

CODE OF ETHICS
OF THE
TOWN OF WILTON



This Code of Ethics applies
to all Town of Wilton Officials and Employees
as defined on Page 3 of the Code of Ethics.

BACKGROUND

This Code of Ethics, adopted by ordinance on July 16, 2007 with an effective date of September 15, 2007, supersedes the former Chapter 3, Code of Ethics, adopted March 16, 1983 which, in turn, superseded the Chapter 3, Code of Ethics adopted August 3, 1964. The Preamble to the original ordinance provided as follows:

“It is fundamental to the effectiveness of democratic government that, to the maximum degree possible, the most qualified individuals in the society serve its government. Protection against conflict of interest must be designed so as not unnecessarily nor unreasonably to impede the recruitment and retention by the government of those men and women most qualified to serve it.

“An essential principle underlying the staffing of our governmental structure is that its representatives should not be denied the opportunity, available to all other citizens, to acquire and retain private, economic and other interests, except where such interests conflict with the responsibility of such individuals to the public interest.

“It is also essential to the proper operation of democratic government that public officials be independent and impartial; that government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

“Violation of any provision of this Code should raise questions of conscience for the public official as to whether voluntary resignation or other action is indicated to promote the best interest of the town.

“NOW, THEREFORE, the following provisions have been adopted and shall be known as the Code of Ethics of the Town of Wilton:”

**THE CODE OF ETHICS OF
THE TOWN OF WILTON**

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A. PREAMBLE

The goal of this Code is to establish clear standards of ethical conduct for all who serve the Town of Wilton, whether in a paid or volunteer capacity, without discouraging participation in Town government by the talented and committed individuals on whose service the town relies.

Specifically, this Code seeks to deter conduct that is incompatible with the proper discharge of duties in the public interest or that would impair independence of judgment or action in the performance of those duties as set forth in this Code's Standards of Conduct (Section B), and to establish procedures for determining whether such conduct has occurred or would occur.

B. STANDARDS OF CONDUCT

1. *Definitions*

Town – the Town of Wilton

Council – the Wilton Council on Ethics;

Board – any board, committee, commission, council, authority, agency or other body of Town government, including the Board of Selectmen and the Board of Education;

Official – any elected or appointed person serving on any Board, whether paid or unpaid and whether full or part-time;

****Employee** – any person employed full or part-time by the Town or by any Board, excluding any person who is a member of a union having a collective bargaining agreement with the Town or any of its Boards and who is covered by a Board's code of conduct or a Town departmental code of conduct that (1) contains provisions equivalent to, or stricter than, those contained in this Section B and (2) includes provision for the making of citizen complaints and for an adjudicative process for review and resolution of them.

Relative – any person related to an Official or Employee by blood, adoption, or marriage;

Business – any business organization or operation of which an Official or Employee, or a Relative, is an owner, director, officer, employee, compensated agent, or holder of five percent or more of the outstanding stock of any class;

Financial Interest – any interest representing an actual or potential economic gain or loss, which is neither de minimis nor shared by the general public, that accrues to an Official or Employee, to a Relative, or to a Business:

Personal Interest – any interest representing an actual or potential non-economic benefit or detriment, which is neither de minimis nor shared by the general public, that accrues to an Official or Employee, to a Relative, or to a Business.

****As amended by the Board of Selectmen on 3/3/08, after a duly noticed Public Hearing.**

2. *Key Provisions*

a) *Conflict of Interest*

No Official or Employee shall participate in any Town or Board matter in which he or she has a Financial Interest or a Personal Interest. A finding of violation of this provision shall require that: (1) the Official or Employee has a Financial Interest or a Personal Interest in a matter; and (2) the Official or Employee has the authority, either individually or collectively with others, to deliberate, decide or act for the Town or Board, or to influence decision or action by the Town or Board, with respect to the matter.

b) *Disclosure and Recusal*

(i) Whenever a matter arises with respect to which an Official or Employee may have a conflict of interest, the Official or Employee shall disclose it in writing to his or her Board or supervisor and shall abstain from participation in the deliberation, decision-making and action with respect to the matter unless and until he or she procures an advisory opinion under this Code that provides otherwise.

(ii) Candidates for Town or Board elective or appointive office or for Town or Board employment are encouraged to familiarize themselves with this Code and to disclose during the process of election, appointment or employment anything addressed in this Code that might impair their ability to perform in the office or position that they seek or for which they are being considered.

c) *Gifts and Other Things of Value*

No Official, Employee, Relative, or Business shall solicit or accept anything of value, including without limitation a gift, loan, service, reward, or promise of employment, that could reasonably be expected to influence the action or judgment of the Official or Employee in any Town or Board matter.

d) *Use of Town Property*

No Official or Employee shall use, or permit the use of, Town property of any nature, including vehicles, supplies and real property, for the benefit of himself or herself, except when such property is made available to the general public and then on terms and conditions not more favorable than those available to the general public.

e) *Representation of Private Interests*

No Official shall appear or act in any material capacity on behalf of private interests before any Board on which he or she serves, or represent any such interests in litigation involving an action of that Board. Disclosure and recusal will not suffice to cure a violation of this provision. This prohibition shall continue for six months after the termination of the Official's service to the Town or Board. Nothing contained herein shall prevent an Official from appearing in his or her own behalf on a matter before the Town or a Board provided he or she abstains from deliberating, deciding or acting with respect to the matter.

f) *Use of Town Position*

No Official or Employee shall use his or her position, or knowledge acquired through that position which is not available to the general public, for the purpose of obtaining or furthering a Financial Interest or a Personal Interest.

C. ORGANIZATION AND ADMINISTRATION

1. *Appointment and Composition of Council*

The Council shall consist of five electors of the Town who shall serve without compensation. No more than three shall be registered in the same political party. No member shall serve on any Board other than the Council or as an Employee during his or her term of service on the Council. Members shall be appointed to the Council, and vacancies filled, by the Board of Selectmen.

2. *Terms of Service*

Except as otherwise provided in this and the following paragraph, members shall serve for terms of three years. Service shall be limited to two successive full three-year terms. After a lapse of one year, a former member shall again be eligible for appointment. Terms shall commence on December 1. Members shall serve until their successors take office. Any term that would otherwise expire during the pendency of a Council proceeding shall automatically be extended to the end of that proceeding.

3. *Initial Appointments*

Initial appointments shall be for staggered terms ending as follows: two on November 30, 2010, two on November 30, 2009, and one on November 30, 2008.

4. *Election of Officers*

The Council shall elect annually a Chair, a Vice-Chair, and a Secretary.

5. *Frequency of Meetings, Quorum, and Duties of Officers*

Meetings shall be held as needed and in any event at least semi-annually. A majority shall constitute a quorum for the conduct of business except as provided elsewhere in this Code. The Chair shall call and preside over meetings; the Vice-Chair shall preside over meetings in the absence of the Chair. The Secretary shall keep minutes of meetings and shall file agendas and minutes with the Town Clerk.

6. No Inquiry on Council's Own Initiative

The Council shall have no authority to present matters for inquiry or investigation on its own initiative.

7. Access to Town Records and Personnel

In furtherance of its duties, the Council shall have access to Town records and personnel as permitted by law. The Council may request assistance from any Official or Employee and retain others to aid it in pursuing any investigation.

8. Access to Legal Counsel

The Council shall have access to Town Counsel and to special legal counsel of the Council's choosing if Town Counsel is disqualified from assisting the Council or recuses, or if the Council deems it inadvisable to proceed with advice from Town Counsel in the circumstances. If special counsel is retained, the Town's Chief Financial Officer or his or her deputy shall negotiate terms of engagement for special counsel.

9. Maintenance of Council's Records

The Council's records shall be stored in Town Hall. Those records that are designated as confidential by the Council shall be stored accordingly and shall not be available for public review except as required by law.

10. Notification of Filings

The Town Clerk shall serve as the Council's agent for receipt of correspondence and filings and shall promptly notify the Council of all correspondence and filings.

11. Delivery of this Code to each Official and Employee

Within thirty days following the adoption of this Code, a copy shall be furnished by the Town to each Official and Employee. Persons subsequently elected, appointed or employed shall receive a copy of this Code at the time their service commences. Each recipient shall acknowledge in a writing deposited with the Town Clerk receipt of a copy of this Code and agreement to abide by its terms.

12. Amendment; Adoption of Rules

The Council may recommend to the Board of Selectmen amendment of this Code and may also adopt rules in furtherance of, and not inconsistent with, its provisions.

D. PROCEDURE: ADVISORY OPINIONS CONCERNING ONE'S OWN POSITION

Making a Request

1. An Official or Employee or a candidate for Town office or employment may request an advisory opinion concerning the requirements of this Code as applied to him or her.
2. The request shall be made in a writing filed with the Town Clerk in a sealed envelope addressed to the Council. The request shall state the name and address of the person making the request and all facts relevant to the matter in question.

Issuance of Advisory Opinion

3. The Council may request further information from the person making the request. It shall issue its advisory opinion by majority vote of the full Council and shall do so as soon as practicable. The opinion shall be in writing and delivered to the Town Clerk, who shall mail it to the person making the request. Advisory opinions shall be available to the public except as prohibited by law.

Reliance

4. A person requesting an advisory opinion may rely on that opinion provided the person has disclosed all relevant facts and acts in good faith consistent with those facts.

E: PROCEDURE: COMPLAINTS

Definitions

Complaint – a written request for determination made by an individual or a Board regarding an alleged violation of this Code by an Official or Employee;

Complainant – the filer of a Complaint;

Respondent – the person against whom a Complaint is filed;

Response – the Respondent's written answer to the Complaint;

Hearing – a public proceeding before the Council following a finding of probable cause where testimony is taken and documents may be received;

Determination – a written final decision by the Council with respect to a Complaint.

Procedure

Filing of a Complaint

1. A Complaint may be made by any individual or Board. It shall be made in a writing signed under oath before a notary and shall state the name and address of the Complainant, the identity of the Official or Employee and, if applicable, the Relative or Business involved in the Complaint, the conduct that allegedly violates the Code, and a summary of the relevant facts.

2. A Complaint must be filed within two years after the matter in question has allegedly occurred.

3. The Complaint shall be filed with the Council in a sealed envelope addressed to the Council and marked confidential. It shall be delivered to the Town Clerk either by hand or by certified mail, return receipt requested. The Complaint shall be deemed to have been filed on the date of its receipt by the Town Clerk and shall be treated by the Town Clerk as a confidential document.

4. The Town Clerk, upon direction of the Council, within three business days after the filing shall notify the Respondent by certified mail, return receipt requested, of the filing and date of the Complaint and enclose copies of the Complaint and this Code.

5. Once the Complainant has performed the function of raising a possible violation of this Code, the Council shall decide, in the circumstances of the individual case, what further role, if any, the Complainant should have in the matter.

Probable Cause

6. The Council shall review the Complaint to determine whether probable cause exists for further proceedings and may conduct an investigation for this purpose. Any investigation conducted prior to a probable cause finding shall be confidential unless confidentiality is waived in writing by the Respondent. Respondent may submit a preliminary written reply to the Council within fifteen days after the filing of the Complaint and before a probable cause finding issues.

7. If the Council decides by majority vote of members eligible to vote that the Complaint does not warrant further investigation because of its lack of factual basis, its de minimis nature, or otherwise, it shall issue a finding of no probable cause dismissing the Complaint. The finding and the Complaint shall remain confidential unless confidentiality is waived in writing by the Respondent. A finding of no probable cause shall be final. The Council shall direct the Town Clerk to forward copies of the finding to Complainant and Respondent by certified mail, return receipt requested, within three business days thereafter.

8. If, by majority vote of members eligible to vote or by tie vote, the Council finds probable cause, the Council shall direct the Town Clerk to forward copies of the finding to Complainant and Respondent by certified mail, return receipt requested, within three business days thereafter. Upon a finding of probable cause, the Complaint, the finding, and the information gathered during the investigation, if any, shall be made available to the public, and all filings and proceedings that follow shall be public except as required by law, provided however that deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act.

Response

9. Respondent shall have thirty days after his or her notification of a finding of probable cause to file a Response with the Town Clerk. The Council may, upon reasonable grounds, extend this deadline for filing.

Hearing

10. The Council shall hold a Hearing on any Complaint as to which it has found probable cause unless Respondent waives a Hearing in writing and the Council decides not to hold one. The Hearing shall be held on written notice of no less than thirty days to Complainant and Respondent sent by the Town Clerk by certified mail, return receipt requested. The Council may, upon reasonable grounds, extend the date of the Hearing at the request of the Respondent.

11. If a Hearing is held, Respondent shall have the opportunity to be represented by legal counsel, to present evidence, and to examine and cross-examine witnesses including the Complainant. For purposes of its investigation and at the Hearing, the Council is empowered to administer oaths or affirmations and may compel the attendance of witnesses by issuance of subpoenas. It may also require the production of documents, whether in hard copy or electronic format, by issuance of subpoenas for their production. The Council shall give effect to the rules of privilege recognized by the law. The Council may examine any witness who appears before it, including Complainant and Respondent. The Council may limit the number of witnesses and the scope of testimony to matters it believes relevant, material, not unduly repetitious, and necessary to reach a reasoned Determination. A taped or stenographic record shall be made of all proceedings in the Hearing.

Determination

12. Following the Hearing, the Council shall issue a Determination as soon as practicable and file it with the Town Clerk, who shall mail copies to Complainant and Respondent within three business days thereafter. No member may vote on a Determination unless he or she has attended the entire Hearing, if any, and participated in all deliberations. Deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act. A Determination of violation requires a majority vote of

members eligible to vote. In the event of a tie vote, the Determination shall be that there is no violation.

13. A Determination of no violation of this Code shall be final.

14. If a violation is found, the Council may, but need not, also recommend in its Determination sanctions which may include, but need not be limited to, censure, required recusal, disclosure of conflicts, and removal from appointive office or employment. Any sanctions imposed under this Code shall be separate from, and not in limitation of, any other actions that may be taken against Respondent in any proceedings outside this Code.

Submission of Determination of Violation

15. A Determination of violation of this Code shall be submitted by the Town Clerk within three business days to the Board of Selectmen for such action as it deems appropriate, provided however that if the Respondent is an Official or Employee of the Board of Education, the submission by the Town Clerk shall be to the Board of Education for such action as it deems appropriate.

F. EFFECTIVE DATE

The effective date of this ordinance shall be September 15, 2007. This ordinance supersedes the Town Code of Ethics dated March 16, 1983 in its entirety and any amendments to it and regulations issued under it.

SAMPLE FORM

Complaint

BY HAND DELIVERY OR CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

CONFIDENTIAL

[written both here and on the face of the sealed envelope]

Council on Ethics
c/o Town Clerk, Town of Wilton
238 Danbury Road
Wilton, CT 06897

Dear Council on Ethics:

This is a complaint with respect to the conduct of Mr. / Ms. X, a Town
[Official / Employee], that I believe may violate the Code of Ethics.

[THREE SPECIFIC HYPOTHETICAL EXAMPLES OF CONDUCT
DESCRIPTIONS:]

Specifically, on Y date, I saw X fill X's private automobile with gasoline
from a Town pump located behind Town Hall.

OR

Specifically, X has participated in consideration of the Y matter before Z
Board on which X sits which relates to [X's / X's son's X's business]
interests.

OR

Specifically, on Y date, X solicited a gift of _____ from A
when the B matter in which A was interested was before Z Board on which
X sits. I know this happened because _____
_____.]

SAMPLE FORM

Request for an Advisory Opinion

BY HAND DELIVERY OR CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Council on Ethics
c/o Town Clerk, Town of Wilton
238 Danbury Road
Wilton, CT 06897

Dear Council on Ethics:

This is a request for an advisory opinion from the Council with respect to my situation. I am a Town [Official / Employee] serving [on the _____ Board / employed in the _____ Department].

My request relates to [EXAMPLES: a possible conflict of interest / how to handle a disclosure and recusal in light of a conflict of interest / a gift situation / a use of Town property / a representation of private interests / a use of Town position].

All of the relevant facts relating to my request are as follows: _____

Please advise me whether my proposed [action / inaction] as follows: _____] in these circumstances complies with the requirements of the Code.

Sincerely,

[Signature]
[Printed or typed name]
[Address]
[Phone number]

I request that the Council investigate this complaint.

Sincerely,

[Signature]

[Printed or typed name]

[Address]

[Phone number]

_____ of [address] appeared before me this _____
day of _____, 20____, signed this letter in my presence, and swore or
affirmed that the contents of this letter is a true and accurate statement to the
best of his or her knowledge.

[NOTARY PUBLIC]

Cut -----

Acknowledgement of Receipt of Wilton Code of Ethics

Pursuant to Section C-11 of the Code of Ethics of the Town of Wilton, I acknowledge that I have received a copy of the Code and that I am obligated to abide by its terms.

Full Name Printed: _____

Signature: _____

Town Board of Department: _____

Date: _____