

# GREENWICH VOTER



JANUARY 2009

★ SPECIAL ISSUE: ★  
League of Women Voters of Greenwich  
ETHICS STUDY REPORT & CONCURRENCE STATEMENTS

*Concurrence is the act of agreeing – or concurring – with a statement. League members may concur with a statement arrived at by another league, by a study committee based on their research or a position of long standing which they wish to reaffirm. In preparation for Concurrence, the study committee prepares the statement(s) and any background material that may be necessary. The statement is to be judged exactly as it is written and may not be amplified or made subject to conditions. It is not a question. The board approves the statement before it is sent to the membership for their consideration. Member participation is important; the board needs to decide if enough members have taken part in the Concurrence process.*

## ETHICS STUDY REPORT

The League of Women Voters of Connecticut believes that the public should have confidence in the integrity of its government. Government officials and employees should be held accountable for carrying out their duties in both an effective and ethically responsible manner. To these ends, the League supports actions to strengthen Connecticut's code of ethics as they apply to town officials and promote the establishment of municipal ethics commissions and ethics codes.

In the summer of 2005, a small ad hoc committee was formed to analyze whether or not the Greenwich Code of Ethics was consistent with the new LWV of CT ethics position. At that time the Freedom of Information Commission, in response to a complaint, found the procedures and actions of Greenwich's Board of Ethics in violation of requirements for full access to

*(continued on next page)*

★ **LWVG MEMBERSHIP MEETING** ★  
**FOR DISCUSSION & CONCURRENCE**

### **GREENWICH BOARD AND CODE OF ETHICS**

**February 19, 2009 - 7:00pm**

*Snow Date: February 23*

**Town Hall - Cone Room**

Member signed concurrence statements may be submitted at the conclusion of this special meeting or by mail using the tear-off page at the end of this Voter. All signed statements must be received by March 1.

#### **BRING THIS SPECIAL GREENWICH VOTER WITH YOU!**

*Please Note: While the League welcomes guests at all our meetings, a concurrence meeting is special. Only members of the League of Women Voters of Greenwich may participate in the discussion or return the signed statements.*



The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. It was founded in 1920 as an outgrowth of the 72 year struggle to win voting rights for women.

## ETHICS STUDY REPORT *continued*

information. Members of the Board of Ethics were also required to attend a training program on Freedom of Information rules on July 14, 2005.

In addition, in April, 2005 Common Cause of CT released its “2004 Municipal Ethics Survey” of all CT municipalities. Of 34 provisions deemed important by Common Cause for an effective ethics code, Greenwich had 9.

After comparing the Common Cause requirements for a model code of ethics with other model codes, the LWVG ethics study committee compiled a tentative list of items that could be included in the Greenwich Code of Ethics (see Appendices I and II, pages 11-16) and began interviewing former and current Board of Ethics members, Selectmen and others (see Appendix III, page 17, for complete list).

As interviews progressed and suggestions for changes to the Code were identified, the LWVG ethics study committee realized that a complete LWV study was needed and not just a review. Therefore, in 2007 at the committee’s request, a LWV study was adopted at the annual meeting.

The scope of the study was to: (1) Compare the existing Code of Ethics to other model codes; (2) to review the composition, powers and procedures of the Greenwich Board of Ethics; and (3) evaluate the provisions of the Greenwich Code of Ethics for clarity, transparency, comprehensiveness and effectiveness.

During this study, the committee researched materials from government, business, and the nonprofit sectors including the State of Connecticut Model Code of Ethics, the International Municipal Lawyers Association Model Code of Ethics and the American Society for Public Administration, Code of Ethics (see Bibliography Appendix VII, pages 21-22), hosted a member luncheon meeting focusing on ethics, and conducted interviews with all current and former members of the Board of Ethics as of 12/07.

This report includes the findings of the committee, our references, and statements for member concurrence. Concurrence statements appear with pros and cons in the body of the report and in a list at the end of the report for ease of submission to LWVG. **A special member meeting to discuss this study is scheduled for February 19, 2009 at 7:00pm in the Cone Room at Town Hall (snow date: February 23). Member signed responses to concurrence statements may be submitted at the conclusion of this special meeting or via mail. All responses must be received by March 1.**

Members’ responses to the concurrence statements will provide the League with the opportunity to formulate positions that will enable our advocacy for reform. It is important that as many members as possible participate and have their voices heard.

**2008-09**  
**LWVG Board of Officers and Directors**

**OFFICERS**

Naomi Schiff Myers <b>PRESIDENT</b>	637-3892
Jackie Hammock <b>EXECUTIVE VP</b>	637-7947
Cyndy Anderson <b>VP PROGRAM</b>	637-1079
Sue McCalley <b>VP ADVOCACY</b>	637-3749
Jara Burnett <b>VP VOTER SERVICES</b>	637-9244
Caroline Adkins <b>SECRETARY</b>	629-3849
Sherri Hutchinson <b>TREASURER</b>	531-5430

**DIRECTORS**

Janice S. Calkin <b>MEMBERSHIP</b>	661-9297
Lauren Burgweger <b>COMMUNICATIONS</b>	249-3029
<b>DEVELOPMENT</b>	<b>OPEN</b>
Lori Jackson <b>NOMINATING</b>	698-0158
Marla Laney <b>VOTER EDITOR</b>	637-3137

# ETHICS STUDY REPORT *continued*

## HISTORICAL BENCHMARKS

Greenwich's Board of Ethics and its Code of Ethics date back to 1965 when Lowell Weicker was First Selectman. According to an article in *Greenwich Time*, the local Conflict of Interest Act was needed so that financial dealings between the Town and its officers would become public knowledge. Some people claimed that a political vendetta was the motivation behind its passage, but Lowell Weicker is quoted as saying "The proposed Code of Ethics 'is not restrictive and it does not discourage able persons from either serving our town government and any of its volunteer bodies or discourages(sic) any of our citizens from doing business with the town.'" In June 1969, the Code of Ethics was amended, for the sole time, to change the starting date of terms of office of board members from January 1 to April 1.

On November 13, 2007 the Board of Ethics adopted a comprehensive set of procedures and standardized forms which dealt with many of the concerns of the committee. The set of procedures, the Code of Ethics and a list of Board members are now on the town's website [www.greenwichct.org](http://www.greenwichct.org). This is a big step forward toward making the system understandable and effective. The statements for concurrence in this report reflect practices and procedures that have not yet been addressed.

It's important to note that, after years of unsuccessful attempts following a series of scandals involving state public officials, the Connecticut General Assembly while in 2008 special session finally passed HB 6502, AAC Comprehensive Ethics Reform. The Governor signed the bill into law in June 2008 - Public Act 08-3.

The new law contains a variety of provisions including:

- Permitting state courts to reduce or revoke pensions of state and municipal officials and employees who commit certain crimes related to their employment;
- making failure to report a bribe a crime;
- making changes to the state ethics code, such as limiting gift exceptions and prohibiting state contractors from hiring certain former public officials and state employees;

- requiring legislators to undergo mandatory ethics training;
- requiring public agencies to post meeting dates, times and minutes on their websites.

## COMPOSITION OF THE BOARD OF ETHICS

The Greenwich Code of Ethics provides for a five (5) member Board of Ethics. Members are nominated by the Board of Selectmen and appointed by the Representative Town Meeting for three-year staggered terms. The Board of Ethics receives complaints and requests for advisory opinions, investigates each situation and renders an opinion. By custom, the Board of Ethics has had one member of the clergy and several attorneys as members. One member of the Board served for 42 years, for much of that time as chairman, and stepped down in 2007.

## KEY COMPONENTS OF CURRENT ETHICS CODE

Key components of the Code of Ethics, found in Appendix I, pages 11-13, include:

- Definitions of town officer, indirect interest, substantial financial interest and transactions;
- Prohibitions on accepting a valuable gift, thing, favor, loan or promise which might influence a town officer's action;
- Prohibition on a town officer with a substantial financial conflict of interest using his/her office to influence the transaction or to vote on such transaction;
- Requirement for financial disclosure of transactions between a town officer and the Town totaling more than \$100 during any fiscal year;
- Provisions for the Board of Ethics to make recommendations for suspension or removal from office. (However, the Board of Ethics has no enforcement authority.)

## RESULTS OF THE STUDY

This information was obtained from interviews and examinations of relevant documents.

### MAIN FUNCTIONS

Members of the Board of Ethics identify their main functions as:

- “1. soliciting, reviewing and evaluating annual statements from Town Officers of any business they, their families or their affiliates conducted with the town;
2. hearing and adjudicating complaints of violations of the Code and
3. rendering confidential advisory opinions to Town Officers who seek advice on the application of the Code to specific transactions.” (Annual Reports, 1986-2007)

An important characteristic of the Board of Ethics Board is that it is **reactive, not proactive**. It does not go looking for ethical violations but reacts to requests for advisory opinions or complaints.

### FLEXIBLE VS DETAILED CODE

Early in the interview process, the committee realized that there was a serious difference of opinion, among the interviewees, on how detailed a Code of Ethics should be. Some said that the existing code gives the Board more flexibility because it leaves more room for interpretation. Others thought a more detailed code would provide more guidance. For instance, some model codes establish exact dollar limits on gifts, but Greenwich’s Code says, “valuable gift, thing, favor, loan or promise which might tend to influence the performance or nonperformance of his official duties.” A small gift, such as a cup of coffee, would probably not influence the actions of any town officer. Does that still hold true if a cup of coffee is given every day or several times a week? It should be noted that some of the lawyers interviewed by the LWV committee pointed out that some ethical violations are also criminal, such as misuse of town property for personal gain and therefore would be covered by criminal statutes.

### DISTRIBUTION OF CODE AND TRAINING

The Code of Ethics is not distributed to all **town officers** as defined below nor is there ethics training for RTM members and members of boards, commissions and committees. Employees do receive ethics training and personnel policies that include ethics guidelines. However, the Board in the past has provided briefings upon request to non-employee town officers. [1993 Annual Report of the Town of Greenwich, p.20].

### DEFINITION OF TOWN OFFICER

The definition of town officer in the Code is very broad. In Sec. 2-6 (a) (3) a town officer is defined as “any official, employee, agent, consultant, or member, elected or appointed, of any board, department, commission, committee, legislative body or other agency of the Town.”

This means that all of the above, i.e. town employees, elected officials including RTM, members of boards and commissions and consultants are subject to financial disclosure requirements for transactions with the town totaling \$100 or more during a fiscal year. Employee salaries are not considered to be reportable transactions. However, as the statute is currently worded, a consultant could be required to report earnings from the Town even if said consultant is neither an elected or appointed official nor an employee.

### FINANCIAL DISCLOSURE

Although “the soliciting, reviewing and evaluating” of annual financial statements (see Appendix V, page 19) is a main function of the Board of Ethics, the process for doing so lacks clarity. The study committee received conflicting and/or uncertain responses when attempting to document the soliciting/distribution process. There was agreement, however, that financial disclosure forms are collected by the Town Clerk. There is no requirement that the Board of Ethics reviews these forms but in past practice they have been reviewed by the Board of Ethics. In 2008, 48 completed forms were actually filed with the Town Clerk. It appears that **only RTM members and town employees are consistently given financial disclosure forms** each year even though many others

## RESULTS OF THE STUDY *continued*

should receive them or at least be made aware that there is a possibility a financial disclosure form should be filled out. For instance, poll workers usually earn more than \$100 in a fiscal year but are mostly unaware that they should fill out a financial disclosure form. The number of financial disclosure forms filed per year in the last 20 years ranges from 8 to 48. (See Board of Ethics Annual Report Summary, Appendix IV, page 18).

### NON-FINANCIAL CONFLICTS OF INTEREST

The Greenwich Code of Ethics does not deal with non-financial conflicts of interest. Some of those who were interviewed thought that all conflicts of interest were essentially financial. However, other ethics codes refer to **non-financial conflicts and appearance of conflict of interest**. An example of non-financial conflict of interest could involve an elected official and a not-for-profit project supported by a family member. The elected official might be in a position to support said project without financial gain, but his/her decision might or might not be in the best interest of the Town.

### RECUSAL ISSUES

If there is a substantial financial conflict of interest, the Code requires that the town officer recuse him/herself. In Sec. 2-8, the Greenwich Code says “No town officer having a substantial financial interest in any transaction with the town or in any action to be taken by the town shall use his office to exert his influence or to vote on such transaction or action.” However, there is a widely held opinion that the person with the conflict of interest may be one who has expertise in the subject being discussed and that if he/she publicly identifies any conflict of interest, he/she may participate in the discussion but should not vote on the matter. Alternatively, others think that a person with a conflict can unduly influence the vote outcome and therefore should recuse him/herself from the deliberations as well.

The Board of Ethics thinking on whether a Town officer should recuse him/herself from deliberations appears to have changed over time. In a 2003 opinion, the Board advised that it was unnecessary for a town officer to recuse himself from deliberations relating to town allocations that

would financially impact certain Greenwich landowners, including the officer and his family. In a 2008 Frequently Asked Questions sheet, the Board noted that the Code prohibits “using one’s office to influence the Town’s decisions on matters that they have a substantial personal financial interest in by voting or participating as a Town official in the deliberations concerning those decisions.” [Frequently Asked Questions about the Code of Ethics of the Town of Greenwich, 07-01-08, Section A, available on the town website: [www.greenwichct.org](http://www.greenwichct.org)]

### PROFESSIONAL CONFLICTS AND SERVICE ON BOARDS

A particularly thorny issue relating to **conflict of interest and undue influence** is whether a town officer should practice his/her profession before the Board/Commission on which he/she serves or a Board/Commission closely related in operations to one on which he/she serves. During the course of this study, interviewees’ opinions were sharply divided. Some held the view that with the Town’s dependence upon volunteer boards and commissions, the Town cannot afford to forgo service of knowledgeable individuals. Others agreed with the need for knowledgeable individuals but held that service should be confined to those individuals whose income is not tied to client work before boards/commissions on which the individual serves.

A 1998 opinion rendered by the Board of Ethics supports the latter view:

“With respect to compliance with the Town Code, we found that should a Town officer or a member of his/her firm represent a client before his/her own agency or its staff or any other agency with which the officer’s agency or staff normally consult, the Officer would be in violation of the Code and have a direct or indirect financial interest in a transaction with the Town. Specifically, it would violate Section 4 of the Code entitled Improper Influence which forbids use of an office to exert influence. The act of representing a client before an agency of which the Officer is a member or any entity which has a close working relationship with the Town officer’s agency constitutes an attempt to exert influence on that or related agency while in office.”

## RESULTS OF THE STUDY *continued*

Notwithstanding this decade-old advisory opinion, confining service to volunteers whose economic-well-being is not tied to client work before the respective or related agencies on which the volunteer serves has not been included in the Code of Ethics nor adopted as town policy.

### ADVISORY OPINIONS AND COMPLAINT RULINGS

The Board of Ethics issues advisory opinions and rulings on complaints. Until the Freedom of Information Commission ruled in 2005 that opinions of the Board of Ethics must be public information, an advisory opinion was given only to whomever requested it. This meant that a town officer or potential town officer could find out whether or not outside activities might be considered a conflict of interest without public disclosure. Because the Code provides for **confidential opinions**, it is **in conflict with the Freedom of Information ruling**. However, if all opinions are public information, they can serve as guidelines for future questions. For example, in a recent advisory opinion involving the RTM, the Board of Ethics stated that “the far safer choice is for the employee to abstain from voting on all matters that pertain to the Department that employs the employee.”

Newly-adopted procedures offer the option of having a friend ask for an advisory opinion on behalf of an unidentified town officer in order to avoid public disclosure of the town officer’s name and thus skirt the Freedom of Information law. This contrasts sharply with the LWVCT position on ethics which states

that “Government officials and employees should be held accountable for carrying out their duties in both an effective and an ethically responsible manner.”

### ENFORCEMENT ISSUES

The Board of Ethics responds to complaints but has no enforcement power. In Sec. 2-10 the code says, “The violation by any town officer of any of the provisions of this Article shall, upon recommendation of the Board of Ethics, constitute good and sufficient cause for proceedings for his suspension from office.” Recommendations are forwarded to the appointing authority for disciplinary action, but there is no requirement that the appointing authority act on the recommendation. If the town officer is an elected official, it is not clear that anyone other than the voters at the next election has the power to remove an elected official from office. In the case of boards and commissions appointed by the RTM, there is nothing in Greenwich’s Charter which allows the RTM or anyone else to remove members of boards and commission before their term ends. It might be possible to remove an employee or a consultant depending upon union or consultant engagement contracts.

### LACK OF DESIGNATED STORAGE SPACE AND CLERICAL HELP

Another issue raised during the course of the LWV committee study was the lack of designated storage space and clerical help for the Board of Ethics. Until a couple of years ago, many of the records of the Board of Ethics were stored at the homes of members.

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### LWVG ETHICS STUDY COMMITTEE (2006-2008)

Cheryl Dunson  
Mary Ferry  
JoAnn Messina  
Eileen White, former member

# CONCURRENCE STATEMENTS

The concurrence statements are below. These statements are duplicated on a tear-off sheet at the end of the *Voter*. The concurrence tear-off page may be returned in one of two ways: either submitted at the concurrence meeting to be held on February 19, 2009 at 7:00pm (snowdate February 23) at the Greenwich Town Hall Cone Room, or via mail by March 1, 2009 to Jackie Hammock, 51 Forest Avenue, Unit #93, Old Greenwich, CT 06870.

The League of Women Voters of Greenwich concurs with the position of the League of Women Voters of Connecticut “that the public should have confidence in the integrity of its government. Government officials and employees should be held accountable for carrying out their duties in both an effective and an ethically responsible manner.” Therefore, the LWVG believes that the Town of Greenwich should:

1. **A.** ensure that every newly elected, appointed or employed town officer (as defined by the Municipal Code 2-6a3) read and acknowledge understanding of the Town’s Code of Ethics;

AGREE ( )                      DISAGREE ( )

- B.** create an interpretative companion guide to the Ethics Code which could include examples of ethical and non-ethical behavior;

AGREE ( )                      DISAGREE ( )

- C.** develop a mechanism for the annual distribution of the Code of Ethics Disclosure Form to all town officers and explicit procedures for collecting, evaluating and storing completed disclosure forms;

AGREE ( )                      DISAGREE ( )

- D.** provide sufficient funding and resources, e.g., storage and clerical assistance, to support the work of the Board of Ethics, including annual dissemination and collection of disclosure forms and issuance of the code to town officers.

AGREE ( )                      DISAGREE ( )

<p><b>Pros:</b></p> <ul style="list-style-type: none"> <li>• uniform and consistent distribution of the code will establish an expectation of ethical behavior at the outset of appointment or employment;</li> <li>• ethics will no longer be a “step-child” but an integral part of our expectations of elective or appointive service or job performance;</li> </ul>	<p><b>Cons:</b></p> <ul style="list-style-type: none"> <li>• will require more work on behalf of volunteer boards and staff;</li> <li>• administrative difficulty in handling the number of disclosure forms possibly generated by full compliance.</li> </ul>
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## CONCURRENCE STATEMENTS *continued*

2. The LWVG believes that the Town of Greenwich Code of Ethics should be expanded to include:

A. non-financial conflicts of interest and the appearance of conflicts of interest;

AGREE ( )                      DISAGREE ( )

B. an expanded gift policy section to address “pattern” of gifts, for example, “no town officer should routinely accept any gift or item that could give the appearance of influencing the performance or non-performance of duties”;

AGREE ( )                      DISAGREE ( )

C. requiring the appointing authority to acknowledge in a timely manner the findings of the Board of Ethics and report action taken;

AGREE ( )                      DISAGREE ( )

D. prohibiting the divulging of confidential information by town officers;

AGREE ( )                      DISAGREE ( )

E. increasing the current \$100 threshold for filing a Code of Ethics Disclosure Form.

AGREE ( )                      DISAGREE ( )

<p><b>Pros:</b></p> <ul style="list-style-type: none"> <li>• would include all types of conflicts of interest;</li> <li>• would highlight for town officers the appearance of influencing performance;</li> <li>• less chance of actions being influenced by a number of small gifts;</li> <li>• transparency and follow-up;</li> <li>• confidential work product of town not divulged for another’s personal gain;</li> <li>• inflation since 1965 makes the current \$100 threshold unrealistic;</li> <li>• a more clearly defined code is easier to understand and abide by and will help promote ethical behavior.</li> </ul>	<p><b>Cons:</b></p> <ul style="list-style-type: none"> <li>• an expanded code will have a “chilling” effect on potential volunteers stepping forward;</li> <li>• sometimes hard to identify non-financial conflicts and appearance of conflicts;</li> <li>• could be considered “micromanaging.” It would limit individuals ability to show appreciation to town officers;</li> <li>• in some cases, appointing authority has no power to take action, such as censure or removal, against anyone who has violated the code, e.g., the voters are the “appointing authority” for the elected officers;</li> <li>• there is a fine line between what is confidential and what should be public;</li> <li>• would reduce the number of filings.</li> </ul>
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## CONCURRENCE STATEMENTS continued

3. The LWVG believes that the Town of Greenwich Code of Ethics should require:

- town officers to recuse themselves from deliberations on issues where a conflict of interest exists.

AGREE ( )

DISAGREE ( )

<p><b>Pros:</b></p> <ul style="list-style-type: none"> <li>• eliminates undue influence and potential for personal gain;</li> <li>• participation in the deliberation discussions can significantly influence the outcome.</li> </ul>	<p><b>Cons:</b></p> <ul style="list-style-type: none"> <li>• not doing the job that they were appointed or elected to do;</li> <li>• eliminating info that may be useful; violating “free speech” rights.</li> </ul>
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4. The LWVG believes that the Town of Greenwich Code of Ethics should prohibit:

A. town officers from representing private interests before the town related to his/her area of service to the Town;

AGREE ( )

DISAGREE ( )

B. town officers from using public resources not otherwise available to the public

AGREE ( )

DISAGREE ( )

<p><b>Pros:</b></p> <ul style="list-style-type: none"> <li>• eliminates undue access and potential for personal gain;</li> <li>• eliminates the potential for conflict of interests of the town and the officers’ business interests in serving clients;</li> <li>• taxpayer office should not be used for personal or political gains to individual.</li> </ul>	<p><b>Cons:</b></p> <ul style="list-style-type: none"> <li>• limits number of volunteers who have expertise that could be helpful on boards and commissions;</li> <li>• may be difficult to separate the activities.</li> </ul>
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5. The LWVG believes that the Town of Greenwich should:

- enact a town ordinance that establishes a system to enable disciplinary action as a result of Board of Ethics findings relating to town officers.

AGREE ( )

DISAGREE ( )

<p><b>Pros:</b></p> <ul style="list-style-type: none"> <li>• would clarify reporting/authority lines;</li> <li>• would provide mechanism to take action in event of finding of unethical conduct;</li> <li>• promote transparency in government.</li> </ul>	<p><b>Cons:</b></p> <ul style="list-style-type: none"> <li>• would require town to pass enabling legislation. There may be difficulty in censuring/ disciplining elected officials or employees covered by union/employment contracts.</li> </ul>
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**GREENWICH MUNICIPAL CODE**  
**CHAPTER 2. ADMINISTRATION.**  
**ARTICLE 1. (RESERVED)**

**Secs. 2-1 through 2-4 (Reserved)**

**ARTICLE 2. CODE OF ETHICS.**

**Sec. 2-5 Ethics Code established.**

A Code of Ethics is established for all town officers.

(Ords. & Reg. § 6-1, 3/8/65.)

**Sec. 2-6. Definitions.**

(a) As used in this Article:

(1) *Indirect interest*, without limiting its generality, shall mean and include the interest of any subcontractor in any prime contract with the town and the interest of any person or his immediate family in any corporation, firm or partnership, which has a direct or indirect interest in any transaction with the town.

(2) *Substantial financial interest* shall mean any financial interest, direct or indirect, which is more than nominal and which is not common to the interest of other citizens of the town.

(3) *Town officer* shall mean and include any official, employee, agent, consultant or member, elected or appointed, of any board, department, commission, committee, legislative body or other agency of the Town.

(4) *Transaction* shall mean and include the offer, sale or furnishing of any real or personal property, material, supplies or services by any person, directly or indirectly, as vendor, prime contractor, subcontractor or otherwise, for the use and benefit of the town for a valuable consideration, excepting the services of any person as a town officer.

(Ords. & reg. § 6-2, 3/8/1965.)

**Sec. 2-7. Gifts and favors prohibited.**

No town officer or his immediate family shall accept any valuable gift, thing, favor, loan or promise, which might tend to influence the performance or nonperformance of his official duties.

(Ords. & Reg., § 6-3, 3/8/65)

**Sec. 2-8. Conflict of interest; Improper influence.**

No town officer having a substantial financial interest in any transaction with the town or in any action to be taken by the town shall use his office to exert his influence or to vote on such transaction or action.

(Ords. & Reg., § 6-4, 3/8/65).

**Sec. 2-9. Disclosure of financial interests.**

Within thirty (30) days after the end of each fiscal year each town officer having a substantial financial interest in one (1) or more transactions with the town totaling one hundred dollars (\$100.00) or more in the year shall file a written statement disclosing his position as a town officer, the nature of his interest in each transaction and the total amount received from such transactions during such year. Such statements shall be signed under oath and in form prescribed by the Board of Ethics and shall be filed in the office of the Town Clerk.

(Ords. & Reg., § 6-5, 3/8/1965.)

**Sec. 2-10 Violation of Article as cause for removal.**

The violation by any town officer of any of the provisions of this Article shall, upon recommendation of the Board of Ethics, constitute good and sufficient cause for proceedings for his Suspension or removal from office.

(Ords. & Reg., § 6-6, 3/8/1965.)

**Sec. 2-11. Board of Ethics; membership; term; vacancy.**

(a) There shall be established a Board of Ethics in and for the town.

(b) The Board shall consist of five (5) members who shall be appointed by the Representative Town Meeting on nomination by the Board of Selectmen. Appointments shall be for terms of three (3) years, commencing on April 1.

(c) Vacancies in the membership of the Board shall be filled for the unexpired portion of a term in the same manner as regular appointments. All members shall be electors of the town and shall hold no other town office. The members shall elect a Chairman and a Secretary.

(Ords. & Reg., § 6-7, 3/8/1965; as amended 6/9/1969.)

**Sec. 2-12. Complaints procedure; advisory opinion; report.**

(a) The Board of Ethics shall receive all complaints of violations of this Article, shall investigate the same and, after giving the town officer concerned an opportunity to be heard, shall make such findings and recommendations as it may deem appropriate in each case.

(b) Upon written request of any town officer, the Board shall render an advisory opinion to such town officer with respect to this Article and shall include all such advisory opinions in its annual report with such deletions as may be necessary to prevent disclosure of the identity of town officers requesting the opinion.

(c) Within three (3) months after the end of each fiscal year the Board shall prepare and submit to the Board of Selectmen and to the Representative Town Meeting an annual report of its actions during the preceding year and its recommendations. Additional reports, opinions and recommendations may be submitted by the Board to the Board of Selectmen and the Representative Town Meeting at any time.

(Ords. & Reg., § 6-8, 3/8/65.)

## **YOUR BOARD OF ETHICS DESCRIPTION AND PROCEDURES**

**WHAT IT DOES:** It functions primarily in two ways — as a judicial body which reviews complaints of violations of the Code and as counseling body which provides confidential advisory opinions to Town Officers.

**PRINCIPAL POWERS & DUTIES:** Complaints of violations of the Code of Ethics will be investigated by the Board. Its finding that a violation had occurred could enable proper agencies to start any appropriate action including removal proceedings against the violator.

Advisory opinions will be furnished to the Town Officers who request them. The right to request such opinions is a valuable privilege, and should be availed of whenever any doubt exists. The Code requires all such opinions to be kept confidential to protect Town Officers from unwarranted publicity. The Town Officer, at his sole discretion, may make the Advisory Opinion public or may authorize the Board to do so.

**HOW TO MAKE COMPLAINTS OR REQUESTS:** Complaints and requests for advisory opinions may be made to the Board care of the Town Hall. The Board will consider only those complaints or requests for advisory opinions that are made in writing.

Amended, September 2002

**LWVG ETHICS COMMITTEE**  
**Comparison of Suggested Provisions**  
**With Existing Greenwich Code as of 10/9/06 WORKING DRAFT**

<b>SUGGESTED PROVISIONS</b>	<b>EXISTING GREENWICH CODE</b>
<b>Board Composition, Powers and Procedures</b>	
Code of ethics.	Article 2 Municipal Code
Notification: Mandatory distribution of code and training for Town Officers. <sup>[i]</sup>	
Ethics Board: Independent ethics board or commission. Needs to expand to include procedures and policies, such as appointment of chair, term limits, what constitutes a quorum.	Sec. 2-11
Appointment of Board: Nominated by Board of Selectmen. Appointed by legislative body.	Sec. 2-11
Recommending Discipline: Authority of board to recommend discipline.	Sec. 2-10
Advisory Opinions: Authority of board to issue advisory opinions upon request, but FOIC requires that they be non-confidential.	Sec. 2-12 (b)
Standardized form for reporting complaints and requesting advisory opinions. <sup>[ii]</sup>	
Timely Disposition. <sup>[iii]</sup>	
<b>Code Provisions</b>	
Response to Recommendations: Requirement of bodies to make public and act on board's recommendation. Town needs a mechanism to address disciplinary action for Town Officers, including penalties.	
Citizen Complaint: Public right to file complaint regarding alleged violations of ethics code.	Sec. 2-12 (a)
Financial Disclosure: Requirement of annual financial statements by Town Officers and immediate family members, but is not inclusive enough.	Sec. 2-9
Definition of Conflict of Interest: Inclusion of non-financial as well as financial interest.	Sec. 2-8 and Sec. 2-9
People Doing Business: Code applies to individuals doing business with municipality. (See also IMLA <sup>[iv]</sup> Code 9-111 (a)) <sup>[v]</sup>	
Disclosure of Conflicts: Disclosure required of Town officers when appearance of conflict arises.	

**LWVG ETHICS COMMITTEE**  
**Comparison of Suggested Provisions**  
**With Existing Greenwich Code as of 10/9/06 WORKING DRAFT *continued***

<b>SUGGESTED PROVISIONS</b>	<b>EXISTING GREENWICH CODE</b>
Preferential Treatment: Prohibition on Town Officers favoring certain groups or individuals.	
Gifts: Limitations on acceptance of gifts by Town Officers and immediate family members. (See also IMLA Code 9-103 (c) (2) <sup>[vi]</sup> and State Model Code 1 f 1-13)	Sec. 2-7
Quid Pro Quo: No soliciting/accepting of anything in exchange for official action.	Sec. 2-7
Patronage: Prohibition on promising jobs, contracts, etc., in exchange for political support.	Sec. 2-7
Political Fundraising: Explicit ban on soliciting contributions on or using public property.	
Ethics Guide: Examples with explanation of code for non-lawyers.	
Whistleblower Protection: Protection against retaliation for those who report or witness ethical abuses.	
Confidential Information: Prohibition on divulging for private gain.	
Recusal: Prohibition on deliberation or voting by anyone with a conflict. (See also IMLA Code 9-109) <sup>[vii]</sup>	
Public Property: Prohibition on use for private purposes by Town Officers, including misuse of time paid for by the Town.	
Incompatible Employment: Prohibition on holding dual and/or incompatible positions.	
Representation: Prohibition on current Town Officers representing private interests before municipality.	
Post-Employment Representation: Prohibition on representing private interests before municipality for a period of one year after termination.	
Competitive Bidding: Allowance of Town Officers to receive municipal contract only by competitive bid.	
Municipal Consultants: Restrictions on their representation of other parties with a conflict of interest.	
Dishonesty: Prohibition of providing false information or misleading people, including applications for positions.	
Town Officers shall act consistently with local, state and federal laws.	

[i] **Town Officer** shall mean and include any official, employee, agent, consultant or member, elected or appointed, of any board, department, commission, committee, legislative body or other agency of the Town. (Greenwich Municipal Code Section 2-6 (a) (3))

[ii] The State Model Code Section 1-4 (a-1) cites “a form prescribed by the Commission signed, under penalty of false statement...”

[iii] The State Model Code cites instances of time limits for filing a complaint and acting on a complaint in Section 1-4 (a-1).

[iv] IMLA is the International Municipal Lawyers Association.

[v] IMLA Code 9-111 (a) reads: “The City is prohibited from entering into any contract with a business in which a public servant or a public servant’s partner in interest has a controlling interest involving services or property of a value in excess of \$\_\_\_\_\_ [e.g., \$1,000].”

[vi] IMLA Code 9-103 (c) (2) reads: “Anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a public servant in the performance or non-performance of an official action.”

[vii] IMLA Code 9-109 reads: “Except as otherwise provided by law, no public servant shall, in such capacity, participate in the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item before the governing body in which the public servant or a partner in interest has a conflict of interest.”

## **LWVG ETHICS STUDY COMMITTEE INTERVIEWEE LIST**

Carmella Budkins, Town Clerk

Victor Coudert, former long time chair of Ethics Board

Bob Curtis, former Ethics Board member

The Rev. Susan Craig, former Ethics Board member

John Crary, Town Administrator

Peter Crumbine, Selectman

Paul deBary, current Ethics Board Chair

Ed Gomeau, former Town Administrator

Coline Jenkins, former RTM appointments chair

Maureen Kast, Town Director of Human Resources

Jim Lash, former First Selectman

Miles McDonald, former Ethics Board member

Enid Oresmen, State Ethics Board member

David Ormsby, former Ethics Board member

Louis Pittoco, current Ethics Board member

Jeffrey Ramer, former Ethics Board member

Mary Sullivan, former Ethics Board member

Peter Tesei, First Selectman

In addition to those interviewed the committee would like to thank Enid Oresman, Jara Burnett, Charlene Abdul, Paula Belmont and Carol Carson (Office of State Ethics) for their invaluable assistance.

**BOARD OF ETHICS ANNUAL REPORTS SUMMARY**  
(prepared by the LWVG Ethics Study Committee)

Year	# of Meetings	# of complaints of code violations	# of financial disclosure statements	# of advisory opinions issued
1986-1987	3	0	25*	1
1987-1988	6	2 unfinished+	25*	1
1988-1989**	11	1 new one	26	1 unfinished+
1989-1990	3	0	35	2
1990-1991***	2	0	20	1
1991-1992	4	1	29	3
1992-1993	2	2	29	1 unfinished+
1993-1994	1	0	25	1****
1994-1995	2	1	19	1 unfinished+
1995-1996	2	0	22	1
1996-1997	3	1 unfinished+	15	1
1997-1998	3	1	15	4
1998-1999	2	0	15	0
1999-2000				
2000-2001	2	0	18	2
2001-2002	No Report of Bd of Ethics	1 (reported following year)		
2002-2003	1	0	11	0
2003-2004	6	0	8	5
2004-2005	No Report			
2005-2006	2	0	15	0
2006-2007	9	0	?	1
2007-2008	?	0	48	2

\*contacted all Town Officers with help of Town Clerk, Director of Personnel and Board of Education

\*\*Board of Ethics troubled by seeing conflict of confidential opinions vs. FOI "Town Counsel was helpful in guiding us on this matter"

\*\*\*Board determined that Town Officers **who are town employees are not required to file financial disclosure reports of salary earned as a town employee.** This exclusion does not apply to spouses or other immediate family members of Town Officers.

\*\*\*\*Volunteer Firemen are Town Officers and subject to Code

+Unfinished: initiated in one year and completed in the next year

Adopted 7-1-08

**Board of Ethics  
Town of Greenwich, Connecticut**

**Annual Disclosure Form for Town Officers**

*Section 2.9 of the Town Code of Ethics requires all Town Officers to file a written statement disclosing under oath any substantial interest in transactions with the Town. Such statements are to be filed in each year that a Town Officer has a financial interest in one or more transactions totaling \$100 or more. Such statement is to be provided in the following form and is to be filed in the office of the Town Clerk within thirty days after the end of the fiscal year. For this purpose:*

- (1) a Town Officer includes any official, employee or agent of the Town, any consultant to the Town or any member of any board, department, commission, committee, legislative body or other agency of the Town, whether elected or appointed, and*
- (2) a transaction includes the offer, sale or furnishing of any real or personal property, material, supplies or services to the Town for valuable consideration, directly as a vendor or prime contractor, or indirectly as a subcontractor, beneficial owner, family member or otherwise, but does not include services as a Town Officer.*

**Name:** \_\_\_\_\_

**Town Office:** \_\_\_\_\_

**Nature and Value of Substantial Financial Interest:**

*(Persons must file a separate form for their separate interests in unrelated transactions. An interest in a transaction or series of related transactions having a total value of less than \$100 is not required to be reported.)*

\_\_\_\_\_  
\_\_\_\_\_

**Amount Received, if any: \$** \_\_\_\_\_

**Transaction or Transactions:**

*(Provide the date or dates and other appropriate information to identify each transaction, including the name of any Town vendor, contractor or other person affected. Attach additional sheets if necessary.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature:**

\_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_ 200\_.

**Notary Public** \_\_\_\_\_

**Town of Greenwich  
Board of Ethics**

**Elected Members – Three Year Terms**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>	<b><u>Term Expires</u></b>
<b>Paul deBary</b>	<b>Unaffiliated</b>	<b>3/31/09</b>
<b>Jane Flynn</b>	<b>Democrat</b>	<b>3/31/11</b>
<b>Robert F. Grele</b>	<b>Republican</b>	<b>3/31/10</b>
<b>Heather-Parkinson Webb</b>	<b>Republican</b>	<b>3/31/10</b>
<b>Louis Pittocco</b>	<b>Democrat</b>	<b>3/31/09</b>

**Ex-officio Non-voting Member**

**First Selectman**

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***Authority:  
Code s 2011  
Conn. G.S. s 12-a***

[http://greenwichct.virtualtownhall.net/Public\\_Documents/GreenwichCT\\_BBBoard/BoardMembers/BoardofEthics.pdf](http://greenwichct.virtualtownhall.net/Public_Documents/GreenwichCT_BBBoard/BoardMembers/BoardofEthics.pdf)

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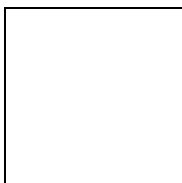
# LIST OF CONCURRENCE STATEMENTS FOR MEMBERS

Please sign and return this concurrence tear-off page before March 1, 2009 to Jackie Hammock, 51 Forest Ave, Unit #93, Old Greenwich, CT 06870. Forms may also be submitted at the Concurrence Meeting to be held on February 19, 2009 at 7:00pm (snowdate February 23) at the Greenwich Town Hall Cone Room.

**The League of Women Voters of Greenwich concurs with the position of the League of Women Voters of Connecticut “that the public should have confidence in the integrity of its government. Government officials and employees should be held accountable for carrying out their duties in both an effective and an ethically responsible manner.” Therefore, the LWVG believes that the Town of Greenwich should:**

- |   |  |
|---|--|
| <p>1. <b>A.</b> ensure that every newly elected, appointed or employed town officer (as defined by the Municipal Code 2-6a3) read and acknowledge understanding of the Town’s Code of Ethics;<br/>             <b>AGREE ( )      DISAGREE ( )</b></p> <p><b>B.</b> create an interpretative companion guide to the Ethics Code which could include examples of ethical and non-ethical behavior;<br/>             <b>AGREE ( )      DISAGREE ( )</b></p> <p><b>C.</b> develop a mechanism for the annual distribution of the Code of Ethics Disclosure Form to all town officers and explicit procedures for collecting, evaluating and storing completed disclosure forms;<br/>             <b>AGREE ( )      DISAGREE ( )</b></p> <p><b>D.</b> provide sufficient funding and resources, e.g., storage and clerical assistance, to support the work of the Board of Ethics, including annual dissemination and collection of disclosure forms and issuance of the code to town officers.<br/>             <b>AGREE ( )      DISAGREE ( )</b></p> <p>2. The LWVG believes that the Town of Greenwich Code of Ethics should be expanded to include:</p> <p><b>A.</b> non-financial conflicts of interest and the appearance of conflicts of interest;<br/>             <b>AGREE ( )      DISAGREE ( )</b></p> <p><b>B.</b> an expanded gift policy section to address “pattern” of gifts, for example, “no town officer should routinely accept any gift or item that could give the appearance of influencing the performance or non-performance of duties”;<br/>             <b>AGREE ( )      DISAGREE ( )</b></p> <p><b>C.</b> requiring the appointing authority to acknowledge in a timely manner the findings of the Board of Ethics and report action taken;<br/>             <b>AGREE ( )      DISAGREE ( )</b></p> <p><b>D.</b> prohibiting the divulging of confidential information by town officers;<br/>             <b>AGREE ( )      DISAGREE ( )</b></p> | <p>2. <b>E.</b> increasing the current \$100 threshold for filing a Code of Ethics Disclosure Form.<br/>             <b>AGREE ( )      DISAGREE ( )</b></p> <p>3. The LWVG believes that the Town of Greenwich Code of Ethics should require:</p> <ul style="list-style-type: none"> <li>• town officers to recuse themselves from deliberations on issues where a conflict of interest exists.<br/>             <b>AGREE ( )      DISAGREE ( )</b></li> </ul> <p>4. The LWVG believes that the Town of Greenwich Code of Ethics should prohibit:</p> <p><b>A.</b> town officers from representing private interests before the town related to his/her area of service to the Town;<br/>             <b>AGREE ( )      DISAGREE ( )</b></p> <p><b>B.</b> town officers from using public resources not otherwise available to the public<br/>             <b>AGREE ( )      DISAGREE ( )</b></p> <p>5. The LWVG believes that the Town of Greenwich should:</p> <ul style="list-style-type: none"> <li>• enact a town ordinance that establishes a system to enable disciplinary action as a result of Board of Ethics findings relating to town officers.<br/>             <b>AGREE ( )      DISAGREE ( )</b></li> </ul> |
|---|--|
- 
- |  |                       |
|--|-----------------------|
|  | NAME _____<br>(PRINT) |
|  | SIGNATURE _____       |
|  | ADDRESS _____         |
|  | _____                 |
|  | PHONE _____           |

Jackie Hammock  
51 Forest Ave Unit #93  
Old Greenwich, CT 06870



## CALENDAR OF EVENTS

- **Legislative Breakfast:** February 5, Snow Date: February 6 - 8:00am, Nathaniel Witherall
- **Ethics Concurrence Meeting:** February 19, Snow Date: February 23 - 7:00pm, Cone Room, Town Hall
- **State and Local Program Planning Meeting:** Evening of March 10
- **Monday Programs at Cos Cob Library:**  
February 23 - 1:00pm Diane Fox Speaker; Topic: Plan of Conservation and Development  
April 2 - 1:00pm Lin Lavery Speaker; Topic: Environmental Task Force Conclusions
- **Board Meetings:**  
January 7 - 7:15pm, Mazza Room, Town Hall  
February 11 - 7:15pm, Mazza Room, Town Hall  
March 11 - 7:15pm, Mazza Room, Town Hall  
April 7 - 7:15pm, Hayton Room, Town Hall
- **Annual Meeting:** June 11 - Riverside Yacht Club

*Any League member may attend the monthly Board meetings. If you are interested in attending, please call Naomi Schiff Myers at 637-3892 for more information.*



LEAGUE OF WOMEN VOTERS OF GREENWICH

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