

Chapter 64. ETHICS, CODE OF

[HISTORY: Adopted by the Town of Weston 12-3-1996, effective 1-2-1997. Amendments noted where applicable.]

§ 64-1. Purpose.

Weston is a community proud of its heritage and supportive of strong ideals. This Code of Ethics is established to foster the highest standards of ethical behavior on the part of all elected and appointed officials of the Town and all employees of the Town. Its purpose is to provide guidelines for our Town officials and employees by establishing standards of conduct for those people who participate in its decisionmaking processes. It is intended to promote the continuation of the tradition of good government in Weston. Adherence to the code will ensure that our government operates with integrity and fairness and in a manner deserving of the confidence which the citizens of Weston have bestowed upon those who hold responsibilities to our community.

§ 64-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONFIDENTIAL INFORMATION

Any information concerning the property, business or affairs of the Town not generally available to the public which is obtained by reason of the public position or office held.

FAVOR

Any representation or promise to confer a benefit of something other than economic value upon another without the return or exchange of adequate and lawful consideration.

FINANCIAL INTEREST

Any interest resulting from a Town action in which an individual, his/her relatives, through blood or marriage, or close business associate, either directly or indirectly, expects to derive a monetary gain which is more than nominal and not common to the interest of other citizens of the Town.

GIFT

Anything of economic value, regardless of the form, given, exchanged or transferred without the return or exchange of adequate and lawful consideration. It does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with provisions of federal, state, or local laws governing campaign finances.

PERSONAL INTEREST

Any interest resulting from a Town action in which an individual, his/her relatives, through blood or marriage, or close business associate, either directly or indirectly, expects to derive a benefit other than financial which is not common to the interest of other citizens of the Town.

TOWN ACTION

Any municipal legislative, administrative, appointive or discretionary act of any employee of the Town or any agency, board, committee or commission thereof.

TOWN EMPLOYEE

Any person providing services to the Town for salary or wages, including Board of Education employees.

TOWN OFFICIAL

Any person holding a position by election or appointment in the service of the Town, whether paid or unpaid, including members of any board, committee, or commission thereof.

§ 64-3. Standards of conduct.

- A. Conflict of interest. No Town official or employee or his/her relatives, through blood or marriage, or close business associate shall engage in any Town action in which said official or Town employee has a financial or personal interest which is incompatible with the proper discharge of his duties in the public interest or which would tend to impair his independence of judgment or action in the performance of those duties. Nothing herein shall be construed to be less demanding than what is contained in the Weston Town Charter (Section 10.1), relevant state statutes, or state court decisions. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- B. Gifts and favors. No Town official or employee or his/her relatives, through blood or marriage, or close business associate shall solicit or accept any gift or favor which might tend to influence the performance or nonperformance of said Town official's or employee's municipal duties. If it is impossible or inappropriate to refuse a gift, the gift shall become the property of the Town.
- C. Appearance before Town agencies. No Town official or employee shall appear for his or her financial or personal benefit on behalf of the private interests of another person before any board, commission or agency of the Town, nor shall he represent the private interests of another in a Town action. Nothing herein shall prohibit a Town official or employee from appearing before any board, commission or agency of the Town on his own behalf. No relative, through blood or marriage, or close business associate of a Town official or employee shall appear before any board, commission, or agency for personal or financial interest or engage in any Town action where there is likely to be a perception of influence being exerted by such Town official or employee, without first securing an advisory opinion of the Board of Ethics.
- D. Disclosure or use of confidential information. No Town official or employee shall disclose or use confidential information for the financial or personal interests of himself or others.

- E. Incompatible employment. No Town official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his duties in the public interest or would tend to impair his independence of judgment or action in the performance of those duties.
- F. Use of Town facilities. No Town official or employee shall request or permit the use of Town-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- G. Obligations to citizens. No Town official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

§ 64-4. Disclosure of interest.

- A. When a Town official becomes aware of facts or circumstances which demonstrate that he has a financial or personal interest in a pending matter, then said individual shall recuse himself from and shall not take any action on or exert any influence with respect to the pending matter and shall so state that he is recusing himself on the record. If a board or commission member decides to recuse himself, then the individual need not disclose the nature of the conflict unless the conflict is so substantial and so impacts the integrity of the government process as to warrant further disclosure.
- B. In the event the Town official becomes aware of facts or circumstances that suggest he may have a personal or financial interest in the pending matter but concludes that no interest, in fact, exists and that he intends to act, then said person must advise the board or commission, on the record, of the nature and details of his possible interest.
- C. When an employee becomes aware of facts or circumstances which suggest that he has a financial or personal interest in a pending matter, perceived or otherwise, then he shall report to his immediate supervisor and the Town Administrator in writing that he has a conflict of interest with respect to the pending matter, the nature of said conflict, and whether he believes he is permitted to take any further action with respect to the pending matter. The Town Administrator shall decide whether the employee is permitted to act further in the matter, subject to a complaint to or request for an advisory opinion from the Board of Ethics.

§ 64-5. Board of Ethics.

- A. Creation. There shall be established a Board of Ethics for the Town of Weston.
- B. Membership. The Board shall consist of five members, none of whom shall hold any elective or appointive Town office or be an employee of the Town or be an officer of any political party. The members shall be electors of the Town and shall be appointed by the Board of Selectmen. No more than three members may be from the same political party. Vacancies in the membership of the Board shall be filled for the unexpired term in the same manner as regular appointments.

- C. Terms. Board members shall serve for two-year terms. Of the first members appointed, three shall serve for three years, and two shall serve for two years. Thereafter, each member shall serve for a term of two years. No member may serve for more than six successive years and then may not serve for another two years before he/she may serve again.
- D. Officers. A Chairman, and any other officers deemed advisable by the Board of Ethics, shall be elected annually by the Board of Ethics. The Chairman shall preside over all Board meetings and may call special meetings as needed but otherwise shall have power equal to that of other Commission members.
- E. Meetings. The Board shall establish regular meeting times, as needed. Special meetings may be called as needed by the Chairman or by any two members.
- F. Duties. The Board shall:
- (1) Design and promulgate its own rules and regulations, not otherwise covered herein and not otherwise inconsistent herewith, to fulfill the purpose and intent of this code, including the adoption of recommended enforcement guidelines for violations of this code. These rules and regulations shall be submitted to the Board of Selectmen for review and comment and adopted after a public hearing by the Board of Ethics;
 - (2) Receive complaints of violations of this code, investigate the same, give the Town official and/or employee notice and an opportunity to be heard, make such findings as it may deem appropriate in each case as promptly as feasible, and make recommendations to the Board of Selectmen, with notice to the respective board, commission, or agency;
 - (3) Render advisory opinions in writing to Town officials or employees who make a written request to the Board with respect to this code; and
 - (4) Manage the distribution of this code and the training of the Town's officials and employees as to its provisions.

§ 64-6. Distribution of code.

The Town Clerk shall cause a copy of this Code of Ethics to be distributed to Town officials and employees upon their election, appointment, or hire.