

BE IT ORDAINED: By the City Council of the City of Bridgeport that the Bridgeport Municipal Code, Chapter 2.38 Code of Ethics, be and hereby is rescinded, and the following substituted in lieu thereof:

Chapter 2.38
CODE OF ETHICS

2.38.010 Purpose of chapter.

2.38.020 Definitions.

2.38.030 Standards of conduct.

2.38.040 Commission on ethics.

2.38.010 Purpose of chapter.

A. The code of ethics and commission on ethics ordinance codified in this chapter is adopted for the city and is established with the purpose of setting forth ethical standards of conduct and prohibited activities which will be consistent with the best interests of the city.

B. This ordinance is intended to prevent City officials and employees from using their public position or authority for personal, financial benefit.

C. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people in accordance with their oath of office. They shall hold their offices for the benefit of the public and shall faithfully discharge their duties, placing the good of the city above any personal or partisan consideration. Public office must not be used for personal gain.

D. It is advisable that all city officials and employees should avoid any conduct having the appearance of violating any of the standards set forth in 2.38.030 of this ordinance.

(Ord. dated 6/3/91 (part))

2.38.020 Definitions.

For the purposes of this chapter:

“Benefit”: advantage; profit; gain; interest; the receiving of this benefit as the exchange for a promise of some performance or forbearance, which the promisee was not, previously entitled to receive.

“City personnel” means Officials and employees of the City of Bridgeport.

"Commission" means the city's commission on ethics.

"Employee" means any employee of the city including any teacher, whether or not in the classified service, except: elected officials; board, agency and commission members; department heads; members of the city's unclassified service; and persons appointed pursuant to Section 24(b) or 27.1 of the City Charter.

"Financial interest" means any interest, other than an interest of a de minimis nature, that is not distinct from that of the general public, which shall yield a monetary or other material benefit to the official or employee or to any person employing or retaining the services of the official or employee.

"Gift" means a payment, a subscription, advance, forbearance, rendering of services, deposit of money or anything of value unless consideration of equal or greater value is received. A gift shall not include a political contribution otherwise reported as required by law; services provided without compensation by persons volunteering their time; a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; a gift received from an individual's spouse or parent, brother or sister of such spouse, or such individual's child or spouse of such child; or food or beverage or both, consumed on a single occasion, the cost of which is less than fifty dollars (\$50.00) per person.

"Official" means any elected officer in the executive or legislative branch of city government; any member of any city agency, board or commission; any department head; and any person appointed to any office in the city government by the mayor, by any other elected official or officer or by any agency, board or commission with or without the consent of the common council, and who is not categorized an "employee" as that term is defined in this section.

"Person" means business, individual, corporation, union association, firm, partnership, committee, club or other organization or group of persons.

"Personal interest" means any interest arising from blood or marriage relationships or marriage-type relationships whether or not any financial interest is involved.

"Substantial conflict" means deriving a substantial benefit or avoiding a substantial detriment as a result of one's official or employment activity. For purposes herein, substantial means having real worth or importance; actually existing; not speculative.

(Ord. dated 8/4/03: Ord. dated 6/3/91 § 1: prior code § 2-348)

2.38.030 Standards of conduct.

A. General Prohibition. No official or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business employment, transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his/her duties or employment in the public interest and of his/her responsibilities as prescribed in the provisions of this chapter.

B. Specific Conflicts. No official or employee shall:

1. Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence him/her in the performance of his/her duties or employment in the public interest. Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaigns;

2. Knowingly have or acquire any financial interest or any personal interest, direct or indirect, in any contract or purchase order for any real estate, supplies, materials, equipment or contractual services furnished to, or used by, the city in connection with any project, matter or thing which comes within his/her jurisdiction or the jurisdiction of the board, commission or committee of which he/she is a member or the department or agency by which he/she is employed;

3. Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of his/her duties or employment in the public interest or which may impair his/her independence of judgment in the performance of such duties or employment;

4. Without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city, nor shall he/she use such information to advance his/her financial or personal interest;

5. Vote upon or otherwise participate in any transaction, contract or sale with the city or in the sale of real estate, materials, supplies or services to the city or from the city, if he/she has a personal or financial interest therein;

6. Use or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except as authorized by the proper authority.

7. Provide false information on an official form provided to the City;

8. Use their official position to retaliate against any person who files an ethics complaint.

C. Contracting. No official or employee or any business with which he/she is associated shall enter into any contract (other than a contract of employment not otherwise prohibited by, or in conflict with, the provisions of this chapter) or engage in any business transaction or activity with the city, or have a personal or financial interest, direct or indirect, in such transaction, unless the contract has been awarded or the transaction conducted through an open and public process, including prior public offer and public disclosure of all proposals considered and the contract awarded.

D. Fair and Equal Treatment. No official or employee shall use his/her position to secure or to grant special consideration, treatment, advantage, privilege or exemption to himself/herself or any person beyond that which is available to every other person; except that nothing herein is intended to, or shall void, affect, restrict or limit in any way the power or authority of any officer to exercise that discretionary authority granted him/her pursuant to his/her position.

E. Penalties. The failure to comply with, or any violations of, the standards of conduct established by this chapter may upon determination by the proper authority, following proper proceedings and hearings, constitute a cause for disciplinary action or other appropriate penalties. Nothing in this chapter is intended to, or shall deprive any official or employee of all those rights and remedies granted him/her by any relevant and applicable contract, collective bargaining agreement, ordinance, Charter provision, statute, constitution or other legal authority. Any and all contracts, agreements, undertakings, commitments, purchases and obligations made, entered into, procured or agreed to in violation of this chapter shall be null and void.

(Ord. dated 6/3/91: § 2: prior code § 2-349)

2.38.040 Commission on ethics.

A. Establishment and Membership There is established a commission on ethics, consisting of seven members, all of whom shall be resident electors of the city, to be nominated by the mayor and confirmed by the city council. Of the seven members, no more than four shall be of the same political party. No member of the commission shall: (1) hold or campaign for any public office or any office in any political party or political committee or be a member of any organization or association organized primarily for the purpose of influencing legislation or decisions of public agencies and (2) have held or have been a candidate for public office or office in any political party or political committee or have been a member of any organization or association organized primarily for the purpose of influencing legislation or decisions of public agencies for a two-year period prior to appointment.

B. Terms. All appointments will be made for terms of two years to expire on December 31. Initial appointments will consist of four appointees whose terms will expire on December 31, 2014 and three whose terms will expire on December 31, 2015.

C. Commission Staff. The commission shall be assisted and supported in the conduct of its duties and responsibilities by the City Attorney's Office.

The city attorney shall provide the commission with whatever legal assistance is reasonably necessary for the proper carrying out of their functions. The City Attorney's office shall be provided with reasonable and necessary secretarial/administrative support services, subject to city council funding authorization.

D. Powers and Duties. Upon the complaint of any person on a form prescribed by the commission, signed under penalty of false statement, or upon the affirmative vote of three members of the commission regarding an allegation known to a member of the commission, the commission shall investigate any alleged violation of this chapter.

The filing of any complaint and any investigation to determine whether or not there is probable cause to believe a violation of this chapter has occurred shall be confidential and no person shall disclose his/her knowledge of such investigation to a third party.

The commission, not later than fifteen (15) days after receipt of such complaint, shall notify, by registered or certified mail or any manner by which service of process may be made, any respondent official against whom such complaint is filed. A copy of such complaint shall accompany such notice. The commission shall also notify the complainant of its receipt of such complaint not later than fifteen (15) days thereafter.

The commission shall determine if the allegations in the complaint fall within the jurisdiction of the Ethics Commission. If they do the commission shall hold a probable cause investigation and hearing as necessary.

The commission shall make no finding that there is probable cause to believe the respondent is in violation of any provision of this chapter except upon concurring vote of four of its members.

The commission shall, not later than ten days after the determining whether probable cause exists, notify the complainant and the respondent that the investigation has been terminated and the results thereof, thereafter make a decision and forthwith transmit the same to the complainant and the respondent.

If a preliminary investigation indicates that probable cause exists to believe that a violation of this chapter has occurred, the commission shall initiate hearings within thirty (30) days to determine whether there has been a violation of this chapter.

No hearing shall be conducted with less than four members in attendance. At the hearing, the accused shall be afforded the protection of due process consistent with that established for state agencies under the Connecticut Uniform Administrative Procedure Act, including, but not limited to, the right to be represented by legal counsel, the right to call and examine witnesses, the right to introduce exhibits and the right to cross-examine opposing witnesses and the complainant.

The commission may administer oaths and issue subpoenas executed and issued by the Office of the City Attorney to compel the attendance of witnesses and the production of books, documents, records and papers and may utilize the services of the city police department who shall provide such services upon request.

The complainant's attendance at such hearing is at the discretion of the commission; provided, however, that such attendance shall be required when so requested by any person accused under the provision of this chapter.

The commission shall make and keep a record of all proceedings pursuant to this chapter. No complaint may be made under this section except within two years next after the violation alleged in the complaint has been committed.

The commission shall find no official or employee in violation of any provision of this chapter except upon the concurring vote of four of its members.

The commission shall not later than fifteen (15) days after the close of the hearing file its findings as to a violation of this chapter, together with a memorandum of its reasons therefore with the city clerk, and publish a notice thereof in a newspaper circulated in the city.

The commission shall have no authority to discipline any official or employee and nothing in this chapter is intended to, and should not be construed so as to deprive any official or employee of any right, privilege or remedy granted him/her by any relevant and applicable contract, collective bargaining agreement, ordinance, Charter provision, statute, constitution or other legal authority. The commission may recommend to the appropriate appointing authority disciplinary action or sanctions to be imposed as against officials, which recommendations may include, but are not limited to, reprimand, censure and removal from office.

E. Advisory Opinions. Any official or employee who questions the applicability of this chapter to a pending or potential act, vote, bid, discussion, receipt of anything of value or the like, may request an opinion from the commission. If he or she so requests, the person making the request shall be given a prompt opportunity to explain his or her position and the interpretation of the code of ethics before the commission. Opinions of the commission shall be advisory, and such requests shall be confidential unless the person making the request authorizes the commission in writing to disclose the same.

Any advisory opinion concerning the official or employee who requested the opinion, and who acted in reliance thereon in good faith, shall be binding on the commission.

F. Review Disclosure Forms for People Nominated for Appointment to Agencies, Boards, and Commissions: The Ethics Commission shall review nominee disclosure forms for Boards and Commissions in accordance with Ordinance Section 2.56.050 paragraph B.

G. Regulations. The commission shall develop written rules of procedure and forms necessary to carry out the intent of this chapter which shall be approved by the common council. The rules and any amendments thereto shall be filed in the office of the city clerk and available for public inspection. The commission shall report annually to the mayor, in writing, summarizing the activities of the commission. The commission may make recommendations to the common council with respect to amendments of this chapter.

H. Quorum and Chairperson. The commission shall elect a chairperson who shall preside at meetings of the commission and a vice-chairperson. Four members of the commission shall constitute a quorum. Except as provided in subsection D of this section, a majority vote of the quorum shall be required for action of the commission. The chairperson or any four members may call a meeting provided that advance notice of the meeting is given in accordance with the Connecticut Freedom of Information Act. Members of the commission shall not be compensated, but shall receive reimbursement for their actual reasonable and necessary expenses.

I. Confidentiality. The powers and duties of the commission, the rules of procedure of the commission and the term "confidential" as set forth in this chapter are expressly subject to the provisions of the Connecticut Freedom of Information Act.

(Ord. dated 8/4/03; Ord. dated 6/3/91 § 3; Ord. dated 9/6/88; prior code § 2-350)

J. Precedence of Criminal Investigation. If a investigation is commenced and/or charges are brought by the Office of the State's attorney or by the Office of the United States Attorney against a person, or persons or entity under investigation by the Commission for violation of the ethics code, the commission's investigation shall cease until such time as the criminal investigation is concluded without criminal charges being filed or charges have been fully adjudicated by a Court of competent jurisdiction.

K. Training of Personnel. The Commission working with the Office of the City Attorney and the appropriate city department shall prepare training materials for the training of City personnel. City employees and officials shall be trained on an annual basis on the requirements of the code of ethics as set forth in this chapter. The training material may include a plain language summary (citizen's guide) of the code of ethics to assist the city in its training responsibilities. The training material shall be reviewed by the Office of the City Attorney before it is issued in final form and forwarded to the office of the Mayor, on an annual basis, a minimum of sixty (60) days before the annual training shall commence based on a schedule authorized by the Office of the Mayor. All new employees, persons appointed to Boards and Commissions, and elected to City positions shall receive a copy of the training material.

L. The Ethics Commission is responsible for those duties defined for it in Ordinance 2.39 Code of Ethics for Lobbyists. In cases of conflict the Ethics Ordinance 2.38 takes precedence over 2.39.

APPROVED BY THE
BRIDGEPORT CITY
COUNCIL ON:
January 3, 2012

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BILL FINCH
ON:
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