any other person, beyond that which is the general practice to grant or make available to the public at large.

(d) That rule shall not be deemed to prohibit a public official or municipal employee from requesting, using, or permitting the use of such publicly owned or supported property, vehicle, equipment, material, labor, or service that it is the general practice to make available to the public at large, or that is provided as a matter of stated public policy for the use of public officials and municipal employees in the conduct of official business.

(e) The failure to remove oneself from the decision-making process in cases set forth in subsection 12 5/8-7(i).

(f) No public official or municipal employee shall accept any fee or honorarium for an article, appearance, or speech, or for participation in an event in the official's or employee's official capacity, provided that but they may accept reimbursement of necessary expenses incurred that are due to such activity or participation or participation, if those are disclosed within thirty (30) days of the activity or the reimbursement, whichever is later.

(g) No public official or municipal employee shall knowingly provide false or misleading information to the public.

(h) No public official or municipal employee shall take any action in retaliation against any person who makes a complaint or allegation of unethical conduct in accordance with the procedures outlined in this chapter with regard to the standards of conduct delineated herein.

(i) The foregoing prohibited practices are also sufficient for an appropriate authority to impose discipline in accordance with the City Charter, this chapter, the city's executive management compensation plan, and/or any applicable collective bargaining agreement.

(Ord. No. 1561, 12-17-07)