

**TOWN OF EAST HAMPTON
ORDINANCE ESTABLISHING AN ETHICS COMMISSION**

Section 1. Declaration of Policy and Purpose

The Town of East Hampton requires that its officials and employees be impartial, responsible to its residents, not have interests that would be incompatible with the proper discharge of their official responsibilities, and strive to avoid even the appearance of impropriety. The purpose of the Town's Code of Ethics and Code of Conduct is to maintain and enhance a tradition of responsible and effective public service by setting forth standards of ethical conduct to guide its officials and employees in the conduct of their public responsibilities. An independent Ethics Commission to investigate and hear complaints under our Code of Ethics and Code of Conduct is a critical link between our established ethical standards, Town Officials and employees, and our residents' confidence in the integrity of Town governance.

Section 2. Definitions.

Unless otherwise indicated or defined herein, the terms and conditions used in this Ordinance shall have the same meanings as used in the Code of Ethics adopted on September 4, 1975, revised and updated on January 28, 1997.

- a. "Code" shall refer to the Code of Ethics adopted on September 4, 1975, revised and updated on January 28, 1997 and as further amended by those certain Conflict of Interest and Recusal Guidelines as adopted by Town Council on September 27, 2005.
- b. "Code of Conduct" shall refer to that certain Code of Conduct adopted by the Town Council on January 28, 2003.
- c. "Complainant" shall refer to the party initiating a complaint alleging a violation of the Code or Code of Conduct or requesting an advisory opinion.
- d. "Respondent" shall refer to the party against whom the Complainant has alleged a violation of the Code or Code of Conduct.

Section 3. Ethics Commission.

a. Establishment. The Town Council shall appoint an Ethics Commission consisting of five (5) regular members and two alternate members. No more than two of the regular members may be affiliated with any one political party or slate committee. The alternate members may not be affiliated with the same political party or slate committee. At all times, at least one regular member shall not be affiliated with any political party or slate committee. The members of the Commission shall serve four year terms, provided, however, that with the first appointments by the Town Council, three regular members and one alternate shall be appointed for two-year terms, with the remaining regular

members and alternate appointed for four-year terms. Thereafter, the Town Council shall appoint Commission members in the manner provided for in the Town Charter, subject to the terms of this Ordinance.

b. Organization and Procedure. The Commission shall elect a Chairman and Vice Chairman who shall serve for two-year terms. The Commission shall establish its own rules and procedures consistent with the Town Charter, this Ordinance, the Town's duly established ordinances and generally applicable law including, without limitation, Section 1-82a (a) through (e) of the Connecticut General Statutes, as the same may be amended from time to time. The first rules and procedures shall be established within six months of the date on which the Town Council initially appoints members of the Commission. The Commission shall hold meetings at the call of the Chairman or two (2) of the Commission members and at such other times as may be provided by rules and procedures adopted by the Commission.

c. Qualifications. Each member and each alternate member shall be a resident elector of the Town and shall not be compensated for service on the Commission. No member or alternate member shall:

- (1) Hold or campaign for any Town or state office.
- (2) Have held Town, state or federal office including the town committee of a local political party for a period of two years prior to being appointed as a member or alternate member of the Commission.
- (3) Hold office in any political party, political action committee or be a member of any other type of political committee.
- (4) Serve as a member of any other Town agency or commission.
- (5) Have been found in violation of any state, municipal or professional code of ethics.
- (6) Be employed by the Town or have been employed by the Town during the period two years prior to the date of appointment as a member or alternate member of the Commission.

d. Minimum Affirmative Vote Requirement. Not less than four (4) affirmative votes shall be required for a finding of and recommended penalty relating to a violation of the Code and/or Code of Conduct.

e. Powers and Duties

(1) The Commission shall have the authority to prepare and recommend to the Town Council any amendments or revisions to the Code and/or Code of Conduct or guidelines explaining the same that, in the judgment of the Commission, are appropriate or necessary to establish practicable ethical provisions, maintain the public's confidence in the integrity of Town government and ensure the highest ethical standards for Town officials and employees.

(2) The Commission shall have the authority and power to render opinions, conclusions or findings of fact to the Town Council with respect to the applicability of or any violation under either the Code and/or Code of Conduct by any public officer or employee. Such findings shall include recommended penalties for any determined violation(s) of the Code and/or Code of Conduct. The Commission may employ the Town attorney and direct the Town Manager in furtherance of its duties hereunder.

(3) The Commission's procedures shall specify how the public may initiate complaints alleging a violation of the Code or Code of Conduct or requests for advisory opinions. The Commission, by majority vote, may also initiate a complaint or advisory opinion. The Commission shall have the power to hold hearings concerning the applicability of the Code and/or Code of Conduct and alleged violations and may administer oaths and compel the attendance of witnesses by subpoena to the extent permitted by state law. As required by Section 7-148h (a) of the Connecticut General Statutes, the provisions of Section 1-82a (a) through (e) of the Connecticut General Statutes (as the same may be amended from time to time) shall apply to all investigations and hearings held under this ordinance.

(4) If the Commission determines that any Town officer or employee has violated the provisions of this Code or Code of Conduct, the Commission shall file a memorandum of decision within twenty (20) days following its finding of a violation with the Town Council and give notice of such memorandum to the Respondent and the Complainant. The Commission shall also file its memorandum of decision with the Town Manager within twenty (20) days after its finding of a violation if the Respondent is an employee appointed or under the jurisdiction of the Town Manager and with the Board of Education if the Respondent is a member of the Board of Education.

(5) If the Commission determines that the Respondent has not violated the provisions of the Code and/or Code of Conduct, the Commission shall so notify the Respondent and Complainant, and the Town Council, Town Manager or the Board of Education, as the case may be, within twenty (20) days of such finding. In the event the Commission determines that the Respondent has not violated the provisions of the Code and/or Code of Conduct, the contents of the Commission's investigations shall remain confidential.

(6) Except as expressly set forth herein, nothing in this ordinance shall limit the authority of the Town Council, Town Manager or the Board of Education under the

Town Charter or any other applicable ordinance, regulation, statute or law. The Commission's actions shall be deemed supplemental to the authority of the Town Council, Town Manager or Board of Education granted under any ordinance, statute or any other law.

(7) No complaint may be brought after three (3) years from the date the action giving rise to the complaint occurred.

Section 4. Penalties for Violation and Enforcement.

a. General Provisions. In the event that a failure to comply with the Code and/or Code of Conduct by a Town Official or employee is determined by the Commission, the Commission shall recommend to the Town Council (for Town Officials) or Town Manager (for Town employees) either that no penalties be imposed or one or more of the following penalties be imposed: censure, reprimand, suspension, demotion, removal, or dismissal of officers and employees, as is applicable. In the event that a failure to comply with the Code and/or Code of Conduct by a member of the Board of Education is determined by the Commission, the Commission shall make its recommendation to the Board of Education.

b. Enforcement. The Commission's findings and conclusions regarding alleged violations of the Code and Code of Conduct shall be binding on the Respondent and Complainant. The Town Council, Town Manager, or the Board of Education, as is the case, shall retain exclusive authority regarding the determination and imposition of any penalties arising from any Code or Code of Conduct violation. The Town Council, Town Manager and the Board of Education shall, however, in making their penalty determination give due deference to the Commission's penalty recommendation. No member of the Town Council or the Board of Education or the Town Manager may participate or vote in any penalty determination in which they are the Respondent.

c. General Limitation. In the event that the provisions of this Section four are inconsistent with any remedies and procedures specified in applicable state and federal law, the Town Charter, other applicable Town ordinances, personnel rules, contract grievance rules, or other work rules, policies and procedures, the latter shall govern.

d. Good Faith Disclosures. No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the Commission under this Ordinance. After receipt of information from an individual under the provisions of this Ordinance, the Commission shall not disclose the identity of such individual without such individual's consent unless the Commission determines that such disclosure is unavoidable during the course of its investigation. No person shall be subject to civil liability for any good faith disclosure that such person makes to the Commission.

Section 5. Revisions to Code of Ethics

Section 6 of the Code is hereby replaced and superseded by this Ordinance.

Section 6. Prior Determinations under Code and Code of Conduct

All determinations and findings under the Code and/or Code of Conduct prior to the Effective Date of this Ordinance shall be deemed final and res judicata and nothing in this Ordinance shall undermine, affect or otherwise alter such determinations.

Section 7. Effective Date

This Ordinance shall be effective twenty days after publication as provided by the Town Charter.

Adopted by the East Hampton Town Council on August 8, 2006.

Published in accordance with Town Charter on _____, 2006.

[approved 08/08/2006]

Updates / Online version: <http://www.e-codes.generalcode.com>