



## MID - COAST

REGIONAL PLANNING COMMISSION

166 SOUTH MAIN STREET, SUITE 201 ~ ROCKLAND, ME 04841

(207) 594-2299 ~ FAX (207) 594-4272

### *Compilation of Provisions on Ethics in Land Use Review*

The following is a Compilation of Provisions on Ethics in Land Use Review for consideration in the drafting or amending of such provisions for Midcoast Communities. Please contact the Mid-Coast Regional Planning Commission with questions or for more information.

#### **Conflicts of Interest Provision Examples:**

(6) Any decision-making officer or member of an approving authority who has a direct or indirect financial interest in property that is the subject of a record hearing, who is related by blood, adoption, or marriage to the owner of property that is the subject of a record hearing or to a party to the record hearing, or who resides or owns property within [500] feet of property that is the subject of a record hearing shall recuse himself or herself from the matter before the commencement of the record hearing and shall state the reasons for such recusal.

*(Section 4.5 Model Unified Development Permit Review Process Ordinance Model Smart Land Development Regulations Interim PAS Report, © American Planning Association, March 2006)*

#### **Sec. 14-552. Conflicts.**

No member of the board of appeals shall participate in the hearing or disposition of any matter in which he has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify him shall be decided by a majority vote of the members, except the member who is being challenged; where such a vote results in a tie, the challenged member shall be deemed disqualified.

(Code 1968, § 605.8)

*(Portland Zoning Ordinance)*

## **SECTION 4.09 CONFLICT OF INTEREST**

A member of the ZBA may not vote on or participate in any matter in which he/she has a direct or indirect financial or personal interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon will be decided by a majority vote of the members present and voting, except the member who is being challenged. A member of the ZBA may not represent any third party in matters coming before the ZBA.

*(Bath Zoning Board of Appeals Ordinance)*

### **Section 1-7. Conflicts of interest.**

(a) No public employee or public official shall engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of his official responsibilities in the public interest or which would tend to impair his independent judgment or action in the performance of his official responsibilities.

(b)(1) No public employee or public official shall solicit or accept any gift from any person which to his knowledge is interested in any pending matter within such individual's official responsibility. (2) If a prohibited gift is offered, he must refuse it, return it, pay the donor the full value of the gift, or donate it to a non-profit organization provided he does not take the corresponding tax write-off. Alternatively, it may be considered a gift to the municipality provided it remains in the municipality's possession permanently.

(c)(1) A public employee or public official shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if he, a business with which he is associated, an individual with which he is associated, or a member of his immediate family, has a financial or personal interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to the municipality. (2) If such participation is within the scope of the public employee's or public official's official responsibility, he shall be required to provide written disclosure, which sets forth in detail the nature and extent of such interest, to the Commission. (3) Notwithstanding the prohibition in subsection (c)(1), a public employee or public official may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the municipality.

(d)(1) Except for a public official who receives no compensation for his service to the municipality other than per diem payments and reimbursement of expenses, no public employee or public official shall appear on behalf of private interests before any board, agency, or committee of the municipality. (2) Except for a public official who receives no compensation for his service to the municipality other than per diem payments and reimbursement of expenses, no public employee or public official shall represent private interests against the interest of the municipality in any litigation to which the municipality is a party.

(e) Nothing contained in this code shall prohibit or restrict a public employee or public official from appearing before any board or commission of the municipality on his own behalf, or from being a party in any action, proceeding or litigation brought by or against

the public employee or public official to which the municipality is a party.

(f) No public employee or public official shall disclose confidential information concerning municipal affairs, nor shall he use such information for the financial interests of himself or others.

(g) No public employee or public official shall request or permit the use of municipal-owned vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such are available to the public generally or are provided as municipal policy for the use of such public employee or public official in the conduct of official business.

(h) No public employee or public official, or a business with which he is "associated, or member of his immediate family shall enter into a contract with the municipality unless it is awarded through a process of public notice and competitive bidding.

(i) No public employee or public official may use his position or office for the financial benefit of himself, a business with which he is associated, an individual with which he is associated, or a member of his immediate family.

(j) No public employee or public official shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event, in his official capacity.

(k) No public employee or public official, or member of such individual's immediate family or business with which he is associated, shall solicit or accept anything of value, including but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.

*(Common Cause Connecticut Model Ethics Ordinance)*

A member of the town council may not be a member or alternate member of the planning board. When a member is unable to act because of a conflict of interest, physical incapacity, absence or any other reason satisfactory to the chairman, the chairman shall designate an alternate member to act in his stead. An alternate member may attend all meetings of the planning board and participate in its proceedings, but may vote only when he has been designated by the chairman to act for a member.

(Code 1966, Ch. 201, § 12, § 101; Ord. of 7-22-85, § 12, § 101(D)--(F))

*(Falmouth Zoning Ordinance)*

### **Board Member's Code of Conduct**

1. Members must represent unconflicted loyalty to the interests of the ownership. This accountability supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other boards or staffs. It also supersedes the personal interest of any board member acting as a consumer of the organization's services.
2. Members must avoid conflict of interest with respect to their fiduciary responsibility.

- a. There must be no self-dealing or any conduct of private business or personal services between any board member and the organization, except as procedurally controlled, to assure openness, competitive opportunity, and equal access to inside information.
  - b. When the board is to decide upon an issue about which a member has an unavoidable conflict of interest, that member shall absent herself or himself without comment from not only the vote but also from the deliberation.
  - c. Board members must not use their positions to obtain employment for themselves, family members, or close associates. Should a member desire employment, he or she must first resign.
  - d. Members will annually disclose their involvements with other organizations, with vendors, or any other associations that might produce a conflict.
3. Board members may not attempt to exercise individual authority over the organization except as explicitly set forth in board policies.
    1. Members' interaction with public, press, or other entities must recognize the same limitation and the inability of any board member to speak for the board except to repeat explicitly stated board decisions.
    2. Members will give no consequence or voice to individual judgments of CEO or staff performance.
  3. Members will respect the confidentiality appropriate to issues of a sensitive nature.

*(From: Carver and Carver)*

### **Due Process Ethics Examples:**

(6) The permit review coordinator shall be responsible for convening, at the request of an applicant, a preapplication meeting with officials of the local government and other governmental and nongovernmental organizations who would be involved in reviewing and acting on a development, whether or not the applicant is applying for a consolidated permit, provided that no official who is responsible for a land-use decision made on the basis of a record hearing shall participate in the preapplication meeting. At such a meeting, the permit review coordinator shall:

- (a) Identify the comprehensive plan policies and plan map designations applicable to the proposal;
- (b) Identify relevant ordinance provisions, including substantive and procedural requirements, applicable to the proposal;

- (c) Provide available technical data that will aid the applicant;
- (d) Identify other governmental policies and regulations that relate to the proposal; and
- (e) Identify any other reasonable opportunities or constraints concerning the application.

Failure of the permit coordinator to provide any of the information in (a) to (e) above shall not constitute a waiver of any criteria or requirements for the application.

*(Section 4.5 Model Unified Development Permit Review Process Ordinance Model Smart Land Development Regulations Interim PAS Report, © American Planning Association, March 2006)*

**6.12 COMMUNICATION.** The board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials except advice from the solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

**6.13 DECISIONS.**

- (A) The board or the hearing officer, as the case may be, shall render a written decision or when no decision is called for, make written findings within 45 days after the last hearing before the board or hearing officer.
- (B) If the hearing is conducted by a hearing officer, and there has been no stipulation by the appellant or the applicant and the municipality that the hearing officer's decision or findings are final, the board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings. The board's decision shall be entered no later than 30 days after the report of the hearing officer.
- (C) The board shall conduct its deliberations and vote on all matters in public session at the meeting in which evidence is concluded. If additional time for deliberation is necessary, the board shall reschedule the deliberations to a date within the allotted 45 day time limit.
- (D) All matters shall be decided by a roll call vote. Decisions on any matter before the board shall require the affirmative vote of those present and voting unless otherwise specified herein.
- (E) No member of the board shall sit in hearing or vote on any matter in which he is personally or financially interested. Said member **shall not** be counted by the board in establishing the quorum for such matters, i.e. for a three member board, if one member removes himself, two members are still required for a quorum.
- (F) No member of the board shall vote on the adjudication of any matter unless he has attended the public hearing thereon.

(G) A tie vote shall be considered a rejection of the application under consideration. However, if a person aggrieved has appealed the grant of a permit or approval, a tie vote upholds the prior approval.

(H) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. The board shall provide by mail or otherwise, to all other persons who have filed their name and address with the board, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

*(Pennsylvania Model Planning Board Ordinance)*

## **Board of Ethics Example:**

### DIVISION 2. BOARD OF ETHICS

Sec. 2-91. Created; purpose.

There is hereby created a board of ethics for the purpose of rendering advisory opinions and making recommendations with respect to the drafting and adoption of amendments to this article.

Sec. 2-92. Appointments.

The board shall consist of five (5) regular members and two (2) alternate members, all of whom shall be electors of the town. No more than three (3) regular members and no more than one (1) alternate member shall be from one political party. The initial regular and all alternate members shall be appointed by the council upon recommendation by the mayor from a list compiled and submitted by any member of the public or town organization. The term shall be five (5) years except that of the initially appointed regular members, one (1) shall serve for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. The two (2) alternate members shall be appointed in the same manner for terms of five (5) years. The duties of such alternate members shall be to sit upon such board whenever a regular member is unavailable to do so; such sitting alternate member shall have all of the obligations and duties of a regular member. A member may resign at any time by written notice to the mayor and the town clerk. Any such resignation shall become effective upon date specified therein or, if no date is so specified therein, upon date of its submission. No regular or alternate member who serves a five-year full term shall be reappointed sooner than one (1) year following the completion of that term.

Sec. 2-93. Vacancies.

Vacancies on the board among its regular members shall be filled by the mayor from alternate members of the board. Vacancies on the board among its alternate members shall be filled by the council upon recommendation by the mayor from a list compiled and submitted by any member of the public or any town organization.

Sec. 2-94. Removal.

Any regular or alternate member of the board may be removed by the mayor subject to approval by nine (9) members of the town council.

Sec. 2-95. Conflicts.

No regular or alternate member of the board shall render or agree to render any service to any person or entity other than the town in connection with any cause, proceeding, application or other matter which is before any agency, board, department, panel, commission or other official entity of the town, nor shall such member serve as a member of any such agency, board, department, panel, commission or entity.

Sec. 2-96. Organization and procedure.

The board shall annually elect a chairperson and secretary from among its members. Pursuant to the provisions of the state freedom of information act, the board shall keep records of its meetings and shall hold meetings after proper notice at the call of the chairperson and at such other times as the board may determine. For the purpose of conducting a meeting or hearing five (5) members shall constitute a quorum. Any action taken by the board shall be by a majority vote of the members present and voting. At least once a year, the board shall meet for the purpose of reviewing this article and making any recommendations with respect to the drafting and adoption of amendments to this article.

Sec. 2-97. Duties and powers.

(a) The board may make recommendations for amendments to this code of ethics for adoption by the town council.

(b) The following may submit written requests directly to the board of ethics regarding appropriate situations pursuant to this document: Mayor, town administrator, town council, superintendent of schools, board of education, or the public at large. The ethics board must respond to the submittal per section 2-67 and any opinions shall be directed to the agency or person requesting them.

(c) The board may also promulgate rules and regulations and hear complaints and render decisions.

Sec. 2-98. Expenses and compensation.

The members of the board shall serve without compensation for their services. In the performance of its duties and in the exercise of its powers, the board shall not incur any expense in excess of the funds appropriated by the council for such purpose.

## **Code of Ethics Example:**

### ARTICLE IV. CODE OF ETHICS

#### DIVISION 1. GENERALLY

Sec. 2-61. Declaration of policy.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that

public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all town officials, employees, individual(s), partnership(s), corporation(s) or other entities as defined hereinafter is adopted. The purpose of this article is to establish guidelines for ethical standards of conduct for all such officials, employees, individuals, partnerships, corporations or other entities by setting forth those acts or actions that are incompatible with the best interests of the town and by directing disclosure by such officials, employees, individuals, partnerships, corporations or other entities of private financial or other interests in matters affecting the town.

#### Sec. 2-62. Applicability.

The provisions of this article shall apply to all town officials and employees, whether elected or appointed, paid or unpaid, including individual(s), partnership(s), corporation(s) or other entities which have been or will be compensated by the town for acting as an agent or consultant for the town or any of its boards. The term "town officials", as used in this article, shall include members of the town council, members of the board of education, and all officials appointed by the town council, board of education, mayor or the town administrator. The term "town employees", as used in this article, shall include all employees of the town and board of education.

#### Sec. 2-63. Conflict of interest.

A person who is subject to this article has an interest which is in substantial conflict with proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of the state and the town if he has reason to believe or expect that he will derive a direct monetary gain or other benefit, or suffer a direct monetary loss or other detriment, as the case may be, by reason of his official activity. He does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of the state and the town if any benefit or detriment accrues to him as a member of a business, profession, occupation or group to no greater extent than any other member of such business, profession, occupation or group. For the purpose of this article a public officer or employee shall be deemed to have an interest in the affairs of his or her spouse.

#### Sec. 2-64. Standards of conduct.

(a) Any official, employee, individual(s), partnership(s), corporation(s) or other entities, who has or may have a substantial or controlling financial or significant personal interest in any property or matter which is the subject of any pending or proposed proceeding before any town agency on which such person sits or by whom such person is employed, shall make known promptly such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon such transaction, contract or sale.

(b) No official, employee, individual(s), partnership(s), corporation(s) or other entities, shall accept, during the course of any twelve-month period, any individual gift over the sum of fifty dollars (\$50.00) or any gifts which in the aggregate costs one hundred dollars (\$100.00). The limits on gifts may be changed from time to time by resolution of the town council. Gifts, as used above, may take the form of service, loan, thing or promise



from any person, firm or corporation which, to his knowledge, is interested in directly or indirectly, in any manner whatsoever, in business dealings with the town having any relationship or connection with such official or employees in the discharge of his duties.

(c) No official, employee, individual(s), partnership(s), corporation(s) or other entities, without proper legal authorization, shall disclose confidential information except as required under the freedom of information laws of the state, concerning the property, government or affairs of the town. No official, employee, individual(s), partnership(s), corporation(s) or other entities, shall use information acquired in the course of his public duties, to advance the financial or other private interest of himself or any other.

(d) No official, employee, individual(s), partnership(s), corporation(s) or other entities, shall request or permit the use of town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official, employee, individual(s), partnership(s), corporation(s) or other entities, in the conduct of official business or such use as in connection with exchange of private equipment for use by the town. No official, employee, individual(s), partnership(s), corporation(s) or other entities, shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(e) No official, employee, individual(s), partnership(s), corporation(s) or other entities, shall for the period of one (1) year after the termination of service or employment with such municipality, appear before any board or agency of the town or in any matter in litigation in which the town is a party in interest, except on behalf of the town for compensation by any private interest to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

(f) To the extent that he knows thereof, all officials, employees, individual(s), partnership(s), corporation(s) or other entities of the town, whether paid or unpaid, who participate in the discussion or give official opinions to boards and commissions or to a town meeting on pending legislation, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

(g) No official, employee, individual(s), partnership(s), corporation(s) or other entities shall render or agree to render for compensation any service to any person or party other than the town, in connection with any cause, proceeding, application or other matter which is before any town agency over which he has direct control or involvement. This does not prohibit any town official, employee, individual(s), partnership(s), corporation(s) or other entities from appearing before any board or commission on such person's own behalf or as official spokesman for an organization of which he is a member, provided such appearance does not violate sections 8-11 and 8-21 and 22a-42 of the general statutes and Public Act 83-540 or any other provision of this article.

(h) No town official, employee, individual(s), partnership(s), corporation(s) or other entities who in their capacity as such officer or employee participates in the making of a contract or accepts a purchase order in which they have a private pecuniary interest, direct or indirect, shall bid upon nor enter into any contact or bid upon nor accept any purchase order from the town or board of education unless the town administrator for the

town or superintendent of schools for the board of education waived the requirements of this section after determining that it is in the best interest of the town to do so.

(i) No employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided in this article.

#### Sec. 2-65. Exceptions.

(a) Nothing stated in this article shall bar members of the town council who are employed as teachers in the town, or whose spouses or other family members are so employed from taking part in deliberations and voting regarding the board of education budget if at such time teacher compensation for the forthcoming year has been established and is not directly affected by such votes.

(b) Nothing stated in this article shall bar members of the board of education or their employees from discharging its responsibilities according to applicable state education mandates, statutes, and regulations. Where conflicts exist between state law and this article, state law shall prevail.

(c) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the making of such loans shall not be deemed to create an interest in violation of this article.

(d) The ownership of less than five (5) percent of the outstanding stock in a publicly held corporation shall not be considered a substantial financial or personal interest.

#### Sec. 2-66. Advisory opinions.

(a) Where any public officer or employee, individual(s), partnership(s), corporation(s), or other entities has a doubt as to the applicability of any provision of this article to a particular situation, or as to the definition of terms used herein, he may apply to the board for an advisory opinion. The officer, employee, individual(s), partnership(s), corporation(s) or other entities shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of the article before such advisory opinion is made.

(b) Such opinion until amended or revoked shall be binding on the town, the town council, and the board of education in any subsequent actions concerning the public officer, employee, individual(s), partnership(s), corporation(s) or other entities who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

(c) Any advisory opinion prepared by the board shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the board unless the public officer, employee, individual(s), partnership(s), corporation(s) or other entities waives such confidentiality or where the board deems the public official to have failed to act in good faith in requesting the opinion or in conforming with the opinion or to have failed to act in conformance with the opinion.

Sec. 2-67. Sanctions.

Violations of any provisions of this article should raise conscientious questions for the official concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the town. Violation may, upon determination by the council or the board of education, constitute a cause for censure, suspension, removal from office or other appropriate legal proceedings. In the case of suspension or removal from office the Town Charter provisions will be in force. If a commission member's status is to be changed, then it would be up to the mayor to proceed.

Sec. 2-68. Procedure for handling complaints.

(a) The board of ethics will conduct its investigations as a fact-finding body, adhering to strict confidentiality in all matters concerned, and will render advisory opinions containing its findings and conclusions.

(b) Requests concerning complaints shall be received by the board of ethics only in compliance with section 2-97.

(c) Upon receipt of a complaint, the board shall determine whether said complaint falls within its jurisdiction within ten (10) working days.

(d) If the complaint does not fall within the jurisdiction of the board, the case will be dismissed and the complainant and the accused will be so notified in writing.

(e) If the board has any questions concerning jurisdiction, the complainant will be notified in writing to meet with the board to clarify the allegation in detail, with said meeting to take place within thirty (30) days of notification to the complainant.

(f) After meeting with the complainant, the board shall make a final determination as to jurisdiction.

(g) If the board determines it has jurisdiction, then within five (5) working days after such determination the accused shall be notified in writing of the alleged violation of the code of ethics and that he may elect to have all proceedings open according to the freedom of information act. Upon receipt of said notice, the party so notified shall have the right to file a response within ten (10) working days and may, within said time period, demand a hearing by the board. If a hearing is so requested, it shall be convened within twenty (20) working days after such request. If no request for a hearing is made, the board by a vote of at least three (3) members, shall determine within thirty (30) working days after the mailing of the notice of such complaint whether a hearing is required. In the event a hearing is held, the person against whom such complaint is filed, shall be notified in writing of the date, time and place of the hearing, within five (5) working days, as will the person who filed the complaint. In such hearing, the person against whom such complaint is filed shall have the right to counsel, to confrontation of all witnesses, to cross-examination and to present evidence on his or her behalf. All notices to the person about whom such complaint was made shall be mailed by certified mail.

(h) All hearings and investigatory meetings are subject to the provisions of the freedom of information act.

(i) All affected parties to be interviewed shall be notified that the meeting is being held in open or executive session, sworn in, and cautioned to observe confidentiality in the event of an executive session.

- (j) The board, pursuant to general statutes section 7-148h, may issue subpoenas or subpoenas duces tecum, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers.
- (k) If hearings or investigatory meetings are held in executive sessions, the accused shall be afforded the opportunity to be present during said executive sessions.
- (l) The board shall issue a written decision with respect to violations of this article on each case within ten (10) working days in which it shall give facts and the rationale for the decision.
- (m) Copies of the decisions shall be forwarded to the initiator of the request (town council or town administrator or mayor; board of education or superintendent of schools or complainant), and the subject of the complaint.
- (n) The board of ethics shall maintain a record of all complaints filed. If, in the board's opinion, it perceives abuse in filing of baseless or frivolous complaints by an individual or organization, the board shall be empowered to apply sanctions against the complainant(s) according to policies it adopts as enacted by town council.

Sec. 2-69. Report to council or board of education.

The board shall report to the council or board of education, as jurisdictionally appropriate, its findings as to a violation of the code of ethics, together with recommendations as to disposition to be made. If there was a defined violation of this article, the council or board of education shall consider such findings and shall determine what disposition shall be made. If the council or board of education wishes to proceed on the recommendation of the board of ethics, it shall take the appropriate action as may be indicated in section 2-67. Upon written request of the accused, the council or board of education may elect to follow the general outline of section 2-68, however, the process shall take no longer than twenty (20) working days. A special exception may be granted to the time period at the discretion of the council or board of education.

Sec. 2-70. General guidelines for town officials.

- (a) The requirements set forth in this article shall constitute a code of ethics establishing reasonable standards and guidelines for the ethical conduct of town officers of the town. The purpose of these guidelines is to encourage town officials to actively participate and vote on as many issues as their conscience allows but still act in a consistent manner. If a town official finds that he or she is abstaining from voting frequently they should obtain an advisory recommendation from the ethics commission or consider resigning.
- (b) Town officials of any commission or board who are officers, or directors of a nongovernmental civic group, social, charitable or a religious organization which is seeking financial or other legislative action from that body shall not vote on such matters. Regular members of any organization who are not actively involved in seeking that specific legislative aid may vote on any legislation and need not disclose they are members of that organization.
- (c) Town officials of any commission or board who are officers, directors, or active in negotiations of a union that is affiliated with any union of town employees shall disclose

that relationship and shall not vote in any matters that affect that union or conditions of employment of any union of town employees.

(d) Town officials of any commission or board who are employed in a profession or by a company which may be affected by legislation shall disclose that fact, but may vote on such legislation as long as they receive no direct compensation or benefit or will be affected in any way different from all individuals employed by that company or in that profession.

(e) Town officials who are members of any commission or board who are state legislators, or are active in promoting, lobbying for or drafting related legislation at the state level shall disclose that interest and may vote on such legislation at the town level.

Sec. 2-71. Distribution of code of ethics.

The town clerk shall cause a copy of this article to be distributed to every town officer and employee of the town within thirty (30) days after enactment of this article. This article shall be made known and available to individual(s), partnership(s), corporation(s), or other entities doing business with the town. Each public officer and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon the duties of this office or employment.