



General Assembly

Substitute Bill No. 6696

January Session, 2009

* HB06696GAE 033009 *

AN ACT CONCERNING MUNICIPAL ETHICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) On or before October
2 1, 2010, each municipality shall adopt a code of ethics that contains, at
3 a minimum, the provisions described in subsection (b) of this section.
4 If a municipality adopted or adopts an ethics code prior to October 1,
5 2010, that contains the minimum provisions described in subsection (b)
6 of this section, such municipality shall be in compliance with the
7 requirements of this section. If, on or before October 1, 2010, a
8 municipality adopts the model code of municipal ethics, as contained
9 in section 2 of this act, such municipality shall be in compliance with
10 the requirements of this section.

11 (b) The following minimum provisions shall be contained in a code
12 of ethics that is adopted by a municipality pursuant to subsection (a) of
13 this section: (1) A conflict of interest provision that prohibits a public
14 official or employee of the municipality from participating in any
15 matter in which such public official or employee has a personal or
16 financial interest, (2) a disclosure and recusal provision that requires
17 the written disclosure of a conflict of interest by a public official or
18 employee of the municipality and the recusal from participating in any
19 decision-making concerning a matter that presents a conflict of
20 interest, (3) a gift provision that prohibits a public official or employee

21 of the municipality from soliciting or accepting anything of value that
22 could reasonably be expected to influence the actions or judgment of
23 such public official or employee, (4) a use of property provision that
24 prohibits a public official or employee of the municipality from using
25 municipal property in any manner that benefits himself or herself to a
26 degree that is greater than a member of the general public when such
27 property is made available to the general public, (5) a representation of
28 private interests provision that prohibits the representation of a private
29 interest before the board or commission on which a public official of
30 the municipality serves and that extends to a period of not less than six
31 months after such public official terminates his or her service on such
32 board, and (6) a use of position provision that prohibits the use of
33 information acquired by a public official or employee of the
34 municipality through his or her position to further such public
35 official's or employee's own personal or financial interests.

36 Sec. 2. (NEW) (*Effective October 1, 2009*) Any municipality that
37 adopts the model code of municipal ethics shall be in compliance with
38 the requirements of section 1 of this act. The following provisions shall
39 constitute the model code of municipal ethics:

40 "Definitions:

41 (1) "Business" means any entity through which business for profit or
42 not-for-profit is conducted, including a corporation, partnership,
43 proprietorship, firm, enterprise, franchise, association, organization or
44 self-employed individual.

45 (2) "Business with which he is associated" means any sole
46 proprietorship, partnership, firm, corporation, trust or other entity
47 through which business for profit or not-for-profit is conducted of
48 which the public employee or public official or member of his or her
49 immediate family is a director, officer, owner, limited or general
50 partner, beneficiary of a trust or holder of stock constituting five per
51 cent or more of the total outstanding stock of any class, provided a
52 public employee or public official or member of his or her immediate

53 family shall not be deemed to be associated with a not-for-profit entity
54 solely by virtue of the fact that the public employee or public official or
55 member of his or her immediate family is an unpaid director or officer
56 of the not-for-profit entity. As used in this subdivision, "officer" refers
57 only to the president, executive or senior vice president or treasurer of
58 such business.

59 (3) "Confidential information" means information, whether
60 transmitted orally or in writing, that is obtained by reason of the public
61 position or office held and is of such nature that it is not, at the time of
62 transmission, a matter of public record or public knowledge.

63 (4) "Financial interest" means any interest with a monetary value of
64 one hundred dollars or more or that generates a financial gain or loss
65 of one hundred dollars or more per person in a calendar year.

66 (5) "Gift" means anything of value, including entertainment, food,
67 beverage, travel and lodging given or paid to a public official or public
68 employee to the extent that consideration of equal or greater value is
69 not received. A gift does not include:

70 (A) A political contribution otherwise reported as required by law
71 or a donation or payment as described in subdivision (9) or (10) of
72 subsection (b) of section 9-601a of the general statutes;

73 (B) Services provided by persons volunteering their time, if
74 provided to aid or promote the success or defeat of any political party,
75 any candidate or candidates for public office or the position of
76 convention delegate or town committee member or any referendum
77 question;

78 (C) A commercially reasonable loan made on terms not more
79 favorable than loans made in the ordinary course of business;

80 (D) A gift received from (i) an individual's spouse, fiance or fiancée,
81 (ii) the parent, brother or sister of such spouse or such individual, or
82 (iii) the child of such individual or the spouse of such child;

83 (E) Goods or services that are provided to the municipality and
84 facilitate governmental action or functions;

85 (F) A certificate, plaque or other ceremonial award costing less than
86 one hundred dollars;

87 (G) A rebate, discount or promotional item available to the general
88 public;

89 (H) Printed or recorded informational material germane to
90 governmental actions or functions;

91 (I) An honorary degree bestowed upon a public official or public
92 employee by a public or private university or college;

93 (J) A meal provided at an event or the registration or entrance fee to
94 attend such an event, in which the public employee or public official
95 participates in his or her official capacity;

96 (K) A meal provided in the home by an individual who resides in
97 the municipality;

98 (L) A gift, including, but not limited to, food or beverage, or both,
99 provided by an individual for the celebration of a major life event such
100 as the birth or adoption of a child, a wedding, a confirmation or a bar
101 or bat mitzvah and a funeral, provided any such gift provided by an
102 individual who is not a member of the family of the recipient shall not
103 exceed two hundred fifty dollars. As used in this subparagraph, "major
104 life event" shall not include any event that occurs on an annual basis
105 such as an anniversary except personal gifts of up to twenty-five
106 dollars per occasion, aggregating no more than fifty dollars per
107 recipient in a calendar year, shall be permitted to a minor incident to a
108 birthday or other traditional gift-giving occasion such as Christmas or
109 Chanukah;

110 (M) Anything of value provided by an employer of (i) a public
111 official, (ii) a public employee, or (iii) a spouse of a public official or
112 public employee, to such official, employee or spouse, provided such

113 benefits are customarily and ordinarily provided to others in similar
114 circumstances;

115 (N) Anything having a value of not more than ten dollars, provided
116 the aggregate value of all things provided by a donor to a recipient
117 under this subparagraph in any calendar year shall not exceed fifty
118 dollars; or

119 (O) Training that is provided by a vendor for a product purchased
120 by a municipality that is offered to all customers of such vendor.

121 (6) "Immediate family" means any spouse, child or dependent
122 relative who resides in the individual's household.

123 (7) "Individual" means a natural person.

124 (8) "Individual with whom one is associated" means an individual
125 with whom the person or a member of his or her immediate family
126 mutually has an interest in any business.

127 (9) "Official responsibility" means the direct administrative or
128 operating authority, whether intermediate or final and whether
129 exercisable personally or through subordinates, to approve,
130 disapprove or otherwise direct government action.

131 (10) "Municipality" means any town, city, borough, consolidated
132 town and city, consolidated town and borough and includes any
133 special district contained therein.

134 (11) "Person" means an individual, sole proprietorship, trust,
135 corporation, limited liability company, union, association, firm,
136 partnership, committee, club or other organization or group of
137 persons.

138 (12) "Personal interest" means an interest in any action taken by the
139 municipality in which an individual will derive a nonfinancial benefit
140 or detriment but which will result in the expenditure of municipal
141 funds.

142 (13) "Public employee" means a person employed, whether part
143 time or full time, by a municipality or a political subdivision thereof.

144 (14) "Public official" means an elected or appointed official, whether
145 paid or unpaid or part time or full time, of a municipality or political
146 subdivision thereof, including candidates for the office and includes a
147 district officer elected pursuant to section 7-327 of the general statutes.

148 (15) "Special district" means a "district" as defined in section 7-324 of
149 the general statutes.

150 (16) "Trust" means a trust in which any public official or public
151 employee or member of his or her immediate family has a present or
152 future interest that exceeds ten per cent of the value of the trust or that
153 exceeds fifty thousand dollars, whichever is less, but shall not include
154 blind trusts.

155 Provisions:

156 (1) No public employee or public official shall engage in or
157 participate in any business or transaction, including outside
158 employment with a private business, or have an interest, direct or
159 indirect, that is incompatible with the proper discharge of his or her
160 official responsibilities in the public interest or that would tend to
161 impair his or her independent judgment or action in the performance
162 of his or her official responsibilities.

163 (2) (A) No public employee or public official shall solicit or accept
164 any gift from any person who, to his or her knowledge, is interested in
165 any pending matter within such individual's official responsibility.

166 (B) If a prohibited gift is offered to a public employee or public
167 official, he or she shall refuse it, return it, pay the donor the market
168 value of the gift or donate it to a nonprofit organization provided he or
169 she does not take the corresponding tax write-off. Alternatively, such
170 prohibited gift may be considered a gift to the municipality provided it
171 remains in the municipality's possession permanently.

172 (3) (A) A public employee or public official shall refrain from voting
173 upon or otherwise participating in any matter on behalf of the
174 municipality if he or she, a business with which he or she is associated,
175 an individual with which he or she is associated or a member of his or
176 her immediate family has a financial or personal interest in the
177 transaction or contract, including, but not limited to, the sale of real
178 estate, material, supplies or services to the municipality.

179 (B) If such participation is within the scope of the public employee's
180 or public official's official responsibility, he or she shall be required to
181 provide written disclosure, that sets forth in detail the nature and
182 extent of such interest, to the town clerk.

183 (C) Notwithstanding the prohibition in subparagraph (A) of this
184 subdivision, a public employee or public official may vote or otherwise
185 participate in a matter that involves a determination of general policy
186 if the employee's or official's interest in the matter is shared with a
187 substantial segment of the population of the municipality.

188 (4) (A) Except for a public official who receives no compensation for
189 his or her service to the municipality, other than per diem payments
190 and reimbursement of expenses, no public employee or public official
191 shall appear on behalf of private interests before any board, agency or
192 committee of the municipality.

193 (B) Except for a public official who receives no compensation for his
194 or her service to the municipality, other than per diem payments and
195 reimbursement of expenses, no public employee or public official shall
196 represent private interests against the interest of the municipality in
197 any litigation to which the municipality is a party.

198 (5) Nothing contained in this code shall prohibit or restrict a public
199 employee or public official from appearing before any board or
200 commission of the municipality on his or her own behalf, or from
201 being a party in any action, proceeding or litigation brought by or
202 against such public employee or public official to which the
203 municipality is a party.

204 (6) No public employee or public official shall disclose confidential
205 information concerning municipal affairs, nor shall such public
206 employee or public official use such information for the financial
207 interests of himself or herself or others.

208 (7) No public employee or public official shall request or permit the
209 use of municipally-owned vehicles, equipment, facilities, materials or
210 property for personal convenience or profit, except when such are
211 available to the public generally or are provided as municipal policy
212 for the use of such public employee or public official in the conduct of
213 official business.

214 (8) No public employee or public official, or a business with which
215 he or she is associated or member of his or her immediate family shall
216 enter into a contract with the municipality unless it is awarded
217 through a process of public notice and competitive bidding.

218 (9) No public employee or public official shall use his or her position
219 or office for the financial benefit of himself or herself, a business with
220 which he is associated, an individual with which he or she is
221 associated or a member of his or her immediate family.

222 (10) No public employee or public official shall accept a fee or
223 honorarium for an article, appearance or speech or for participation at
224 an event in his or her official capacity.

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

232 (12) No person shall offer or give to a public employee or public
233 official or member of such individual's immediate family or business
234 with which he is associated, anything of value, including, but not

235 limited to, a gift, loan, political contribution, reward or promise of
236 future employment based on any understanding that the vote, official
237 action or judgment of the public employee or public official would be
238 or had been influenced thereby.

239 (13) (A) No public employee or public official or member of the
240 immediate family of a public employee or public official shall
241 knowingly accept, directly or indirectly, any gift costing one hundred
242 dollars or more in any calendar year from a public employee or public
243 official who is under the supervision of such public employee or public
244 official.

245 (B) No public employee or public official or member of the
246 immediate family of a public employee or public official shall
247 knowingly accept, directly or indirectly, any gift costing one hundred
248 dollars or more in any calendar year from a public employee or public
249 official who is a supervisor of such public employee or public official.

250 (C) No public employee or public official shall knowingly give,
251 directly or indirectly, any gift in violation of subparagraph (A) or (B) of
252 this subdivision.

253 (14) No public employee or public official shall knowingly counsel,
254 authorize or otherwise sanction action that violates any provision of
255 this code.

256 (15) No former public employee or public official shall appear for
257 compensation before any municipal board or agency in which he or
258 she was formerly employed at any time within a period of one year
259 after termination of his or her service with the municipality.

260 (16) No former public employee or public official shall represent
261 anyone other than the municipality concerning any particular matter
262 in which he or she participated personally and substantially while in
263 municipal service.

264 (17) No former public employee or public official shall disclose or

265 use confidential information acquired in the course of and by reason of
266 his or her official duties, for financial gain for himself or herself or
267 others.

268 (18) No former public employee or public official who participated
269 substantially in the negotiation or award of a municipal contract
270 obliging the municipality to pay an amount of twenty-five thousand
271 dollars or more, or who supervised the negotiation or award of such
272 contract shall accept employment with a party to the contract other
273 than the municipality for a period of one year after such contract is
274 signed."

275 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) Not later than January 15,
276 2011, each municipality shall submit a notice to the Office of State
277 Ethics stating whether the municipality has complied with the
278 requirements of section 1 of this act. Such notice shall include a copy of
279 such municipality's code of ethical conduct.

280 (b) Not later than March 1, 2011, the Office of State Ethics shall
281 submit a report, in accordance with the provisions of section 11-4a of
282 the general statutes, to the joint standing committee of the General
283 Assembly having cognizance of matters relating to ethics. Such report
284 shall indicate the status of the compliance of each municipality with
285 the requirement of section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section

GAE *Joint Favorable Subst.*