

**TOWN OF BROOKFIELD
CODE OF ETHICS
ORDINANCE**

I. Declaration of Policy

Our Charter states:

All officials and employees of the Town shall carry out their duties with the highest ethical standards regardless of personal consideration. Their conduct shall at all times be for the public good and within the bounds of law, shall comply with the Town Charter and the Town Code of Ethics, shall be above reproach and shall avoid conflict between public and private interests and responsibilities.

We recognize that the most important asset of our government is the trust of the people. In order to insure that continuing trust, all who are elected, appointed, or hired to serve the public must fulfill their public duties faithfully and honestly, and subordinate any personal interests which conflict with the public interest.

In the application of this ordinance, care should be given to distinguish between concerns of management of Town employees and violations of the public trust. Personnel policies should be the first guide in those areas where applicable.

II. Definitions

For the purpose of this ordinance, the following definitions shall apply:

- A. **Officer/employee:** shall refer to any person elected or appointed to any board or commission in Town; any person hired by the Town or its agencies or receiving wages or salary from the Town.
- B. **He/Him/Himself:** shall also mean to encompass she/her/herself.
- C. **Close associate/relative:** includes a spouse, dependent child, or other close relationship of the officer/employee including a business associate.
- D. **Financial interest:** includes a motivation for monetary gain arising primarily from the officer/employee's interest or a close associate/relative's,
- E. **Personal interest:** includes a motivation for action arising primarily from the officer/employee's or a close associate/relative's interest,
- F. **Business or enterprise:** any activity, association, commercial entity, sole proprietorship, consultation, trust or other legal entity designed to earn or otherwise obtain money, whether for profit or non-profit.
- G. **Associated:** when used with reference to business, enterprise or organizations, includes the officer/employee's or close associate/relative's relationship to that business, enterprise, or organization, or anyone who influences the activities of that business, enterprise or organization.

III. Purposes of Ordinance

In recognition of the importance of establishing a culture of ethical behavior, this code will:

- A. Set forth the standards for conduct by which officers/employees shall conduct all

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public business.

- B. Require that all officers/employees engage in ethical practices, which meet or exceed those standards set forth.
- C. Provide a process by which officers/employees may identify and resolve ethical issues.
- D. Establish penalties as appropriate for officers/employees who violate the public trust.

IV. Benefit

Public officers/employees should serve for the benefit of the Town of Brookfield, and not for their personal benefit. Acceptance of any significant gift or favor based on the officer/employee's position in Town is prohibited.

- A. Acceptable gifts would be token items (e.g., a mug, pen, inexpensive baseball cap) whose value is less than \$15.00 per event, for a total of \$50 .00 annually from the same source/enterprise.
- B. Unacceptable gifts would be any items, regardless of value, whose main purpose is to influence the officer/employee to perform in a certain way on behalf of the giver. These would include, but are not limited to, a valuable act, contract, compensation, contribution, employment, favor, fee, fringe benefit, gift, gratuity, loan, offer, privilege, promise, service, or the promise that any of these things will be conferred in the future.

V. Conflict of Interest and Personal Benefits Prohibited

No officer/employee of the Town shall engage in any business or transaction, which is incompatible with his official duties in the public interest or would tend to impair the independence or judgment or action in the performance of his duties as an officer/employee in the Town. Specifically, no officer/employee shall:

- A. Accept any benefit from any person or business that, to his knowledge, is interested directly or indirectly in business dealings with the Town.
- B. Otherwise engage in any business transactions, employment or professional activities, or private dealings, which are in direct or indirect conflict with the discharge of his official duties as an officer/employee of the Town.

VI. Deliberation and Vote Prohibited

No officer/employee shall vote, act, participate in official discussions or give official opinions on matters in which he has a direct or indirect financial or other personal interest. Any officer/employee, who, as part of his official duties, comes upon a circumstance where he may have a conflict, shall acknowledge publicly that a conflict exists. That action shall be noted in the minutes of the meeting and the officer/employee shall recuse himself from participation in that particular issue. The officer/employee does not have to disclose the specific nature of this conflict or submit a disclosure form. If the conflict occurs during the public session of a meeting, the officer/employee shall move away from the table and may sit in the audience. If the conflict

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occurs in executive session, the officer/employee shall leave the room.

VII. Public Confidence and Property

No officer/employee shall:

- A. disclose or act on any confidential information concerning the property, government business or affairs of the Town to advance the private financial or personal interests of himself or others.
- B. Request or permit himself or others to use Town-owned or leased vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally, or are provided in conformance with established Town policies for the use of such officers/employees in the conduct of Town business.

VIII. Disclosure of Conflict of Interest or Potential Conflict of Interest

Any officer/employee shall, within thirty (30) business days of election, appointment or hiring, complete the “Board of Ethics Disclosure Form”. This form which shall be available from the Town Clerk will be filed in accordance with the Town Charter.

In addition to acknowledgment of having received and agree to the rules established by this ordinance, the following disclosures are required:

- A. All real estate located within the Town of Brookfield (other than the primary residence of the officer/employee) owned by the officer/employee, his spouse, dependent children, or held by a business or trust for the benefit of the officer/employee, his spouse or dependent children or business associates.
- B. The names of any businesses in which the officer/employee has a personal financial interest, and which have supplied goods or services to the Town in excess of \$10,000 per annum during the two years preceding the election or appointment of the officer/employee.
- C. In the event an officer/employee’s circumstances change that would require disclosure under this section, the officer/employee shall, within thirty (30) days file a new Board of Ethics Disclosure form.

IX. Other Abuses or Misuses of Position

Officers/employees of the Town should exhibit high standards of conduct at all times. In addition to being a violation of laws, it is a violation of this ordinance for any officer/employee to:

- A. Be convicted of any criminal offense.
- B. Engage in repeated discriminatory, harassing, abusive or intimidating behavior in the execution of his responsibilities as an officer/employee.
- C. Engage in any intentional act of physical harm in the execution of his responsibilities as an officer / employee.

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X. Board of Ethics

There shall be a Board of Ethics whose appointment; membership and terms shall be established in accordance with the Town Charter. The Board of Ethics shall:

- A. Receive communication and or complaints through the office of the Town Clerk. The Board will establish a form to be available in the Town Clerks office. Pursuant to statutes, complaints shall remain confidential until a finding of probable cause.
- B. Establish bylaws governing its procedures and providing for the holding of regular and special meetings.
- C. Administer oaths.
- D. Conduct hearings as needed to hear and decide specific cases in which a violation of this Ordinance is alleged, whether such cases arise from a complaint or are brought on the Board's own motion.
- E. Consider rendering advisory opinions.
 - 1. The Board may respond to requests for advisory opinions. Such advisory opinions shall be in writing and filed in the Town Clerk's Office
 - 2. The Board may decline to respond to requests for advisory opinions.
 - 3. The Board may initiate rendering advisory opinions on any matter within the scope of the Board's authority which it may deem appropriate. These opinions shall be in writing and filed in the Town Clerk's Office.

XI. Statute of Limitations

- A. Complaints are to be filed within two years after violations of this Ordinance are alleged to have occurred.
- B. A complaint alleging a violation must be filed within six months from the date the person filing the complaint knew or should have known of the alleged violation.

XII. Penalties

Any disciplinary action that the Board of Ethics recommends to the Board of Selectmen shall be appropriate to the Findings of Fact, the position of the offender and the gravity of the offense. The Board of Ethics may recommend any action which it is lawfully permitted to, including but not limited to, any one or combination of the following:

- A. Public admonition or reprimand
- B. Suspension or Demotion
- C. Forfeiture of or removal from appointed or elected office.
- D. Termination of employment
- E. Cease and desist order, which must be enforced by court of competent jurisdiction

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F. A fine up to the maximum amount permitted by law.

XIII. Liberal Construction of the Ordinance

The provisions of this Ordinance are to be construed liberally, to the end that the public interest be fully protected.

This ordinance shall be construed in a manner consistent with all applicable federal and state laws and applicable to provisions of the Charter. In the event a conflict exists between this Ordinance and a federal or state law or the Charter, the federal or state law or Charter shall control.

XIV. Severability

If a specific section of this Ordinance is found to be invalid by a state or federal court or agency having jurisdiction, or by a provision of the Town Charter, only that specific section of this Ordinance shall be deemed invalid. The rest of the Ordinance shall remain in effect.

XV. Effective Date

This Ordinance shall take effect upon the approval of the Board of Selectmen, in accordance with the Town Charter.

Upon approval, the Board of Selectmen shall provide a copy of this ordinance to all current officers/employees and require compliance with Section VII.

The provisions of the ordinance shall become effective on the twenty-first (21st) day following its adoption and publication as required by law.

Adopted by the Board of Selectmen of the Town of Brookfield on August 11, 2008.

Robert G. Silvaggi

Jerry Murphy

Joni Park

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Town of Brookfield
Board of Ethics Disclosure Form

The undersigned, having been elected or appointed as an official or member of a Board or Commission or employee of the Town of Brookfield, has read and understands the obligations and responsibilities with respect to appropriate ethical conduct as outlined in the Town's Code of Ethics and Town Charter.

Position

Effective Date in office

Signature

Date

Printed Name

Compliance Section:

Real estate holdings other than primary residence in Brookfield:

Business associations or interests with the Town of Brookfield: