

RESOLUTIONS

(3)

RESOLVED: That upon the recommendation of the Board of Finance, and a request by the Superintendent of Schools, the sum of \$142,412 to the 2011-2012 Budget, BOE Rentals & Reimbursements Expenditure Account is appropriated, as follows:

\$110,140 is deemed appropriated in accordance with Section 10-222a of the Connecticut General Statutes; and

\$32,271.59 is appropriated to fund the cost of union personnel reimbursements

(4)

RESOLVED: That the RTM supports the recommendation of the Barons South Committee for the development of the Barons South Senior Residential Community; and be it further

RESOLVED, that the RTM encourages negotiation with recommended developers to obtain more favorable terms for the Town.

(5)

RESOLVED: That upon the request of at least 20 electors, an ordinance providing for an Ethics Code is hereby adopted. (First reading. Full text is as follows.)

LWV MUNICIPAL ETHICS CODE WORKING GROUP
May 25, 2012

Preamble

This code seeks to establish clear standards of ethical conduct for all who serve the town of Westport. These include, but are not limited to, all town officials and employees, whether elected or appointed, paid or unpaid.

The code sets forth guidelines, standards, and limitations consistent with the best interest of the Town of Westport, while supporting participation in Town government by the dedicated individuals on whom the Town relies. It also establishes procedures for enforcement.

Candidates for elective or appointive office or for Town or board employment shall familiarize themselves with this code and disclose during the process of election, appointment or employment anything addressed in this code that might impair their ability to perform in the office or position that they seek or for which they are being considered.

Conflict of Interest

In order to avoid conflicts of interest, any official or employee of the Town shall refrain from participation in any Town, board, or agency matter in which he or she has a financial or personal interest, whether direct or indirect.

Use of Town Property

No official or employee shall use, or permit the use of, Town property of any nature, including vehicles, supplies, and real property for the benefit of himself or herself, except when such property is made available to the general public and then on terms and conditions not more favorable than those available to the general public.

Use of Town Services

No official or employee shall use or permit the use of town services of any nature except for the benefit of the town.

Use of Town Position

No official or employee shall use his or her position, or knowledge acquired through that position which is not available to the general public, for the purpose of obtaining or furthering a financial or personal interest, whether direct or indirect.

Gifts and Other Things of Value

No official or employee or member of his or her family or any business with which he or she is associated shall solicit or accept anything, including gifts, loans, services, rewards, or promises of employment, that could reasonably be expected to influence the action or judgment of the official or employee in any Town or board matter.

Disclosure and Recusal

Whenever a matter arises in which an official or employee may have a conflict of interest, the official or employee shall disclose it to his or her board or supervisor and shall abstain from participation in the deliberation, decision-making and action with respect to the matter unless and until he or she procures an advisory opinion under this code that provides otherwise.

Ethics Council: Organization and Administration:

- A. **Appointment and composition of Council on Ethics.** The Council shall consist of five electors of the Town who shall serve without compensation. No more than three shall be registered in the same political party. No member shall serve on any board other than the Council or as an employee during his or her term of service on the Council. Members shall be appointed to the Council, and vacancies filled, by the Board of Selectmen.
- B. **Terms of service.** Except as otherwise provided in this and the following subsection, members shall serve for terms of three years. Service shall be limited to two successive full three-year terms. After a lapse of one year, a former member shall again be eligible for appointment. Terms shall commence on December 1. Members shall serve until their successors take office. Any term that would otherwise expire during the pendency of a Council Proceeding shall automatically be extended to the end of that proceeding.
- C. **Initial appointments.** Initial appointments shall be for staggered terms ending as follows: two on November 30, 2015, two on November 30, 2014, and one on November 30, 2013.
- D. **Election of officers.** The council shall elect annually a Chair, a Vice-Chair, and a Secretary.
- E. **Frequency of meetings, quorum, and duties of officers.** Meetings shall be held as needed and in any event at least semi-annually. A majority shall constitute a quorum for the conduct of business except as provided elsewhere in this Code. The Chair shall call and preside over meetings; the Vice-Chair shall preside over meetings in the absence of the Chair. The Secretary shall keep minutes of meetings and shall file agendas and minutes with the Town Clerk.
- F. **No inquiry on Council's own initiative.** The Council shall have no authority to present matters for inquiry or investigation on its own initiative.

- G. **Access to Town records and personnel.** In furtherance of its duties, the Council shall have access to Town records and personnel as permitted by law. The Council may request assistance from any official or employee and retain others to aid it in pursuing any investigation.
- H. **Access to legal counsel.** The Council shall have access to Town Counsel and to special legal counsel of the Council's choosing if Town Counsel is disqualified from assisting the Council or recuses, or if the Council deems it inadvisable to proceed with advice from Town Counsel in the circumstances. If special counsel is retained, the Town's Chief Financial Officer or his or her deputy shall negotiate terms of engagement for special counsel.
- I. **Maintenance of Council's records.** The Council's records shall be stored in Town Hall. Those records that are designated as confidential by the Council shall be stored accordingly and shall not be available for public review except as required by law.
- J. **Notification of filings.** The Town Clerk shall serve as the Council's agent for receipt of correspondence and filings and shall promptly notify the Council of all correspondence and filings.
- K. **Delivery of this code to each official and employee.** Within 30 days following the adoption of this code, a copy shall be furnished by the Town to each official and employee. Persons subsequently elected, appointed or employed shall receive a copy of this code at the time their service commences. Each recipient shall acknowledge, in a writing deposited with the Town Clerk, receipt of a copy of this code and agreement to abide by its terms.
- L. **Amendment; adoption of rules.** The Council may recommend to the Board of Selectmen amendment of this code and may also adopt rules in furtherance of, and not inconsistent with, its provisions.

Procedure for Complaints:

A. Filing of a complaint

1. A complaint may be made by any individual. It shall be made in writing signed under oath before a notary and shall state the name and address of the complainant, the identity of the official or employee and, if applicable, the relative or business involved in the complaint, the conduct that allegedly violates the code, and a summary of the relevant facts.
2. A complaint must be filed within one year after the matter in question has allegedly occurred.
3. The complaint shall be filed with the Council in a sealed envelope addressed to the Council and marked "confidential." It shall be delivered to the Town Clerk either by hand or by certified mail, return receipt requested. The complaint shall be deemed to have been filed on the date of its receipt by the Town Clerk and shall be treated by the Town Clerk as a confidential document.
4. The Council, within three business days after the filing, shall notify the respondent by certified mail, return receipt requested, of the filing and date of the complaint and enclose copies of the complaint and this code.
5. The Council, within three business days after the filing, shall notify the respondent by certified mail, return receipt requested, of the filing and date of the complaint and enclose copies of the complaint and this code.

B. Probable cause

1. The Council shall review the complaint to determine whether probable cause exists for further proceedings and may conduct an investigation for this purpose. Any investigation conducted prior to a probable cause finding shall be confidential unless confidentiality is waived in writing by the respondent. The respondent may submit a preliminary written reply to the Council within 15 days after the filing of the complaint and before a probable cause finding issues.
2. If the Council decides by majority vote of members eligible to vote that the complaint does not warrant further investigation because of its lack of factual basis, its de minimis nature, or otherwise, it shall issue a finding of no probable cause dismissing the complaint. The finding and the complaint shall remain confidential unless

confidentiality is waived in writing by the respondent. A finding of no probable cause shall be final. The Council shall direct the Town Clerk to forward copies of the finding to complainant and respondent by certified mail, return receipt requested, within three business days thereafter.

3. If, by majority vote of members eligible to vote or by tie vote, the Council finds probable cause, the Council shall direct the Town Clerk to forward copies of the finding to complainant and respondent by certified mail, return receipt requested, within three business days thereafter. Upon a finding of probable cause, the complaint, the finding, and the information gathered during the investigation, if any, shall be made available to the public, and all filings and proceedings that follow shall be public except as required by law; provided, however, that deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act.

C. Response Respondent shall have 30 days after his or her notification of a finding of probable cause to file a response with the Town Clerk. The Council may, upon reasonable grounds, extend this deadline for filing.

D. Hearing

1. The Council shall hold a hearing on any complaint as to which it has found probable cause unless respondent waives a hearing in writing and the Council decides not to hold one. The hearing shall be held on written notice of no less than 30 days to complainant and respondent sent by the Town Clerk by certified mail, return receipt requested. The Council may, upon reasonable grounds, extend the date of the hearing at the request of the respondent.
2. If a hearing is held, respondent shall have the opportunity to be represented by legal counsel, to present evidence, and to examine and cross-examine witnesses including the complainant. For purposes of its investigation and at the hearing, the Council is empowered to administer oaths or affirmations and may compel the attendance of witnesses by issuance of subpoenas. It may also require the production of documents, whether in hard copy or electronic format, by issuance of subpoenas for their production. The Council may examine any witness who appears before it, including complainant and respondent. The Council may limit the number of witnesses and the scope of testimony to matters it believes relevant, material, not unduly repetitious, and necessary to reach a reasoned determination. A taped or stenographic record shall be made of all proceedings in the hearing.

E. Determination

1. Following the hearing, the Council shall issue a determination as soon as practicable, but not later than 30 days following the hearing, and file it with the Town Clerk, who shall mail copies to complainant and respondent within three business days thereafter. No member may vote on a determination unless he or she has attended the entire hearing, if any, and participated in all deliberations. Deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act. A determination of violation requires a majority vote of members eligible to vote. In the event of a tie vote, the determination shall be that there is no violation.
2. A determination of no violation of this code shall be final.
3. If a violation is found, the Council may, but need not, also recommend in its determination sanctions which may include, but need not be limited to, censure, required recusal, disclosure of conflicts, and removal from appointive office or employment. Any sanctions imposed under this code shall be separate from, and not in limitation of, any other actions that may be taken against respondent in any proceedings outside this Code.

F. Submission of determination of violation A determination of violation of this code shall be submitted by the Town Clerk within three business days to the Board of Selectmen for such action as it deems appropriate; provided, however, that if the respondent is an official or employee of the Board of Education, the submission by the Town Clerk shall be to the Board of Education for such action as it deems appropriate.

Definitions

FINANCIAL INTEREST

Any interest representing an actual or potential economic gain or loss, which is neither de minimis nor shared by the general public, that accrues to an official or employee, to a relative, or to a business.

PERSONAL INTEREST

Any interest representing an actual or potential noneconomic benefit or detriment, which is neither de minimis nor shared by the general public, that accrues to an official or employee, to a relative, or to a business.

RELATIVE

Any person related to an official or employee by blood, adoption, or marriage.

COMPLAINANT

The filer of a complaint.

COMPLAINT

A written request for determination made by an individual or a board regarding an alleged violation of this code by an official or employee.

DETERMINATION

A written final decision by the Council with respect to a complaint.

HEARING

A public proceeding before the Council following a finding of probable cause where testimony is taken and documents may be received.

RESPONDENT

The person against whom a complaint is filed.

RESPONSE

The respondent's written answer to the complaint.

BOF approved 11/14/12

INTEROFFICE MEMORANDUM

RECEIVED

OCT 17 2012

TOWN OF WESTPORT
CONTROLLER'S OFFICE

TO: ELLIOTT LANDON
SUPERINTENDENT

FROM: NANCY J. HARRIS
ASSISTANT SUPERINTENDENT FOR BUSINESS

SUBJECT: REQUEST FOR APPROPRIATION – RENTALS & REIMBURSEMENTS

DATE: October 17, 2012

Cc: G. Conrad, F. Meilan, Rentals File

The Board of Education, in accordance with the policy approved by the Board of Education (based on an agreement with the Board of Finance), has authorized the Superintendent to provide written accounting to the Board of Finance (BOF) regarding revenues and expenditures associated with rentals and reimbursements.

I am now submitting the final report on the Rentals and Reimbursement account. The Final Rentals and Reimbursements Statement provides the summary of activity for the two sources of revenue: (1) reimbursement from the teacher's union for 40% of the union president's annual salary and (2) rental fees received for the use of school facilities by outside organizations.

We are, therefore, requesting that the Board of Finance accept the report and make net appropriation adjustments to the Board of Education budget in the amount of \$32,271.59, representing all revenues received from the Westport Education Association in payment of the salary of the president of the teacher's union for the fiscal year. This \$32,271.59 is determined as follows:

Final Action Requested:

Total funds received (7/1/11 – 6/30/12)	\$142,411.98
Funds deemed appropriated	<u>110,140.39</u>
Per CGS 10-222a (7/1/11 – 6/30/12)	
Net appropriation request (7/1/11 – 6/30/12)	\$32,271.59

This request for appropriations complies with the Fund Accounting Procedure agreed to in 2001 by the Board of Education and the Board of Finance.

NJH:rem
BOF EOY Rentals transmittal

WESTPORT PUBLIC SCHOOL
 RENTALS & REIMBURSEMENTS
 as of June 30, 2012

	REVENUES RECEIVED 6/30/2012	EXPENDITURE DETAIL	EXPEN- DITURES 6/30/2012	BALANCE TO TOWN
ACCOUNT 848				
WESTPORT EDUCATION ASSOCIATION	\$ 32,271.59		\$ 32,271.59	\$
PAYROLL			31,824.15	
FICA/MED			\$447.44	
ACCOUNT 852				
OUTSIDE ACTIVITIES & SCHOOL USE	\$ 110,140.39		\$ 110,140.39	\$ 0.00
TOTAL OUTSIDE ACTIVITIES			47,933.14	
PAYROLL				
BOE staff		\$ 44,628.50		
FICA/MED		\$ 3,304.64		
PAYMENTS TO VENDORS			62,207.25	
TOTAL	\$ 142,411.98		\$ 142,411.98	\$ 0.00

WESTPORT PUBLIC SCHOOL
 RENTALS & REIMBURSEMENTS
 as of June 30, 2012

2011-12 RENTAL & REIMBURSEMENTS
 REVENUE & EXPENSE DETAIL

REVENUES	
CAMP GAN ISRAEL	\$ 45,114.80
WEA	\$ 32,271.59
WYWL CREATIVE ARTS FESTIVAL	\$ 10,089.62
ACADEMY OF DANCE	\$ 9,336.22
CONGREGATION FOR HUMANISTIC JUDAISM	\$ 6,645.20
CT BREEZE	\$ 5,017.00
ALL OTHERS (UNDER \$5,000)	\$ 33,937.55
	<u>\$ 142,411.98</u>
EXPENDITURES	
PAYROLL	\$ 80,204.73
VENDOR PAYMENTS	
ELECTRICITY	\$ 48,787.25
REFUND TO CAMP GAN ISRAEL FOR ESCROW PAYMENT	\$ 10,000.00
FINGERPRINTING	\$ 2,870.00
MISCELLANEOUS SUPPLIES	\$ 550.00
TOTAL PAYMENTS TO VENDORS	<u>\$ 62,207.25</u>
	<u>\$ 142,411.98</u>