

INTRODUCED:	OCTOBER 8, 2, 2013
PUBLIC HEARING:	OCTOBER 22, 2013
ADOPTED:	OCTOBER 22, 2013
PUBLISHED:	OCTOBER 29, 2013
EFFECTIVE DATE:	NOVEMBER 8, 2013

**DIVISION 3. CODE OF ETHICS
REVISION DATED OCTOBER 22, 2013**

Sec. 2-56. - Declaration of policy and purpose.

Sec. 2-57. - Definitions.

Sec. 2-58. - Ethics Commission.

Sec. 2-59. - Consultants.

Sec. 2-60. - Confidential information.

Sec. 2-61. - Use of influence.

Sec. 2-62. - Gifts and favors.

Sec. 2-63. - Equal treatment.

Sec. 2-64. - Conflict of interest.

Sec. 2-65. - Disclosure and disqualification.

Sec. 2-66. - Incompatible employment and activities.

Sec. 2-67. - Penalty for violation.

Sec. 2-68. - Acknowledgment form.

Sec. 2-69. - Ethics Commission rules of procedure.

Sec. 2-70. - Reserved.

Sec. 2-56. - Declaration of policy and purpose.

It is the intent of the Glastonbury Town Council that Town officials, employees, and consultants adhere to high standards of ethical conduct, that they act impartially in the performance of their duties, do not abuse their authority or influence, and do not have interests that would be incompatible with the discharge of their official responsibilities. Officials, employees, and consultants are expected to comply with the standards of ethical conduct outlined in Sections 2-60 through 2-66 of the Town of Glastonbury Code of Ethics (“Code”).

The purpose of the Town of Glastonbury Code of Ethics is to:

- Fulfill the requirement of establishing guidelines for ethical conduct, pursuant to Section 1101 of the Town Charter.
- Identify standards of ethical conduct to guide officials, officers, employees, and consultants as they conduct their public responsibilities,
- Clarify the role of the Ethics Commission,
- Outline a process that allows town officials, employees, and consultants to seek guidance and advice about ethical issues connected with their public responsibilities, and
- Establish a process that enables citizens to report and the Ethics Commission to investigate and respond to possible violations of the Code.

Sec. 2-57. - Definitions.

Agency is any board, commission, authority, or committee of the Town, including the Town Council and Board of Education.

Beneficial interest means any nonfinancial interest or special treatment that is not common to other citizens of the Town.

Business associate means a person joined together with another person through employment or to achieve a common financial and/or business-related objective.

Business day means a day other than a Saturday, Sunday or other day on which the office of the Glastonbury Town Clerk is closed to the public for business.

Complainant: A person or persons who files a sworn statement, pursuant to Sec. 2-69(c)(1), against an official, employee, or consultant containing allegations of prohibited activities under the Code.

Consultant is any independent contractor or professional person or firm that is by virtue of an award of a public bid or contract as defined in Glastonbury Code of Ordinances sections 2-262 and 2-263, engaged by and receives compensation from the town or board of education for the purpose of providing professional, scientific, technical or other specialized opinion and is in a position to influence any decision of an agency, official or employee.

Employee is any person receiving a salary, wages or stipend from the town or board of education for services rendered, whether full-time or part-time.

Family means the spouse, domestic partner, fiancé, fiancée, parents, grandparents, great-grandparents, lineal descendants, stepchildren, siblings, lineal descendants of siblings and stepsiblings of an official, employee, or consultant, or of his/her spouse or domestic partner.

Inquiry means a complaint or allegation of a possible violation of the Code.

Official is any person holding elective or appointive office in the government of the town and shall include, but not be limited to, the town council, board of education, board of finance, town plan & zoning commission, town attorney, or any other agency.

Respondent: A person who is the subject of an inquiry or complaint.

Significant financial interest means any interest that: (1) has a monetary value of one hundred dollars (\$100.00) or more or generates a financial gain or loss of one hundred dollars (\$100.00) or more in a calendar year; and (2) is not common to the other citizens of the town. An individual's "significant financial interests" shall include the financial interests of all members of his/her family, but shall not include any duly authorized compensation from the town.

Valuable gift is a gift of more than fifty dollars (\$50.00) in value. A valuable gift includes, but is not limited to, entertainment, food, beverage, travel, and lodging to the extent that the gift value exceeds fifty dollars (\$50.00) for any one (1) occasion, and one hundred dollars (\$100.00) total in any one (1) year from the same person, as well as loans that are not commercially reasonable. A valuable gift may also include donations to a third party on behalf of an official, employee, or consultant for which s/he receives some favor or advantage or consideration.

Valuable gifts do not include:

- (1) A political contribution that is otherwise reported in accordance with the law.
- (2) A loan made on terms that are commercially reasonable and not more favorable than loans made in the ordinary course of business.
- (3) Any gift regardless of value received from: (i) any family member who resides in the same household as the recipient of the gift, or (ii) another family member unless the other family member who makes the gift is interested, directly or indirectly, in a business transaction or pending matter that is within the purview or responsibilities of (a) the recipient of the gift, or (b) another family member residing in the same household as the recipient of the gift.
- (4) Certificates, plaques or other ceremonial awards costing less than fifty dollars (\$50.00).
- (5) Honorary degrees.
- (6) A meal, ticket, beverages, and lodging costing less than or equal to fifty dollars (\$50.00), but only if the total of all such gifts from a particular person does not exceed one hundred dollars (\$100.00) in any one (1) year.

Sec. 2-58. - Ethics Commission.

(a) Structure.

- (1) The Ethics Commission shall consist of five (5) regular members and two (2) alternate members.
- (2) No more than two (2) of the regular members may be affiliated with any one political party and the alternate members may not both be affiliated with the same political party. At all times, at least one regular member and one alternate member shall be unaffiliated with any political party.
- (3) Members will not be compensated for their service on the Commission.
- (4) The Commission shall elect a chair and vice chair/secretary who shall serve for two-year terms.

(b) Member and alternate member qualifications

- (1) Members and alternate members must be residents of the Town of Glastonbury.
- (2) No member or alternate member shall:
 - a. Be employed by the Town.
 - b. Have been employed by the Town for a period of two years prior to being appointed to the Commission.
 - c. Hold or seek any Town office.
 - d. Have campaigned for any other person seeking a Town office.
 - e. Have held any Town or State office for a period of two years prior to being appointed to the Commission.
 - f. Serve as a member of another agency.
 - g. Hold office in a political party or political committee.
 - h. Have been found in violation of any State, local, or professional code of ethics.

- (c) Method of Appointment: The Town Council shall appoint Commission members in the manner provided in the Town Charter. Members of the Ethics Commission shall be appointed by a minimum of seven (7) affirmative votes of the Town Council.

(d) Terms of appointment.

- (1) Members will be appointed for four (4) -year terms.
- (2) If a member is appointed to fill an unexpired term, then that member's term ends at the same time as the term of the person being replaced.

(e) Powers and duties.

- (1) The Commission has the power to render advisory opinions to any official, employee, or consultant on whether conduct by that person would constitute a violation of the Code. Individuals seeking an advisory opinion should follow the procedures outlined in Section 2-69(b) of the Code.

- (2) The Commission has the power to examine inquiries or complaints and to make a determination of probable cause, pursuant to the procedures outlined in Sections 2-69(c) and 2-69(d) of the Code.
- (3) The Commission itself, by majority vote, may initiate an inquiry or complaint.
- (4) The Commission has the power to hold hearings concerning alleged violations of the Code, may administer oaths, and may compel the attendance of witnesses by subpoena to the extent permitted by law.
- (5) The Commission has the power to review Code policies and procedures on an as-needed basis and will make recommendations to the Town Council regarding changes to the Code policies and procedures.
- (6) The Commission will make advisory opinions available to the public unless doing so would violate the confidentiality provision of this Code, Section 2-60, or is otherwise prohibited by law.
- (7) The Commission will protect the personal privacy rights of any individual who is the subject of an inquiry or complaint, except as necessary to investigate and make determinations of probable cause. If there is a finding of no probable cause, the existence of an inquiry or complaint and any records relating to that inquiry or complaint shall remain confidential pursuant to Section 2-60.
- (8) The Commission may take action to increase public awareness of the Code.

Sec. 2-59. - Consultants.

The Code shall be incorporated by reference into all contracts entered into by the Town and Board of Education with a consultant.

Persons or firms who are engaged by and receive compensation from other governmental entities, such as the state or federal government, and who are in a position to influence any decision of an agency, official or employee shall be guided by the Code, and the Commission may make recommendations to the entity employing such persons.

Sec. 2-60. - Confidential information.

Officials, employees, or consultants may not disclose or use any information or records that are not available to the public except in the performance of official duties or as required by law or court order.

Sec. 2-61. - Use of influence and/or intentional misrepresentation

- (a) No official, employee, or consultant may seek, demand, or obtain a significant financial interest or a beneficial interest in his/her favor or the favor of any member of his/her family or business associate.
- (b) No official, employee, or consultant may use her or his public office or position or disclose or use confidential information, in order to obtain a significant financial or beneficial interest for herself, himself, or for her or his immediate family, or for any business associate.
- (c) No official, employee, or consultant, except for police officers in the course of the police investigative process, may intentionally commit or omit any material fact designed to deceive others in the performance of his or her official duties.

(d) No official, employee, or consultant may withhold information or make a dishonest or fraudulent statement with the intent to deceive or to misrepresent material facts in the performance of his or her official duties.

Sec. 2-62. - Gifts and favors.

(a) No official, employee or consultant or any business associate or member of his/her family nor any agency, employee organization or group of employees shall solicit or accept any valuable gift, whether in the form of a service, a loan at a less than a commercially available rate, a material thing or a promise, from any person or entity who or which is interested directly or indirectly in any business transaction or pending matter that is within the purview of such official, employee, consultant, agency, employee organization or group of employees. No official, employee or consultant shall accept, or knowingly seek or cause to be given to any member of his/her family, any valuable favor, treatment, consideration or advantage beyond that which is generally available to citizens of the town from any person who, to the knowledge of the official, employee or consultant, is interested directly or indirectly in any business transaction or pending matter that is within the responsibilities of the official, employee or consultant. For purposes of this section, a pending matter includes, but is not limited to, any application to an agency, a bid for work to be performed, an application for employment, and any bid for the furnishing of supplies, equipment or services.

(b) This section shall not apply to any political contribution that is reported as required by law.

Sec. 2-63. - Equal treatment.

Without proper authorization, no official, employee or consultant shall accept, seek, grant or cause to be granted any special consideration, treatment or advantage to such individual or his/her family by virtue of his/her position or business association.

Sec. 2-64. - Conflict of interest.

An official, employee or consultant has a conflict of interest when that individual engages in or participates in any contract, transaction, decision, employment, or rendering of service that is incompatible with the proper discharge of that individual's official responsibilities in the public interest or would tend to impair his/her independent judgment or action in the performance of official responsibilities.

A significant financial interest or beneficial interest presents a conflict of interest that is incompatible with the proper discharge of official responsibilities in the public interest if the official, employee or consultant has reason to believe or expect that he/she will obtain, secure or advance such interest by reason of his/her actions in performance or nonperformance of his/her official responsibilities.

An official, employee or consultant does not have a significant financial interest or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if the interest accrues to such individual as a member of a profession, occupation, or group to no greater extent than it accrues to any other member of the profession, occupation, or group with which he/she is affiliated as set forth in G.S. §7-148h(b).

Sec. 2-65. - Disclosure and disqualification.

(a) Any official, employee or consultant who has a conflict of interest, significant financial interest or beneficial interest, direct or indirect, in any contract, transaction or decision within the purview of his/her official responsibilities shall disclose that conflict of interest in accordance with section 2-65(c)(1) through (6). Such disclosure shall disqualify the official, employee or consultant from participation in the matter, transaction, or decision.

(b) No official, employee or consultant shall appear on behalf of any private person or party before any agency in connection with any cause, proceeding, application or other matter in which he/ she has a significant financial interest or beneficial interest without first disclosing such interest to the agency, which shall record such disclosure in the record of the agency's proceeding.

(c) If there is an uncertainty whether an official, employee or consultant has a conflict of interest, significant financial interest or beneficial interest that could disqualify that individual from participation in a matter, such individual shall disclose such possible conflict of interest to the following:

(1) For an official who is a member of an elective or appointive board, commission, committee, or authority to the particular agency of which such official is a member.

(2) For town employees and officials appointed by the town manager to town manager.

(3) For board of education employees to the superintendent of schools.

(4) The town manager to town council.

(5) The superintendent of schools to the board of education.

(6) For a consultant to the agent executing contract on behalf of the town or board of education.

(d) The appropriate authority to which the disclosure is made shall make an appropriate record of such disclosure and shall recommend to the official, employee or consultant making the report whether such official, employee or consultant should abstain from participating in the transaction or decision to which the possible conflict of interest relates and whatever other appropriate action should be taken.

(e) Any such questions concerning a possible conflict of interest may be referred to the Commission for an advisory opinion.

Sec. 2-66. - Incompatible employment and activities.

(a) No official or employee shall engage in or accept private employment or render services when the employment or services: (1) are incompatible with the proper discharge of the official duties of the official or employee; or (2) would tend to impair independence of judgment or action by the official or employee in the performance of that individual's official duty. No consultant shall

engage in employment or render services for interests other than the town when such employment or services: (1) are incompatible with the proper discharge of his/her consulting duties on behalf of the town; or (2) would tend to impair the independence of the consultant's judgment or action on the matter for which the consultant has been engaged by the town.

(b) No former official, employee or consultant shall appear on behalf of any person or other entity before any agency with which he/she previously was employed or affiliated for a period of one (1) year after the termination of his/her public service or employment; provided, however, that such an individual may be permitted to make such an appearance upon receipt of a favorable prior advisory opinion by the Ethics Commission following its review of the individual's written application and relevant facts.

(c) No former official, employee or consultant shall appear on behalf of any person or other entity before any agency in regard to a matter in which that individual previously participated in the course of his/her official responsibilities for a period of one (1) year after the termination of his/her public service or employment; provided, however, that such an individual may be permitted to make such an appearance upon receipt of a favorable advisory opinion by the Ethics Commission.

(d) Subsections (a), (b) and (c) of this section shall not prohibit any current or former official, employee or consultant from appearing before any agency on his/her own behalf. To avoid an actual or perceived conflict, officials are strongly discouraged from appearing before the agency on which they are a member or officer, absent extenuating circumstances, unless s/he has received a prior favorable advisory opinion by the Ethics Commission prior to appearing.

(e) Nothing in the Code shall be interpreted to authorize conduct restricted or prohibited by any provision of the Connecticut General Statutes including, but not limited to, G.S. §§ 8-11, 8-21, and 22a-42(c) that restrict conduct of members of municipal zoning and planning authorities and members of wetlands and watercourses boards or commissions.

(f) To avoid even the appearance of impropriety or creation of a situation that would be contrary to the declared policy and purpose of the Code, an official, not otherwise restrained by the Code, shall exercise care when appearing before other agencies and shall disclose whether s/he is appearing in his/her official capacity or as a private citizen.

Sec. 2-67. - Penalty for violation.

A failure to comply with the Code shall be considered grounds for censure, reprimand, suspension, demotion, removal, or dismissal of officials, employees and consultants as applicable. The remedies and procedures specified in applicable statutory and Charter provisions, personnel rules, contract grievance rules, or other work rules, policies and procedures, shall be followed in the enforcement of this section.

Sec. 2-68. - Acknowledgment form.

(a) The Town Clerk shall provide a copy of the Code and Town Charter Section 1101 to every official consultant within sixty (60) days of date that s/he begins his/her official duties. Every

town official shall sign and file with the Town Clerk an acknowledgment form indicating his/her awareness of the provisions of this Code and of Section 1101 of the Town Charter.

(b)Each consultant shall sign and file with the Town Clerk an acknowledgment form indicating his/her awareness of the provisions of this Code, and Section 1101 of the Town Charter on or before being retained by the town, board of education, or other agency.

(c)The town manager and superintendent of schools shall develop a protocol for periodic training of employees concerning this division and Town Charter Section 1101. The Commission shall develop a protocol for periodic training of officials.

(d)The Town Council shall approve a procedure for monitoring compliance with this section and approve the training protocols specified in subsection (c).

Sec. 2-69. - Ethics Commission rules of procedure.

(a)These procedures shall be used by the Ethics Commission established in section 2-58 hereof, and are designed to guide public officials, officers, employees, consultants and citizens of the process to be followed if they seek advice or question the conduct of those in or affiliated with town government. Subsection (b), advisory opinions, describes a process for town officers, officials, employees or consultants, and other parties doing business with the town who are seeking advice about their own conduct or the conduct of a town office or function. Subsection (c), inquiries, describes a process for resolving questions about specific conduct of a current town officer, official, employee or consultant, or about a town office or function. Subsection (d), complaints, describes a formal, public procedure for considering matters that cannot be resolved through the processes outlined in subsection (c) for inquiries. Subsection (e), other communications; miscellaneous, describes the process to be followed by anyone wishing to bring something to the attention of the Commission, without requesting an advisory opinion or filing an inquiry.

(b)Advisory opinions

(1)Initiation.

a.Any current, former or prospective Town of Glastonbury employee, official, or consultant may request an advisory opinion from the Commission as to whether conduct by that person or entity would violate the Code. Any current town official also may request an advisory opinion concerning the activities of any department over which he or she has jurisdiction or board or Commission on which he or she serves.

b.Individuals initiating a request for an advisory opinion must do so by completing a form available through the Glastonbury Town Clerk's Office or through the town's web site www.glastonbury-ct.gov. The form must contain a statement setting forth the advice requested and the relevant facts known to the individual making the request so that the Commission can reasonably be expected to understand the nature of the request. The individual making the request must sign it.

c. Requests must be addressed in a sealed envelope to the Commission, c/o the Glastonbury Town Clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut, who will date stamp, but not open, the envelope and forward same promptly to the chair or vice chair of the Commission. On the day said request is received by the Town Clerk, the Town Clerk or his or her representative shall notify the chair or vice chair of the Commission, or both, of same.

d. The date the request is received by the Town Clerk will mark the official date of receipt for purposes of deadlines for decisions.

(2) Proceedings.

a. The chair will present the request to the Commission at its next regular meeting for which no agenda has been filed yet with the town clerk or at a special meeting called by the Commission chair or vice chair.

b. The Commission will meet to review the request. At that time, it may decide to: (1) seek additional information, (2) create a subcommittee of at least two (2) Commission members to make a recommendation for consideration by the full Commission, (3) hold an informal hearing to receive comments from the individual who requested the advisory opinion and/or from the public, (4) investigate the relevant facts and issues in order to render the advisory opinion, and/or (5) treat the matter as an inquiry under subsection (c) hereof.

(3) Decisions.

a. Advisory opinions will be made by a majority of Commission members voting at a meeting at which a quorum is present.

b. The Commission will issue an advisory opinion as expeditiously as possible but in any event within ninety (90) days from the day it first considers the request. The Commission may extend the time for decision for up to an additional thirty (30) days.

c. All advisory opinions must be in writing and communicated to the individual making the request.

d. The Commission may decline to render an advisory opinion if (1) the subject matter is not covered by the Code, (2) the known facts are incomplete or incorrect and the omissions or misstatements are material to the advisory opinion requested, or (3) other reasonable grounds exist for not taking action. If the Commission decides to so act, it shall state its reasons.

(4) Confidentiality.

a. Requests for advisory opinions will be reviewed in open session unless, upon review by the Commission chair or vice chair, it is determined that the matter

would be more appropriately treated as an inquiry under subsection (c) hereof and pursuant to G.S. § 1-82a.

b. Requests for advisory opinions that are treated as inquiries under subsection (c) hereof will be reviewed in closed session, except upon the request of the person who is the subject of the inquiry.

c. Advisory opinions for matters not treated as inquiries under subsection (c) hereof will be made available for public inspection by delivery to the town clerk's office.

(c)Inquiries:

(1)Initiation.

a. Any member of the public may submit an inquiry asking whether a current official, consultant or employee has failed to comply with the Code or asking about the appropriateness of conduct of a particular Town office, agency, or consultant.

b. The Commission may itself initiate an inquiry regarding a possible violation of the Code.

c. Individuals initiating an inquiry must do so by completing a form, available through the Glastonbury Town Clerk's office or through the town's web site at www.glastonbury-ct.gov. The initiating individual must sign the form under penalty of false statement. The form must contain a description of the relevant facts in sufficient detail so that the Commission and any person who is the subject of the inquiry can reasonably be expected to understand the nature of the allegations.

d. Inquiries must be addressed in a sealed envelope to the Commission, c/o the Glastonbury Town Clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut, who will date stamp, but not open, the envelope and forward same promptly to the chair or vice chair of the Commission.

e. The date an inquiry is received by the Town Clerk will mark the official date of receipt for purposes of deadlines for decisions.

(2)Preliminary review.

a. The chair or vice chair of the Commission will conduct a preliminary review of all inquiries to determine whether the matter should be dismissed or reviewed by the entire Commission.

b. The chair or vice chair may dismiss a matter on any of these grounds:

- i. The complainant does not allege a violation of, or does not give enough information to suggest a violation of, Sec. 2-60 through 2-66 of the Code.
 - ii. The person who is the subject of the inquiry is a minor.
 - iii. The person who is the subject of the inquiry is no longer an official, employee, or consultant of the town.
 - iv. The matter occurred more than three (3) years earlier or before the enactment of the Code by the Town of Glastonbury.
 - v. The Commission has already taken action on the matter.
- c. If a matter is dismissed by the chair or vice chair after a preliminary review, the chair or vice chair will notify the complainant within five (5) business days, by regular mail, of the reasons for the dismissal.
 - d. If a matter is dismissed by the chair or vice chair after a preliminary review, no further action by the Commission, including notice to the respondent(s), is necessary.
 - e. Complainants may appeal a dismissal by the chair or vice chair by filing with the Town Clerk a new inquiry form that contains additional evidence that would warrant review by the entire Commission.

(3) Notice.

- a. Within five (5) business days of the Town Clerk's receipt of the inquiry or initiation of an independent inquiry, the chair or vice chair will notify the respondent(s) by regular mail and will provide the person with a copy of the completed form and the Code. The Commission will confirm by regular mail to the person who initiates an inquiry that it was received by the Commission.
- b. In the event that an inquiry contains allegations against multiple respondents, the chair or vice chair must notify each respondent individually. Respondents are subject to the confidentiality provisions of Sec. 2-60 and Sec. 2-69(c)(7) of the Code.
- c. Respondents may file a written response with the chair of the Commission within ten (10) business days after receiving the notice. In response to allegations against multiple respondents, respondents may respond individually or collectively.

(4) Proceedings.

- a. Unless the inquiry previously was dismissed by action of the chair or vice chair pursuant to Section 2-69(c)(2) above, the chair will present the inquiry and any response received from the subject to the Commission at its next regular meeting

or in a special meeting held after receipt of the inquiry, the mailing of notice to the subject, and the passage of at least ten (10) additional business days.

b. The Commission will meet one (1) or more times in closed session from which the public is excluded to review the inquiry and to determine whether or not there exists probable cause that the Code has been violated. In those sessions, it may decide to: (1) seek additional information, (2) create a subcommittee of at least two (2) Commission members to make a recommendation for consideration by the full Commission, (3) proceed to investigate the relevant facts and issues in order to render a decision, (4) decline to review the matter further, pursuant to subsection (c)(5) hereof, (5) endeavor to resolve the matter by convening a confidential meeting that includes the individual who is the subject of the inquiry and others relevant to the issue, (6) make a finding of probable cause and treat the matter as a complaint under subsection (d) hereof, and/or (7) make a finding of no probable cause. If the Commission proceeds under steps (1), (2), (3), or (5) above, it will establish a schedule of meetings for consideration of the inquiry, subject to the provisions of subsection (c)(4)(a) hereof.

c. A finding of probable cause means that based on a review of the available information the Commission determines that reasonable grounds exist to believe that the respondent engaged in prohibited conduct outlined in Sec. 2-60 through 2-66 of the Code.

(5) The Commission may decline to continue to review a matter on any of these grounds:

a. The alleged facts do not evidence the existence of probable cause of a violation of Sec. 2-60 through 2-66 of the Code.

b. The matter is judged to be vexatious, frivolous, groundless, or brought for the purpose of harassment. A vexatious matter is one that lacks any serious purpose or value or that is designed to cause disruption or annoyance.

c. The person who is the subject of the matter has already taken corrective action and the Commission believes the action taken was appropriate in the circumstances and the matter should not be pursued.

d. There are other reasonable grounds for not taking action.

(6) Decisions.

a. As expeditiously as possible but in any event within one hundred twenty (120) days after the meeting at which the Town Clerk received the inquiry form, the Commission will decide that (1) the inquiry requires no further action because it was resolved or did not require further review under subsection (c)(5) hereof, or (2) probable cause exists that a violation of the Code occurred, in which case the inquiry will be treated as a complaint under subsection (d) hereof. The Commission may extend the time for decision if circumstances justify a delay.

b.No finding of the existence of probable cause may be made except upon the vote of at least four (4) members of the Commission.

c.Within five (5) business days after making a decision under this subsection (c), the Commission will inform in writing both complainants and respondents of its decision and its reasons for the decision. It shall be sufficient that the Commission cite as a reason for its decision any of the reasons enumerated in section 2-69(c)(5), above.

(7)Confidentiality.

a. If the Commission does not make a finding of probable cause, then the inquiry and the record of the Commission's investigation shall remain confidential, except upon the request of the respondent. If the inquiry alleged violations by multiple respondents, then the request to release information must be made by all respondents.

b. The Commission may publish decisions in whole or in part if it decides that publication would serve the public interest and publication can be made in such a way as to protect the personal identity and privacy of persons who were the subject of any evaluation of a possible violation of the Code.

(d)Complaints:

(1)Initiation.

a.After conducting an investigation of any inquiry under subsection (c) hereof, if the Commission finds probable cause exists, then it will make public by providing to the Town Clerk its findings and its record of the investigation not later than five (5) business days after its decision, except it may postpone public release of the record for up to fourteen (14) days for the purpose of resolving the matter with the person who is the subject of the inquiry. If no resolution is reached, the Commission will proceed in the manner described in this subsection (d).

b.The findings and record of the investigation shall include: (1) the inquiry; (2) evidence received or considered; (3) a reference to the particular section of the Code involved; and (4) a short and plain statement of the Commission's reason for finding probable cause.

c.Any member of the public who desires to file a complaint against a current officer, official, consultant or employee for allegedly violating the Code must first pursue the matter as an inquiry under subsection (c) hereof.

(2)Public hearings.

If the Commission decides, after its investigation under subsection (c) hereof, that probable cause of a violation of the Code exists, it will conduct a public hearing to determine whether or not a violation occurred. At the hearing, the person who is the subject of the hearing will have the right to be represented by legal counsel, to present

evidence and witnesses and compel attendance of witnesses and the production of books, documents, records and papers, and to examine and cross-examine witnesses and inspect and copy relevant and material records, papers and documents not in such person's possession. Not later than ten (10) days before the start of the hearing, the Commission will provide the person with a list of its intended witnesses. The Commission will make a record of the proceedings.

(3) Powers and conduct of hearings.

a. For the hearing, the Commission will have the power to administer oaths, question witnesses, consider oral and documentary evidence, subpoena witnesses under procedural rules adopted by the Commission as regulations in accordance with the provisions of G.S. Chapter 54 (Uniform Administrative Procedure Act) to compel attendance before the Commission, and require the production for examination by the Commission of any books and papers which it deems relevant in any matter under investigation or in question.

b. The Commission may require witnesses to testify under oath administered by the presiding officer or any other duly qualified person. The hearings shall be recorded and/or transcribed.

c. Hearings are not governed by the legal rules of evidence and any information relevant to the matter may be considered. The Commission will respect the rules of privilege recognized by the law. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and, upon request, parties and the Commission will be given an opportunity to compare the copy with the original.

(4) Decisions.

a. Decisions by the Commission that a person is in violation of the Code must result from the concurring vote of four (4) of its members.

b. The Commission must render its decision within sixty (60) days of the closing of the hearing.

c. Such finding and memorandum will be deemed to be the final decision of the Commission for the purposes of G.S. Chapter 54. The person who was the subject of the hearing may appeal to the superior court in accordance with the provisions of G.S. § 4-183.

d. If the Commission finds that the Code was violated, it will provide the party who was the subject of the hearing and the Glastonbury Town Council with a copy of its findings and memorandum within ten (10) days after its decision. It will also advise the party of the right of appeal under G.S. § 4-183. At the same time, it will provide a copy of its findings and memorandum to the Glastonbury Town Manager, if such party is an employee, consultant or official appointed or under the jurisdiction of the town manager,

or the superintendent of schools and the board of education of the Town of Glastonbury if such person is an employee, consultant or official appointed or under the jurisdiction of the superintendent or such board.

e. Other communications; miscellaneous:

The Commission welcomes communications from the public even if they do not fall within the categories of an advisory opinion, inquiry, or complaint. These should be in writing and should include the name and address of the individual making the communication. The communication should be addressed in a sealed envelope to the chair of the Commission, c/o the Glastonbury Town Clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut, who will date stamp, but not open, the envelope and forward same promptly to the chair or vice chair of the Commission. On the day said communication is received by the Town Clerk, the Town Clerk or his or her representative shall notify the chair or vice chair of the Commission, or both, of same. The chair or vice chair shall determine whether said communication should be treated as confidential. Requests that are not treated as confidential will be made available for public inspection by delivery to the Town Clerk's office. Communications will be handled on a case-by-case basis and at the discretion of the Commission.

Sec. 2-70. - Reserved.