

LEGAL NOTICE  
CITY OF TORRINGTON

REVISED Ethics, Code of

Be it Ordained by the Board of Councilmen of the City of Torrington that the Code of Ordinances Chapter 22 has been revised as follows:

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PART I. - CODE OF ORDINANCES—ADMINISTRATIVE LEGISLATION  
Chapter 22 ETHICS, CODE OF

**Chapter 22 ETHICS, CODE OF<sup>1</sup>**

**§ 22-1. Declaration of policy.**

The proper operation of democratic government requires that public officials, employees, and prospective suppliers be independent, impartial and responsible to the people of Torrington; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal or private gain; and that the public have confidence in the integrity of government. In recognition of these goals, a Code of Ethics is hereby established for officials, employees and prospective suppliers of the City of Torrington, as are hereinafter defined. The purpose of this code is to establish ethical standards of conduct by setting forth those actions that are in conflict with the best interest of the City and by directing disclosure of any financial or personal beneficial interest in matters affecting the City.

**§ 22-2. Scope.**

The Code of Ethics of the City of Torrington shall govern any elected or appointed official or any employee or any prospective supplier, as hereinafter defined. The Code of Ethics shall be in addition to and not in lieu of any other applicable departmental rules and regulations, Charter provisions or other ordinances.

**§ 22-3. Definitions.**

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

**CONFIDENTIAL INFORMATION:** Information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such nature that it is not, at the time of transmission, a matter of public record or public knowledge. [Added 12-18-2000]

**CONFIDENTIAL INVESTIGATION:** The examination, prior to a finding of probable cause, of both written and oral evidence, that is not to be disclosed to any third party by anyone connected with the investigation, except upon the written request of the respondent.

**EMPLOYEE:** Each and every person employed by the City in any capacity, permanent, temporary, full-time or part-time. [Amended 12-18-2000]

**FINANCIAL INTEREST:** Any interest in which an individual derives or expects that he will derive economic and/or pecuniary gain or loss to himself, to any member of his immediate family or to any organization to which said individual is affiliated as an employee, owner, partner or member of a governing board or from which said individual will receive or expects to receive a gift.

**GIFT:** Includes the receipt of any goods, services or loan for an amount, less than the amount charged to the general public for like goods, services or loans.

**IMMEDIATE FAMILY:** All persons residing in an official's or an employee's household, and an official's or employee's grandfather, grandmother, mother, father, wife, husband, son, daughter, brother, sister, grandchildren, mother-in-law, father-in-law, son-in-law, and daughter-in-law. [Added 12-18-2000]

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<sup>1</sup>Editor's note(s)—[HISTORY: Adopted by the Board of Councilmen of the City of Torrington 6-6-1988. Amendments noted where applicable.]

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**OFFICIAL:** Each and every person holding a position by election or appointed in the service of the municipality, whether paid or unpaid, including a member of any board, agency, committee or commission thereof.

**OFFICIAL ACT, ACTION OR DUTY:** Any legislative, administrative, appointive or discretionary act of any official or employee of the City or of any agency, board, committee or commission thereof.

**PERSON:** A business, individual, corporation, union, association, firm, partnership, body politic, committee, club or other organization or group of persons.

**PERSONAL INTEREST:** Any interest, other than a financial interest, which shall affect or benefit the individual or his immediate family or any organization with which the individual is affiliated which is not common to the general interest of other citizens of the City.

**PROSPECTIVE SUPPLIER:** Any individual and/or entity paid by the City to provide supplies, materials, equipment and contractual services to any department, office or agency of the City, including the Board of Education, pursuant to the City's procurement process .

#### **§ 22-4. Standards of service.**

All officials and employees of the City should be loyal to the objectives and purposes of the City as expressed by the electorate, the Charter and the ordinances and the programs developed to attain those objectives. All should adhere to the rules and regulations of performance and work established as the standards for their positions by the appropriate authority. It shall be the responsibility of officials and employees to carry out their duties to the best of their abilities and with the highest moral and ethical standards, regardless of personal consideration. Their conduct should at all times be for the public good and within the bounds of the law, should be above reproach and should avoid conflict between public and private interests and responsibilities.

#### **§ 22-5. Use of public property.**

No official or employee shall request or permit themselves or others the use of City-owned or -leased vehicles, equipment, materials or property for personal convenience or profit, except when such aforementioned property is available to the public generally or is provided in conformance with established City policies for the use of such officials or employees in the conduct of City business or when such vehicle or property is provided as part of an employee's compensation.

#### **§ 22-6. Special consideration.**

No official or employee shall grant or accept any special consideration, treatment, favor or advantage beyond that which is generally available to all residents and/or taxpayers of the City. No official or employee shall use their position to influence or attempt to influence the appointment or employment of any individual to any position with the City.

#### **§ 22-7. Political activities.**

No official or employee shall promise an appointment or use their influence to obtain an appointment to any municipal position as a reward for any political activity.

#### **§ 22-8. Conflict of interest.**

No official or employee shall engage in any business or transaction ~~or shall~~ or have a private financial interest or personal interest, direct or indirect, which is incompatible or in conflict with the proper discharge of their

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official duties in the public interest or would tend to impair their independence of judgment or action in the performance of their official duties.

Editor's note(s)—See also §§ C10-4 and C21-8 of the Charter.

#### **§ 22-9. Acceptance of gifts, gratuities and favors.**

No official or employee shall accept or solicit anything of value, whether in the form of a gift, a promise of a gift, service, loan, thing or any other form, from any person who, to their knowledge, is interested, directly or indirectly, in any manner whatsoever, in business dealings with the City, which gift may tend to influence them in the discharge of their official duties by granting any improper favor, service or thing of value.

#### **§ 22-10. Appearance on behalf of private interest.**

No official or employee shall appear on behalf of private interests before any board, commission, department, or agency of the City of which they are a member, alternate, or employee, or before any other board, commission, department or agency of the City when said appearance would be in conflict with or would tend to impair their independence of judgment and action in the performance of their official duties as such official or employee. Any such person may appear before any board, commission, or agency of the City on behalf of their constituents in the course of their duties as a representative of the electorate or in the performance of civic obligations. Nothing in this section shall prohibit an official or an employee from appearing on their own behalf or on behalf of any member of their immediate family before any board, commission, department or agency of the City. Nothing in this section shall prohibit a public employee or public official from voting or otherwise participating in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the municipality.

Editor's note(s)—[Amended 12-18-2000]

#### **§ 22-11. Confidential information.**

No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City or use such information to advance the financial or other private interest of themselves or any other person.

#### **§ 22-12. Financial interest.**

No official or employee who has a financial or personal beneficial interest in any transaction or contract with the City or in the sale of real estate, materials, supplies or services to the City, on which they may be called to act upon in their official capacity, shall vote upon or otherwise participate in the transaction or contract.

#### **§ 22-13. Incompatible service.**

No official or employee shall engage in or accept private employment with or render service for private interests when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair their independence of judgment or action in the performance of their official duties.

#### **§ 22-14. Disclosure of interests.**

- A. Any official or employee who has, knows they will have or later acquires a financial or personal interest, directly or indirectly, in any matter under consideration before them or their department in their or its official capacity shall disclose, as soon as they have knowledge of such actual or prospective interest, in

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writing or on the record, the nature and extent of such interest to the Chairman, board, commission, department or agency of which they are a member or, in the case of an employee, to their superior. Such person shall disqualify themselves from voting or acting on such matter.

- B. Any official or employee who has, knows they will have or later acquires a financial or personal interest, directly or indirectly, in any proposed action of any board, commission, department or agency of the City and who participates in discussion with or gives an official opinion or recommendation to any board, commission, department or agency or the City shall disclose on the record the nature and extent of such interest.

#### **§ 22-15. Later-case interest.**

No official or employee shall, after the termination of service or employment with the City for a period of one year after such termination, appear before any board, commission, department or agency of the City for compensation by any private interest to any case, proceeding or application in which they personally participated during the period of their service or employment or which was under their active consideration.

#### **§ 22-16. Board of Ethics created; membership and terms.**

There is hereby created a Board of Ethics, which shall be charged with the administration of the Code of Ethics. The Board of Ethics shall be comprised of five resident electors and three alternates, appointed by the Mayor with the advice and consent of the City Council. Of the five regular members, no more than two shall be of the same political party, and, of the three alternates, no more than one shall be of the same political party. Of the five members initially appointed, three shall be appointed for terms of three years and two for terms of two years. Of the three alternates initially appointed, two shall be appointed for terms of three years and one for a term of two years. All subsequent appointments to the Board shall be for terms of three years. Any regular member having served for six years in succession shall be ineligible for reappointment to the Board. For individuals filling a vacancy, successive years of service will commence with the next appointment period. No member of said Board shall serve the City in any other capacity, either as an elected or appointed official or employee.

#### **§ 22-17. Adoption of rules of procedure and regulations by Board.**

- A. The Board of Ethics shall adopt rules of procedure and regulations which it deems necessary to carry out the intent of this chapter, and the same and any amendments thereto shall be filed in the office of the Town Clerk and available for public inspection. The Board shall annually elect a Chairman, Vice Chairman and Secretary. The presiding Board member shall appoint alternates, on a rotating basis, to serve in the absence of a regular member.
- B. On or before June 1 of each year, the Board shall submit to the Mayor and the Board of Councilmen a written report which shall include but not be limited to:
- (1) A summary of its activities.
  - (2) An analysis of developments and trends in the area of public ethics.
  - (3) A recommendation for improvements in the Municipal Code of Ethics.

#### **§ 22-18. Procedure for receiving and hearing complaints.**

- A. The Board shall receive complaints from any person of any alleged violation of the Code of Ethics and shall investigate all complaints received. Any complaint received by the Board must be in writing and signed by the individual making said complaint under penalty of the false statement. Said complaint shall be filed with the City Clerk's office and shall be deemed to have been received on the date of the Board's next regularly scheduled meeting.

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- (1) All discussions of the Board held in Executive Session are confidential. All other minutes of the Board are public information and will be posted on the Board's page on the City's website.
- (2) The Board may, if necessary, consult with the City's Corporation Counsel on any matters in connection with their responsibilities.
- (3) Clerical support will be provided by the City of Torrington.
- B. Upon receipt of a complaint, the Board shall notify the respondent in writing within three days of receipt of the complaint of the specific nature of the complaint and shall enclose therewith a copy of the complaint. The Board shall also notify the complainant of its receipt of said complaint within three days of its receipt. The Board shall conduct a preliminary investigation to determine whether probable cause exists to believe a violation of the code has occurred and may hold an informal hearing on said matter at which the respondent shall have the right to appear and be heard. Any such informal hearing shall be held in executive session.
- C. In the event that an informal hearing is to be held, notice shall be given to the complainant and respondent that shall specify the date, time and place of said hearing. Said hearing shall be held not less than 10 nor more than 30 days after receipt of said complaint. The Board shall issue its decision as to whether probable cause exists to believe a violation of the code has occurred within 30 days of the close of the informal hearing. In the event that no informal hearing is held, the Board shall issue its decision within 30 days of receipt of the complaint. The Board shall mail a copy of its decision to the complainant and respondent.
- D. All information supplied to or received by the Board shall remain confidential, as specified by General Statutes §1-82a, unless and until the Board makes a finding that probable cause exists to believe a violation of the code has occurred, or unless the Respondent requests in writing that the entire record and any hearing be open to the public.
- E. If the Board determines that probable cause exists to believe a violation of the code has occurred, it shall hold a formal hearing, which shall be open to the public. The complainant and respondent shall be notified in writing of the date, time and place of the hearing not less than 10 days before the scheduled date of said hearing. No hearing may be conducted with fewer than five members in attendance. Said hearing shall be held within 60 days of issuance of the Board's finding of probable cause.
- F. Such hearing shall be conducted under the Board's rules and regulations, which shall include the following:
- (1) Oral evidence shall be taken under oath.
  - (2) The complainant and respondent shall have the right to be represented by counsel, to examine and cross-examine witnesses and to present evidence on his or her own behalf.
  - (3) A memorandum of decision shall be mailed to the complainant and respondent within thirty (30) days after the conclusion of a formal hearing on said complaint, and a copy of said memorandum of decision shall be filed with the Mayor, City Clerk and City Council.
- G. All notices and other correspondence to the complainant and respondent shall be by first class mail, unless either the complainant and/or respondent agree to receive notices and correspondence electronically.
- H. The Board may subpoena witnesses to testify and may compel production of documents and other effects as evidence, and failure to obey such subpoena shall be punishable as prescribed by the Connecticut General Statutes.
- I. The time limits for holding hearings or issuing decisions as prescribed by this section may be extended for a reasonable amount of time upon request of the respondent and for good cause shown or upon the Board's own initiative. Notices of any extensions of time shall be sent to the complainant and respondent.

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### **§ 22-18.1. Advisory opinions.**

Regarding any person subject to the Code of Ethics of the City of Torrington, and upon such person's written request, the Board shall issue advisory opinions with regard to the requirements of this code. Such written requests shall state with specificity the factual basis upon which the Board shall opine. Advisory opinions rendered by the Board, until amended or revoked, shall be binding on the Board and shall be deemed to be final decisions of the Board. Any advisory opinion concerning the person who requested the opinion, who acted in reliance hereon, in good faith, shall be an absolute defense in any manner brought under the provisions of this code.

Editor's note(s)—[Added 12-18-2000]

### **§ 22-19. Recommendations from Board of Ethics.**

- A. The Board of Ethics shall submit its memorandum or decisions to the board, agency or public official exercising supervisory or disciplinary authority over the respondent for appropriate action. Said memorandum shall contain a recommended disposition of the matter, which recommendation may include, but shall not be limited to, the following:
  - (1) Oral reprimand.
  - (2) Written reprimand.
  - (3) Suspension without pay.
  - (4) Monetary fine not to exceed \$100.00.
  - (5) Termination of employment or removal from appointed office.
  - (6) Any combination of the penalties and sanctions listed above.
- B. Any matter which appears to involve criminal conduct shall be referred to the Police Department.
- C. Any matter involving a violation of § 22-8, 22-9, 22-10, 22-11, 22-12, 22-13 or 22-14 in connection with the award of any contract for material, supplies, services, personal or real property shall be referred to the Board of Councilmen, which may void the contract or transaction.

### **§ 22-20. Distribution of Code of Ethics.**

- A. The Human Resources Department for the City of Torrington shall furnish a copy of this Code of Ethics to each person employed by the City of Torrington before entering upon the duties of his or her office. A signed receipt for all copies shall be returned to said Human Resources Department and retained in such individual's personnel folder.
- B. The City Clerk furnish a copy of this Code of Ethics to each public official elected or appointed at such time as said official takes his/her oath of office. A signed receipt for such copy shall be maintained by the City Clerk.
- C. The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every employee of the Board of Education before entering upon his or her employment. A signed receipt for all copies shall be returned to the Superintendent of Schools and retained in such person's personnel folder.
- D. As part of the procurement process set forth in the Charter of the City of Torrington, all prospective suppliers of supplies, materials, equipment and/or contractual services to the City, including the Board of Education, shall be furnished a copy of this Code of Ethics by the City's Purchasing Agent as part of the bid process and shall be required to comply with said Code.

Editor's note(s)—[Amended 12-18-2000]

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Copies of the Ordinance are available on the City's website and in the Office of the City Clerk.

Dated at Torrington, Connecticut, this 19th day of November 2024.

Passed: November 18, 2024

Published: November 20, 2024

Effective: December 20, 2024



Elinor Carbone, Mayor



Carol L. Anderson, MMC, City Clerk

