



TOWN OF SOUTHBURY

ETHICS COMMISSION
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Advisory Opinion Case No. 15-004a

The Ethics Commission recently settled complaints surrounding Section L, Sub-Section 2 of the Code of Ethics, which concerns concurrent incompatible town offices. The commission has decided to issue an Advisory Opinion in order to make clear the thinking behind this decision and to suggest a means of avoiding committee/commission/board appointments or reappointments that could lead to further complaints or conflicts that relate to this section of the Code of Ethics. Section L, Sub-Section 2 of the Code of Ethics states:

"Except as otherwise provided in the Charter or by Ordinance, the First Selectman, the Selectmen, the Town Clerk, members of the Board of Finance and members of the Ethics Commission shall hold no other Town office, and the provisions of Section 9-210 of the General Statutes concerning incompatible Town offices shall apply to the officers described therein."

In the past, the observance of the tenets of this section of the code has been inconsistent at best, because of the differing interpretations of the meaning of "Town office" as mentioned in the section. Unfortunately, the current Code of Ethics does not explicitly define "Town office" within the document but does make reference to it here. The Ethics Commission believes that "Town office", for the purposes of conflicts of interest, should be interpreted to mean membership (elected or appointed) on any committee, commission, or board. However, we do not feel that membership on any temporary or advisory-only committee, task force, or working group should be subject to this restriction. Interpreting the Code of Ethics in this manner provides the greatest assurance that conflicts of interest arising from concurrently held permanent offices/positions will be minimized, but will allow the flexibility to create assemblies that provide the best expert advice to provide feedback to the permanent committees, commissions, and boards that have ultimate budgetary and decision making authority.

Please note that individuals who serve in one of the offices enumerated in Section L, Sub-Section 2 should continue to have the freedom to be able to act as ex-officio, non-voting liaison members of any assembly as determined/appointed by the First Selectman and the Board of Selectman if desired. A liaison or advisory role would not constitute a conflict, yet would still allow for important communication and wisdom to be shared, as long as the liaison role does not include voting privileges or holding an official leadership role in the group.

It is our suggestion that going forward, the First Selectman and the Board of Selectman should be careful when appointing or re-appointing full/voting members to any assembly from any of the folks serving in the following positions: **First Selectman**, members of the **Board of Selectman**, members of the **Board of Finance**, the **Town Clerk** and members of the **Ethics Commission**. If any individuals from this list are currently serving as a full/voting member of a committee, commission, or board whose membership is considered by us to be a town office, they should consider resigning any non-liaison memberships held in order to avoid a conflict or complaint.

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Examples of Committee, Commission, or Board membership that the Ethics Commission considers a town office:

- Board of Assessment Appeals
- Building Code Board of Appeals
- Conservation Commission
- Economic Development Commission
- Film Commission
- Historic Buildings Commission
- Historic District Commission
- Inland Wetlands Commission
- Library Board
- Parks and Recreation Commission
- Planning Commission
- South Britain Historic District Commission
- Southbury Celebration Committee
- Zoning Board of Appeals
- Zoning Commission

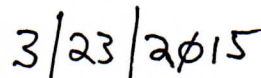
Examples of temporary or advisory-only Committee, Task Force, or Working Group membership that the Ethics Commission does not consider a town office:

- Emergency Medical Services Committee
- Energy Task Force
- Library Basement Usage Task Force
- Animal Shelter Task Force
- Blight Solutions Committee
- Historic Tree Restoration Committee
- Procurement Policy Review Committee
- Road Study Committee
- Public Works Committee
- IT Steering Committee

By
The Ethics Commission for the Town of Southbury



Joseph R. Ruggiero Chairperson



Date