

## ETHICS — A CONSIDERED APPROACH

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The Town of Brookfield is currently debating a proposed change to its Ethics Code as proposed by First Selectman Silvaggi. This is a passionate discussion, one that all Brookfield residents should take seriously. After exploring the issue, the Brookfield Democratic Town Committee has voted unanimously to support the following statement.

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### WE SUPPORT A STRONG ETHICS CODE

As citizens and as Democrats, we support a strong ethics code. Period. We believe that there is a rich tradition in this Town of volunteerism, involvement, and community service in an honorable and above-board process. Issues may arise from time to time, and we do need a mechanism to deal with potential problems. We believe that recent actions by the Town have provided us all with a valid, workable, and effective process.

### BROOKFIELD'S RECENT CHARTER REVISION INCLUDED AN ETHICS UPDATE

One of the revisions to our Charter that was approved at ballot last fall was an extensive update of Article X, Code of Ethics; Conflict of Interest.

### WHAT THE CURRENT CHARTER SAYS

Here's the language:

ARTICLE X, Code of Ethics; Conflict of Interest

§ C10-1. Ethical standards and general powers of the Board of Ethics.

All officials and employees of the Town shall carry out their duties with the highest ethical standards regardless of personal considerations. Their conduct shall at all times be for the public good and within the bounds of law, shall comply with this Charter and the Town Code of Ethics, shall be above reproach and shall avoid conflict between public and private interests and responsibilities. The Board of Ethics shall determine any ambiguities and otherwise interpret the provisions of this Article X of this Charter.

§ C10-2. Code of Ethics.

There shall be a Code of Ethics governing the conduct of elected and appointed officers and employees of the Town that the Board of Selectmen shall, by ordinance, provide.

§ C10-3. Conflicts of interest.

A. Any elected or appointed Town officer, official or employee, any elected or appointed members of Town boards, commissions, committees and/or authorities who has a financial interest, direct or indirect, in any contract, any transaction or any decision of any agency, board or commission of the

## ETHICS — A CONSIDERED APPROACH

---

Town to which the Town is a party shall disclose that interest in writing to the Board of Selectmen, which shall record such disclosure upon the official record of its meeting and shall file a copy of such record in the office of the Town Clerk. Any such officer, official or employee shall be disqualified from acting on any such matter coming before such office, board or commission.

B. Violation of the provisions of this section shall be grounds for the removal of any such officer, official or employee. Such violation with the knowledge, expressed or implied, of any person, firm or corporation participating in such contract, transaction or decision shall render the same voidable by the Board of Selectmen.

§ C10-4. Scope of responsibility.

A. The Board of Ethics shall be charged with the administration of the Code of Ethics. Written ethics complaints can be filed with the Board of Ethics or the Board of Ethics may consider violations on their own volition. The Board of Ethics may retain counsel to provide advice in its deliberations.

B. Any willful violation of the dictates of law, of this Charter, or of the Town Code of Ethics Ordinances shall be reason for the removal of any elected or appointed official, or any employee of the Town. If the violation was by an action of a member(s) of the Board of Ethics, the Board of Selectmen shall act as the temporary Board of Ethics.

C. (1) The findings of the Board of Ethics will be forwarded to the Board of Selectmen for action. The Board of Selectmen shall implement the recommendation(s) of the Board of Ethics unless, by no less than a 2/3 vote by the entire Board of Selectmen taken within 30 days of receipt of the recommendation, the Board of Selectmen rejects the recommendation of the Board of Ethics.

(2) The Board of Ethics may retain counsel to pursue enforcement of its recommendations

Procedures, therefore, currently exist to insure that potential conflicts can be avoided or addressed. It is important to note that this language is a significant change from what was there before, providing increased ability for the Board of Ethics to initiate their own investigations, and detailing procedures for follow-up.

### IS THERE A CURRENT PROBLEM THAT NEEDS TO BE FIXED?

This is the fundamental question that we should all ask before proposing changes that may have far-reaching effects on the community and its ability to function. If we look beyond the emotionally charged rhetoric, the primary concern appears to be the perception that potential ethics violations exist that have not been brought to the Ethics Board.

We don't agree with this premise. But even if it is true, we believe that the recent revision to the Charter has already addressed this issue. The Board of Ethics can initiate its own investigation, and does not have to wait for direction from a Town Board. This is significant change. It means that individual citizens currently have the right — and the ability — to contact the Ethics Board directly and request that they examine specific issues.

## ETHICS — A CONSIDERED APPROACH

---

So, we don't believe that there is a procedural problem that needs to be fixed. We have a new provision in our Charter that has expanded the scope of the Ethics Board. What we need to do now is allow this to work.

The argument that our Code of Ethics is broken and needs immediate overhaul is a false and misleading argument. The battle to improve our Code of Ethics has already been waged and won by the Town.

### WHAT'S WRONG WITH FIRST SELECTMAN SILVAGGI'S PROPOSAL?

First, it was presented in a manner that appeared to be designed to elicit sound bytes rather than foster serious discussion. Selectmen Murphy and Park had no option but to slow down the process and work toward providing the entire town with the opportunity to provide input. We believe that if the First Selectman had brought the Ethics Code to the Board of Selectmen as a discussion topic, explained what problems he saw in the current Code, and proposed a process to solicit community input, he would have had immediate and strong support. In fact, both Selectmen did say — at the meeting where the First Selectman's proposal was introduced — that they supported the idea of examining the Code. They just could not rubber stamp a document that had far reaching effect, and that had not gone through the public process that is traditional in our Town.

Second, a careful reading of the First Selectman's proposal shows that it would require all town employees and volunteers — including teachers and sports coaches — to disclose a wide variety of personal financial data. Such a mandate would have huge ramifications on the town's ability to function — virtually none of them good. This is an intrusive and restrictive suggestion. Worst of all, it will not even address the perceived problem. If there's a perception that people are not now disclosing potential conflicts as they are currently required to do, why believe that more regulations will increase compliance? This, to us, is faulty logic. If we need to make sure that people disclose potential conflicts — and we do — then we need to establish understandable and accessible procedures to support the new language that we have already adopted in the recent Charter revision. The town has already acted on Ethics reform. We now need to make sure that this new provision in the Charter is supported by our Town, and that there is a clear and accessible mechanism to get perceived concerns to the Ethics Board for their consideration.

Third, it was presented in a manner that was not totally transparent. The First Selectman indicated that he had already done all the necessary research, and was simply trying to move

## ETHICS — A CONSIDERED APPROACH

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Brookfield to the center of where all the towns in the state had already moved. We believe this to be an overstatement on several levels. While some municipalities require financial disclosure, those that do are not in the majority, and they tend to focus on *a limited number of executive officials, not on all employees and volunteers*. And while Governor Rell has supported ethics reform at the state government level, these proposed financial disclosure rules again focus on executives and those employees who have significant ability to effect the award of contracts. By these criteria, the number of officials, employees, volunteers in Brookfield is quite small — perhaps as small as one; the First Selectman. Finally, the First Selectman consulted the town attorney for input, not approval of the concept, so the Town needs to make sure it has legal opinion on ‘can we do this’ as well as ‘*should* we do this?’ Very different questions, sometimes producing very different results.

### DOES THE ETHICS CODE NEED REVISION?

Yes. The Ethics Code needs to be updated to be consistent with language in the revised Charter. These ‘housekeeping’ changes must be addressed. But beyond these technical changes, we believe that the new Charter provision is good and deserves to be supported.

### WHAT DO WE PROPOSE?

The Board of Selectmen should establish an ad-hoc committee to research this issue, get public feedback from all constituent groups, and make a recommendation on proposed changes.

We believe that individuals taking office or being hired by the Town of Brookfield should agree to uphold and follow our Code of Ethics and Town Charter, and agree that any potential conflicts of interest would be disclosed at any time they may arise.

The Town should publicize the Charter and Code of Ethics, insuring that all residents are aware of processes that currently exist.

We urge all residents and all officers, officials, and employees of the Town to support—*in the words of Mr. Silvaggi’s own proposal*—“the Charter and the ordinances and the programs developed to attain those objectives *and to work in full cooperation with other public officers, officials and employees.*” Further we urge the public and especially our elected officials to refrain from misleading rhetoric and to respect the views and efforts of their fellow representatives, volunteers and community members.

This is an issue that the Town should be able to rally behind. Our officials should work to insure that it does not tear us apart.