

Selectmen Explain Proposed Ethics Ordinance



The Board of Selectmen has accepted the recommendation of a four-person working group to offer a revised Ethics Ordinance to the Town Meeting. The Town Meeting will take place on Monday, Sept. 13 at 7 p.m. in the Samuel Staples Elementary School cafetorium, with a machine vote referendum on Tuesday, Sept. 21, from 6 a.m. to 8 p.m. at Samuel Staples Elementary School.

“I would like to thank Board of Ethics members Emma Montoya and Mark Peyser as well as town resident Saphora Lifrak, who is a legal expert on ethics, for working with me to prepare the revised ordinance,” Selectman Robert Lessler said. “Together, we reviewed the existing Easton ordinance, which was adopted in 1980, and ordinances from a dozen other towns including Brookfield, Fairfield, Monroe, Newtown, New Canaan, Ridgefield, Simsbury, Trumbull, Weston, Westport, Wilton and Woodbridge. It quickly became obvious that our ordinance needed an update. I also extend a tip of the hat to town resident Grant Monsarrat who initiated the conversation about a revised ordinance with the Board of Selectmen.”

Lessler said that as town officials and residents think about ethics in government, it is important to note it is one thing to have a standard by which to judge the behavior of public servants and hold them accountable and quite another to decide who should serve as a public servant in the first place — whether by hiring, election or appointment. In

other words, the ordinance regulates behavior, not an individual's status. For example, just because someone has or does not have children in the public school system is not, in and of itself, a conflict of interest disqualifying a person from sitting on a board of education, according to Lessler. What matters is how that person acts once in office.

“Our current ordinance clocks in at just over two pages,” he said. “It touches on conflicts of interest, disclosure of financial interests, and creates a Board of Ethics. In one to three sentences each, it mentions incompatible employment, use of town facilities, gifts and favors, disclosure of confidential information and appearances before town agencies. It creates a five-member board on which members serve simultaneous two-year terms with a limit of six successive years. It provides for advisory opinions. It makes no mention of penalties for violations of the ordinance.”

The new ordinance has an extensive definition of terms, Lessler said. It has separate detailed sections addressing conflicts of interest, gifts, disclosure of financial interests, employment of relatives and associates, revolving doors prohibitions, discrimination and harassment, political activities, a requirement to acknowledge having read the ordinance, and extensive changes to the Board of Ethics and its powers.

“The definitions section spells out — among many other things — that there is a duty to report ethical lapses, sets a floor for what constitutes a financial interest at \$10,000.00 and/or 20% ownership in an entity, sets the gift limit at anything with a fair market value of greater than \$15, and includes definitions for the following terms, which are not referenced in our existing ordinance: associated persons, impartiality and integrity, ministerial matters, and transactions,.

Additional new provisions include examples of behavior that must be reported by public servants and things that are and are not impermissible gifts. The new ordinance requires public servants to file confidential written disclosure statements. It requires notices about the gift policy to be published on the town website. It has specific and clear rules concerning nepotism.” Lessler said.

“It bars former public servants from working for private employers with business before the town for a period of time. For example, former selectmen are banned for a period of one year from the date their service ends from working for an outside party to influence the town. It also permanently bars other public servants from being paid to appear before the town on behalf of an outside party in a matter they substantially participated in as a public servant of the town.”

Additionally, the new ordinance references state laws on discrimination and harassment and notes that the town follows all such laws, according to Lessler. The ordinance notes that public servants have the right to participate in political activities but must not allow partisan activity to influence decision-making on behalf of the town. It creates a shield against forced participation in political activity by a public servant and bars public servants from engaging in partisan activity while on duty.

The new Board of Ethics will continue to have five members serving two-year terms. However, the terms will now be staggered. Members will now be able to serve for an unlimited period of time, but never for more than six consecutive years. The board will have 35 workdays to hear and decide cases presented to it, with the option to seek an extension of time from the Board of Selectmen. The board will be able to recommend penalties such as reprimands, fines up to \$25,000, suspensions without pay for up to 60 workdays, demotions in grade or title, cancellation of a contract with an outside party, payment to the town of any financial gain, or dismissal from elected, appointed or hired service.

“This revised ordinance expresses our commitment as a town to the concept that public service is a public trust and that it is essential to good government that public servants are focused on making decisions with integrity and free from personal or private interest,” Lessler said. “The goal is not to discourage public service but rather to promote public confidence in our government.”

Selectman Kristi Sogofsky said, “I appreciate the efforts to revise and update our town’s

Ethics Ordinance. Holding all our town officials and employees to high standards serves the best interest of our community.”

A copy of the full text is available on the town website at

https://www.eastonct.gov/sites/g/files/vyhlf3071/f/agendas/bos_-_ethics_ordinance_draft_of_8-31-21.pdf.

See also Bindelglass Explains his Support for Pathway Design Funding.