



TOWN OF LEDYARD CONNECTICUT

741 Colonel Ledyard Highway
Ledyard, CT 06339
<http://www.ledyardct.org>

Administration Committee

~ AGENDA ~

Chairman S. Naomi
Rodriguez

Regular Meeting

Wednesday, September 11, 2024

5:30 PM

Town Hall Annex- Hybrid Format

In -Person: Council Chambers, Town Hall Annex Building

Remote Participation Information is Noted Below:

Join Zoom Meeting from your Computer, Smart Phone or Tablet:

<https://us06web.zoom.us/j/85692031875?pwd=9nm1qrS0aDbifVW9RtU0azObBd3QnF.1>

Or by Audio Only: Telephone: +1 646 558 8656; Meeting ID: 856 9203 1875; Passcode: 429539

- I. CALL TO ORDER
- II. ROLL CALL
- III. RESIDENTS & PROPERTY OWNERS COMMENTS
- IV. PRESENTATIONS / INFORMATIONAL ITEMS
- V. APPROVAL OF MINUTES

MOTION to approve the Administration Committee’s Special Meeting-Work Session Minutes of July 24, 2024

Attachments: [ADMIN-MIN-2024-07-24](#)

- VI. OLD BUSINESS
 - 1. MOTION to adopt proposed Amendments to Ordinance #100-015 (rev.1) "An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard" as presented in the draft dated July 24, 2024..

Attachments: [ORD-#100-015-An Ordinance Establishing PMBC-DRAFT-2024-07-24-2024-Minutes-CLEAN COPY Ordinance 100-015- Permanent Municipal Building Committee Amendments-Hosey-email-2024-09-16 Permanent Municipal Building Committee-Temporary Board of Education Member-email-2024-09-11 BOE-House Bill #5524 - 2024-School Building Projects-1 Grant Application EDo49 Form- Legislative Body Appoint Building Cmt ACTION LTR-8-6-2014- Example](#)

2. Discussion and possible action to create an Ethics Commission for the Town of Ledyard.

Attachments: [DRAFT AN ORDINANCE ESTABLISHING A TOWN OF LEDYARD CODE OF ETHICS AND ETHICS COMMISSION Town Charter-Investigation-Conflict of Interest Fraud Policy - Adopted-2014-05-28 Acknowledgement Form-Code of Ethics-DRAFT.docx ACC Municipal Ethics - Minimum Provisions \(2019\).docx Representative France-Code of Ethics E-mail 2019-03-04.pdf CGS - CHAPTER 10-ETHICS PUBLIC EMPLOYEES.docx House of Representatives HB 6502 Ethics Reform 2008-07-09.pdf Ethics Commission- Fothergill-dmail-2024-09-13 Ethics Commission- Franzone email-2024-09-13 Ethics Commission- Lyons-email-2024-09-13 Ethics Commission- Wilkinson-email-2024-09-13 Ethics Commission-Samos-email-2024-09-24](#)

3. Any other Old Business proper to come before the Committee

VII. NEW BUSINESS

1. MOTION to set a Hybrid (In-Person & Video Conference) Public Hearing date on October 23, 2024 at 6:30 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, to receive comments and recommendations regarding proposed Amendments to Ordinance #100-015 (rev.1) “An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard” as presented in the draft dated July 24, 2024.
2. MOTION to approve a proposed “Town of Ledyard Digital Sign Use Policy” as presented in the draft dated 9/4/2024.

Attachments: [Digital Sign Policy-Draft-2024-09-05 Digital Sign Use Reservation Form](#)

****ADD ON****

3. MOTION to appoint Ms. Cynthia Wright (D) 6 Laurel Leaf Drive, Gales Ferry to the Library Commission to complete a two (2) year term ending November 7, 2025 filling a vacancy left by Mr. Cronin.

Attachments: [APPOINT APPLICATION-WRIGHT-LIBRARY2024-04-20.pdf](#)
[RESIGN-CRONIN-LIBRARY COMMISSION LTR-2024-09-03](#)
[LIBRARY COMMISSION-2024-09-10](#)

4. Discussion and possible action to draft an Ordinance regarding the raising of Unofficial-Third-Party Flags on Town Property.

Attachments: [OLR Report unofficial flags 5-7-24](#)
[Attorney Memo--Memo Re Flag Flying-2024-09-09](#)
[Third Party Flags-Healty ltr-2024-09-11](#)

5. Any other New Business proper to come before the Committee.

IV ADJOURNMENT

DISCLAIMER: Although we try to be timely and accurate these are not official records of the Town.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 24-0774

Agenda Date: 9/11/2024

Agenda #:

MINUTES

Minutes:

MOTION to approve the Administration Committee's Special Meeting-Work Session Minutes of July 24, 2024



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

741 Colonel Ledyard Highway
 Ledyard, CT 06339
 860 464-3203
<http://www.ledyardct.org>
 Roxanne M. Maher
 Administrative Assistant

Chairman S. Naomi Rodriguez

MINUTES
ADMINISTRATION COMMITTEE
SPECIAL MEETING
AND
WORK SESSION

Wednesday, July 24, 2024

5:30 PM

Town Hall Annex Building

DRAFT

- I. **CALL TO ORDER** – The Meeting was called to order by Councilor Garcia-Irizarry at 5:30 p.m. at the Council Chambers Town Hall Annex Building.

Councilor Garcia-Irizarry welcomed all to the Hybrid Meeting. She stated for the Town Council Administration Committee and members of the Public who were participating via video conference that the remote meeting information was available on the Agenda that was posted on the Town’s Website – Granicus-Legistar Meeting Portal.

II. **ROLL CALL-**

Attendee Name	Title	Status	Location	Arrived	Departed
April Brunelle	Town Councilor	Excused			
Kevin Dombrowski	Town Councilor	Present	In-Person	5:30 pm	6:26 pm
Carmen Garcia-Irizarry	Committee Chairman	Present	In-Person	5:30 pm	6:26 pm
S. Naomi Rodriguez	Town Council Chairman	Present	In-Person	5:30 pm	6:26 pm
Fred Allyn, III	Mayor	Present	In-Person	5:30 pm	6:26 pm
Gary Schneider	Permanent Municipal Building Committee Chairman	Present	In-Person	5:30 pm	6:26 pm
Jerry Tyminski	Permanent Municipal Building Committee	Present	In-Person	5:30 pm	6:26 pm
Joe Gush	Permanent Municipal Building Committee	Present	In-Person	5:30 pm	6:26 pm
Kate DiPalma-Herb	BOE Rep Permanent Municipal Building Committee	Present	In-Person	5:30 pm	6:26 pm
Jason Harling	School Superintendent	Present	Remote	5:38 pm	6:26 pm
Wayne Donaldson	Board of Education Director of Facility and Grounds	Present	In-Person	5:30 pm	6:26 pm
Branden Graber	Board of Education Member	Present	Remote	5:30 pm	6:26 pm
Sarah Treaster	Board of Education Member	Present	Remote	5:33 pm	6:26 pm
Carol Schneider	Resident	Present	Remote	5:30 pm	6:26 pm
Deborah Edwards	Resident	Present	Remote	5:30 pm	6:26 pm
Roxanne Maher	Administrative Assistant	Present	In-Person	5:30 pm	6:26 pm

III. **REVIEW AND APPROVAL OF PRIOR MEETING MINUTES**

MOTION to approve the Regular Meeting Minutes of June 12, 2024
 Moved by Councilor Dombrowski, seconded by Councilor Garcia-Irizarry

VOTE: 2 – 0 Approved and so declared

IV. BUSINESS OF THE MEETING

1. MOTION to recommend the Town Council reappoint Mr. David Nelson (R) 25 Hyde Park, Gales Ferry, as an Alternate Member of the Board of Assessment Appeals for a four (4) year term ending August 26, 2028.

Moved by Councilor Dombrowski, seconded by Councilor Garcia-Irizarry

Discussion: Councilor Dombrowski noted that the Board of Assessment Appeals did not recommend Mr. Nelson be reappointed due to the lack of attendance.

VOTE: 0 – 2 Motion Failed

RESULT:	0 - 2 FAILED
MOVER:	Kevin Dombrowski, Committee Member
SECONDER:	Carmen Garcia-Irizarry, Committee Member
AYES:	
NYES:	Kevin Dombrowski, Carmen Garcia-Irizarry
EXCUSED:	April Brunelle

2. MOTION to recommend the Town Council set a Hybrid (In-Person & Video Conference) Public Hearing date on September 11, 2024, at 6:30 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, to receive comments and recommendations regarding the following:

- Proposed “*An Ordinance Providing Tax Relief for Gold Star Families in the Town of Ledyard*” as presented in the draft dated May 14, 2024.
- Proposed amendments to Ordinance #100-011 “*An Ordinance Establishing ~~A Youth &~~ Social Services Board for the Town of Ledyard*” as presented in the draft dated June 4, 2024.

Moved by Councilor Dombrowski, seconded by Councilor Garacia-Irizarry

Discussion: Councilor Dombrowski noted at their June 12, 2024 meeting the Administration Committee voted favorably to forward both of the proposed Ordinances to the Town Council for their review and approval. He stated the Finance Committee reviewed the proposed “*An Ordinance Providing Tax Relief for Gold Star Families in the Town of Ledyard*” at their July 17, 2024 meeting and also recommended forwarding it to the Town Council as well.

Councilor Dombrowski went on to explain in accordance with Chapter III; Section 5 of the Town Charter that “.....*one public hearing shall be held by the Town Council before any ordinance shall be passed.* This motion was only to set the Public Hearing date.

VOTE: 2– 0 Approved and so declared

RESULT:	2– 0 APPROVED TO RECOMMEND
MOVER:	Kevin Dombrowski, Committee Member
SECONDER:	Carmen Garcia-Irizarry, Committee Member
AYES:	Kevin Dombrowski, Carmen Garcia-Irizarry
EXCUSED:	April Brunelle

IV. WORK SESSION ITEM

Round table discussion to amend Ordinance #100-015 “*An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard*” as presented in the draft dated May June 4, 2024.

Councilor Garcia-Irizarry invited members of the Permanent Municipal Building Committee and members the Board of Education who were present this evening to participate in the Administration Committee’s review and discussion regarding the proposed amendments to 100-015 “*An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard*” as presented in the draft dated June 12, 2024.

Mr. Joe Gush, 57 Town Farm Road, Ledyard, Permanent Municipal Building Committee (PMBC); asked the following questions:

- ***Reason to amend the Ordinance.***

Councilor Garcia-Irizarry responded to Mr. Gush explaining that both the Town Council and the Board of Education have been discussing the need to provide the PMBC with professional support such as an Owners Representative to assist them with very large construction projects. She noted the amount of paperwork and logistics that come with building projects that cost millions of dollars. She stated the objective of hiring an Owners Representative and/or other Professionals was to help with the details of the projects, and avoid oversights and project delays.

- ***How Committee Members were Reappointed to a Town Committee***

Section 4. Terms of appointment

Regular members shall be appointed by the Town Council for a term of three (3) years. Members shall commence to serve their terms immediately upon appointment and shall serve until their successor has qualified or they have been ***reappointed*** or removed ***by the Town Council***.

- ***References*** – Mr. Gush noted that the Ordinance #100-015 “*An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard*” does not include any references to things like the Purchasing Ordinance. He noted as an example he did not understand why the PMBC had to send something to the Finance Committee when they only received two quotes. He recommended these types of references be included in the Ordinance so the PMBC volunteers know what the rules of engagement were, so they could do things correctly.

The proposed Ordinance Amendments included references to the Ordinance #200-001 (rev.1) “*Purchasing Ordinance for the Town of Ledyard*” throughout the document.

Councilor Dombrowski stated he understands that they were all volunteers and that there were a lot of Ordinances, noting the time it would take to read them all. However, he stated it would be cumbersome to include references to all the different Ordinances.

- **Point of Contact** – Mr. Gush stated as a member of the Permanent Municipal Building Committee (PMBC) that he did not know his point of contact was, noting that he did not know who to start with.

Administrative Assistant Roxanne Maher responded to Mr. Gush stating that the Permanent Municipal Building Committee’s first point of contact was Executive Assistant Kristen Chapman, who recently began supporting the Committee. She stated prior to Ms. Chapman, that their point of contact was Assistant Town Clerk, Lisa Sartori. She also noted that should Ms. Chapman not be available that they could contact her in the Town Council Office.

Mr. Gary Schneider, 101 Inchcliffe Drive, Gales Ferry, Permanent Municipal Building Committee (PMBC) Chairman, submitted the following editorial revisions noted below in *purple font*:

DRAFT ~~4/29/2024~~~~6/12/2024~~: 7/24/2024 Ordinance # 100-015 (rev.1)

AN ORDINANCE ESTABLISHING
A PERMANENT MUNICIPAL BUILDING COMMITTEE
FOR THE TOWN OF LEDYARD

Be it ordained by the Town Council of the Town of Ledyard

Section 1. Authority

Pursuant to Chapter IV, Section 7 of the Town Charter, a Permanent Municipal Building Committee is hereby established.

Section 2. Purpose

The Permanent Municipal Building Committee shall have continued responsibility for the execution of ~~major select~~ construction and maintenance projects for the Town of Ledyard *as assigned by the Town Council*. The Permanent Municipal Building Committee will oversee and supervise the design, construction, renovation, demolition and removal of Town and Board of Education buildings *that fall within the approved budget* ~~cost-estimated-threshold~~, as well as any significant installation, renovation or upgrade of service equipment and major systems as provided herein.

The Permanent Municipal Building Committee may have responsibility for the execution of buildings or infrastructure projects associated with the provisions of water and/or sewer, if deemed appropriate by the Town Council.

For projects whose total project cost is estimated to exceed \$500,000, an Owner’s Representative and/or Consulting Engineer shall be hired through a quality-based selection process to assist the Permanent Municipal Building Committee with management and oversight of such project(s). The Owner’s Representative or

Consulting Engineer shall not have authority to make decisions, approvals, or otherwise act on behalf of the Permanent Building Committee unless specifically designated to do so by contract. The Owner's Representative or Consulting Engineer shall be required to have the requisite experience, knowledge, qualifications, personnel and capacity necessary to manage such a project.

The selection of an Owner's Representative or Consulting Engineer shall be publicly advertised through a Request for Proposal to solicit proposals from interested parties. The Request for Proposal shall provide a clear scope of services that specifies the roles and responsibilities of the Owner's Representative or Consulting Engineer. Where possible, it shall clearly specify the level of oversight during construction so that proposals from multiple firms can be clearly leveled during the evaluation process.

The selection of the Owner's Representative or Consulting Engineer shall be awarded to the firm that provides the best value to the Town of Ledyard. The best value is defined as the firm providing the highest quality, expertise, and knowledge for the proposed project. This shall also include the quality of referrals from a minimum of three references provided by the proposers. It shall also consider the fee for the work; however, the fee shall not be the sole basis for award.

*When a project involves the purchase of replacement equipment costing more than \$500,000, a waiver to bypass the solicitation of bids for the engagement of an Owner's Representative or Consulting Engineer may be approved by the Town Council; ~~and shall be~~ **as** requested by the Permanent Municipal Building Committee prior to purchase and installation of the equipment.*

The Permanent Municipal Building Committee shall comply with provisions provided in Ordinance 200-001 (rev.1) (An Ordinance for Purchasing) with regard to the competitive bid process; and shall interview a minimum of two firms prior to selection. Should only one firm be determined qualified to perform such work, the Permanent Municipal Building Committee may request a waiver for such a requirement should the firm's proposal be reasonable for the proposed scope of work.

*The Permanent Municipal Building Committee shall make a written recommendation to the Town Council for the award of such services. The recommendation shall include a summary of proposers, a weighed ranking sheet for the selection, and reasons why the Permanent Municipal Building Committee is recommending such a firm. The final decision of award will lie with the Town Council. The Town Council possesses the authority to **reject the recommendation and refer it back to the Permanent Municipal Building Committee for further action relative to making another recommendation for the award of such services** ~~to award to a different firm if it deems that such a firm is~~ in the best interest of the Town of Ledyard.*

*Mr. Schneider explained because the Town Council does not participate in reviewing the proposals or the interviews, he suggested that the Town Council would **refer the selection back to the Permanent Municipal Building Committee to make another selection.***

Ms. Kate DiPalma-Herb, 20 August Meadows Drive, Gales Ferry, Board of Education Representative on the Permanent Municipal Building Committee, stated after the PMBC has gone through the entire process of vetting contractors and interviews and reviewing the stacks of presentations and information, they make an educated decision and recommendation, that the Town Council could then say “No”; and say “*They wanted the PMBC to choose another group*”.

Councilor Dombrowski explained that the language has been proposed to be included in the amended Ordinance because the Town Council has the fiduciary responsibility for the town. Ms. DiPalma-Herb stated if that was going to be the process, then the Town Council should be involved in the PMBC vetting process. She stated if the PMBC was going to be given the responsibility that they need to also have the authority. She asked that the Town Council attend the PMBC Meetings and be part of the vetting process.

Councilor Garcia-Irizarry stated that she understood what Ms. DiPalma-Herb was saying about the work the PMBC does to make their decision and recommendation; and that Town Council was not involved in that process. She suggested that perhaps they should include language or a mechanism for a member of the Finance Committee to participate in the PMBC vetting/interview and decision process.

Ms. DiPalma-Herb noted that the Town Council does provide a Liaison to the PMBC. However, she questioned how the Town Council received information if the Liaison was not regularly attending the PMBC Meetings when Board of Education Projects were being addressed. Chairman Rodriguez stated the Liaison does provide reports to the Town Council, noting that if they were not able to attend that they would watch the video and/or read the minutes. Councilor Dombrowski stated the Liaisons are intended to keep the Town Council informed on what was going on with all the other town boards and commissions. He stated if a Committee had a question for the Town Council, they could ask their Liaison to convey the question, and vice-versa, if the Town Council had a question they could ask the Committee’s Liaison to relay the question to the Committee. He stated the Liaisons do not serve in the capacity as an Ex-Officio Member of any Board or Commission. Chairman Rodriguez stated the same was true for the Board of Education’s Liaisons noting that they do not attend every meeting that they were a Liaison to.

Where external funding sources are used to fund the project, such requirements of the funding authority shall apply to the selection process as well. Where conflicts occur between this ordinance and the funding authority’s requirements, the most stringent requirement(s) shall be applicable as determined by Mayor or their designee.

The Requests for Proposals for Owner’s Representatives or Consulting Engineers is subject to review by the Town Director of Finance. The Director of Finance is responsible for ensuring that all required local and state purchasing requirements are met and that all insurance requirements are included in the Request for Proposal.

From time to time, the Permanent Municipal Building Committee may be asked to undertake certain studies or projects by the Town Council. In case of multiple projects, the Town Council may form a separate building committee for a particular project.

Section 3. Membership

The Permanent Municipal Building Committee shall consist of the following members appointed by the Town Council:

Regular Members: Five (5). These members, to the extent possible, shall include those with experience in finance, engineering, architecture, project management, or the building trades. They shall be appointed *by the Town Council* for a term of three (3) years.

Temporary Members: For each municipal project, up to two (2) temporary members who are a member or representative of the Proposing Body shall be appointed by the Town Council.

For Board of Education projects, at least one *of their two* temporary members shall be a Board of Education member. *Board of Education Temporary Members shall be appointed by the Town Council.*

Temporary Members shall serve for the term of the project they have been appointed for.

Temporary members shall have the right to vote on the activities of the Permanent Municipal Building Committee only with respect to the particular project for which such members were appointed.

Ex-Officio Members: The Town Finance Director, *Public Works Director*, Board of Education Business Manager and/or his designee, *Board of Education Director of Facilities and Grounds*, Town Engineering Technician, Town Planner and the Permanent Municipal Building Committee's Town Council Liaison shall be non-voting ex-officio members. ~~The Board of Education member and the Board of Education Business Manager may be excused from participating in non-Board of Education related matters.~~

Quorum: A quorum shall consist of a majority of *Regular* voting members.

Mr. Schneider questioned what number of members made a quorum?

Councilor Dombrowski responded noting that a quorum was the majoring of Regular voting Members, which was three. Therefore, he explained that temporary members representing specific projects would not count toward a quorum.

Mayor Allyn explained that if the temporary members representing a specific project were not in attendance that the business of the Permanent Municipal Committee would continue to be conducted.

The Committee could vote on items related to specific projects even if the project representatives were not present.

Mr. Jerry Tyminski, 58 Partridge Hollow, Gales Ferry, Permanent Municipal Building Committee Member, noted the Regular Members would serve three (3) years. However, he stated the Ordinance does not state how long the Temporary Members would serve.

Councilor Dombrowski stated Temporary Members would serve for the duration of the project.

The Group agreed to add the following language to provide clarification regarding the Temporary Members term:

Temporary Members shall serve for the term of the project they have been appointed for.

Section 4. Terms of appointment

Regular members shall be appointed by the Town Council for a term of three (3) years. Members shall commence to serve their terms immediately upon appointment and shall serve until their successor has qualified or they have been reappointed or removed by the Town Council.

Any vacancy in the Permanent Municipal Building Committee other than by expiration of term shall be filled for the unexpired portion of the term by the Town Council. The Town Council may remove members for cause and fill the vacancy per Chapter IV, Section 6 of the Town Charter.

Cause for removal shall include, but is not limited to, unexcused absence from three (3) consecutive regular meetings and any intervening duly called special meeting.

Any member of the Permanent Municipal Building Committee who is absent from three (3) consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Permanent Municipal Building Committee. The vacancy shall be filled as herein before provided. Additionally, the Permanent Municipal Building Committee may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this action.

It shall be the responsibility of the Chairman of the Permanent Municipal Building Committee to notify the Town Council when a member has not properly performed his duties.

Annually, the regular members of the Permanent Municipal Building Committee shall elect a Chairman, Vice Chairman and Secretary. Any vacancy in any such office shall be filled by the Permanent Municipal Building Committee from its regular membership.

Section 5. Powers and Duties

The Permanent Municipal Building Committee is authorized to develop design plans and drawings for municipal building projects directed by the Town Council, primarily in accordance with the Town's Capital Improvements Projects List.

The Permanent Municipal Building Committee is authorized to recommend to the Mayor to retain the services of architects and/or engineers for the purpose of planning, designing, building and administrating major capital projects. The process shall utilize a quality-based selection similar to that outlined in Section 2 for the Owner's Representative or Consulting Engineer. Such selection shall be based on experience, knowledge, capacity and expertise as well as the fee for performing such work.

When an Owner's Representative is required for the project, the Permanent Building Committee shall provide a recommendation for the hiring of an Owner's Representative prior to selecting the architect and/or engineer, so that the Owner's Representative may assist with the development of the Request for Proposal, the selection process, project control budgets, project schedules, contracts and other material necessary to properly solicit comprehensive proposals by interested firms. ~~The Permanent Municipal Building Committee is authorized to interview architects and/or engineers for the purpose of planning, designing, building and completing municipal building projects, and based on said interviews and cost estimates, to hire suitable candidates.~~

The Permanent Municipal Building Committee is authorized to develop schedules and ~~budgets cost estimates~~ for municipal building projects. *However, when an Owner's Representative is required, the Owner's Representative shall be responsible for drafting such schedules and budgets; and shall be approved by the Permanent Municipal Building Committee. The Owner's Representative shall also be responsible for developing a project cash flow projection for review by the Town Director of Finance, as approved by the Permanent Municipal Building Committee.*

The Permanent Municipal Building Committee is authorized to recommend to the Mayor the **execution** of municipal building project contracts as may be approved by the Town Council.

Mr. Schneider questioned whether "**execution**" should be replaced with "**award to the lowest qualified bidder**".

Councilor Dombrowski stated the word should be "**execution**" because as the Chief Elected Official (CEO) the Mayor would be the person signing/executing the contracts that the Permanent Municipal Building Committee has recommended.

The Permanent Municipal Building Committee shall have authority over all change order requests. The Permanent Municipal Building Committee shall also coordinate all applications for grants and other financial assistance documents *except for school construction grants through the Department of Education. Such grant applications are the responsibility of the Superintendent of Schools and the Board of Education.* The Permanent Municipal Building Committee shall submit change orders and grants/financial assistance documentation to the appropriate authority in a timely manner and with timely notification to the Town Council. The Town Council is the authority to modify or change the scope of the project.

Mr. Schneider noted the following language: *“The Permanent Municipal Building Committee shall submit change orders and grants/financial assistance documentation to the appropriate authority in a timely manner and with timely notification to the Town Council. The Town Council is the authority to modify or change the scope of the project”* (see text in the highlighted text above). Mr. Schneider stated they have been submitting the Change Orders to the Finance Director for funding and to the State Department of Administrative Services (DAS). However, he stated they have not been submitting the Change Orders to the Town Council.

Councilor Dombrowski stated a letter to the Town Council would serve as notification. Mayor Allyn stated that an Action Letter would serve as a notification. Administrative Assistant Roxanne Maher stated that Executive Assistant Kristen Chapman has been providing Action Letters to the Town Council after each Permanent Municipal Building Committee meeting.

Ms. Maher went on to state that this language has been in the Ordinance since it was initially adopted in 2008, explaining that one of the reasons the Permanent Municipal Building Committee was established was because there were many instances in which former Building Committees made changes, and the proper authority was not notified, such as the State; and therefore, the town was not eligible for the grant reimbursement they had been expecting. She also noted that the Bond Authorization Documents included language that stated to change the scope of the project that the Permanent Municipal Building Committee had to come back to the Town Council for approval.

The Permanent Municipal Building Committee shall at least quarterly report its activity to the Town Council and to the Proposing Body, if applicable; and shall submit a final report upon completion of each project. The Permanent Municipal Building Committee is also authorized to conduct periodic reviews and audits of the physical condition of all municipal and school buildings and grounds, including service equipment and major systems and make recommendations to the Town Council for inclusion into the Town’s Capital Improvements Projects List and should work with the Mayor’s Office and the appropriate boards and commissions and agencies.

Mr. Schneider stated each respective Department should prepare and submit to the Mayor audits of the condition of the buildings. He stated that this was not the work of the Permanent Municipal Building Committee.

Councilor Dombrowski stated this language has been in this Ordinance, since it was initially implemented in 2008. He noted that the Permanent Municipal Building Committee “*is authorized*”. He stated the PMBC was not required to conduct audits of the Municipal Buildings.

Mr. Schneider stated if that was the case, then the Town Council should direct the Permanent Municipal Building Committee to conduct the audit of the building.

Councilor Dombrowski explained the intent of the language was to give flexibility to the PMBC to perform periodic audits of Municipal Properties; and make recommendations to the Town Council about where improvements were needed. Therefore, he stated this language was to allow the PMBC to take the initiative, if they chose to do so.

Mr. Schneider stated the initiative to do so, may require money, etc. Councilor Dombrowski explained then the PMBC would come to the Town Council to present the project and request funding.

Ms. Kate DiPalma-Herb noted that the role of the Board of Education was to set policy, and the Administration executed the policies. She stated within the School Administration they had Director of Facilities and Grounds Mr. Wayne Donaldson, who attends every BOE Facility Meeting and reports on the condition of the schools such as repairs, maintenance, improvements, summer projects planned, etc. She stated all of this was well documented in the BOE Facility Minutes and in their Capital Improving Plan (CIP). She stated certainly if the PMBC had a concern about something in the school buildings that they could find a proper way to address it. She stated that sometimes the PMBC does meet in the school buildings; and that during the active construction of the School(s) Improvement/Consolidation Project(s) (Middle School & Gallup Hill School) that the PMBC took tours of the schools at regular intervals. She stated that she did not know who was the equivalent to Mr. Donaldson for the town.

Mayor Allyn, III, stated that Public Works Director/Town Engineer Steve Masalin has for many years assembled the Building Long-Term Capital Needs Plan, which covered the Senior Center/Parks & Recreation Facility, Town Hall, Town Hall Annex Building, both the Bill Library and Gales Ferry Library, the Gales Ferry Community Center, the Public Works Facility, Transfer Station, Salt Shed, and Washdown Facility.

Chairman Rodriguez stated after the Middle School and Gallup Hill School were opened that Superintendent Jason Hartling gave the Board of Education a tour of the schools; because there were issues with the School(s) Improvement/Consolidation Project(s) (Middle School & Gallup Hill School) that were not being addressed by O&G Industries. She stated after the tour of the schools that she called the PMBC, and they told her that they had not toured the schools. Ms. DiPalma-Herb stated that she has been serving on the PMBC since before the School(s) Improvement/Consolidation Project(s) (Middle School & Gallup Hill School) started and that she could tell them that the PMBC held meetings inside both schools and toured the buildings. Therefore, she did not know who on the PMBC would have told Chairman Rodriguez that they had not been shown or toured the school buildings.

Councilor Dombrowski stated getting back to the Ordinance that the language they were discussing has been in the Ordinance since it was originally implemented in 2008. He stated if the PMBC wanted to visit a school facility or town facility that they would of course schedule a time to visit and not just show up. He stated the language “***The Permanent Municipal Building Committee is also authorized to conduct periodic reviews and audits of the physical condition...***” does not require the PMBC to visit the schools or to conduct audits of the buildings, however, he stated it authorized them to do so, if they chose to.

Mr. Schneider stated the Town Council should direct the Permanent Municipal Building Committee (PMBC) to conduct the audit of the building.

Councilor Garcia-Irizarry stated by having the following language “***The Permanent Municipal Building Committee is also authorized to conduct periodic reviews and audits of the physical condition...***” in the Ordinance that it eliminated some of the bureaucracy, explaining if the PMBC wanted to visit a Facility that they could make arrangements with the Facility and not have to go thru the Town Council to do so. However, she stated if the PMBC wanted to delegate that to the Town Council then they would have to go through a process to do so.

Councilor Dombrowski stated the paragraph they have been discussing stated the following:

“The Permanent Municipal Building Committee is also authorized to conduct periodic reviews and audits of the physical condition of all municipal and school buildings and grounds, including service equipment and major systems and make recommendations to the Town Council for inclusion into the Town’s Capital Improvements Projects List and should work with the Mayor’s Office and the appropriate boards and commissions and agencies”.

Councilor Dombrowski explained this language was authorizing the PMBC to look at the town as a whole, what the facilities look like, whether they were Board of Education Facilities or Town Facilities; and make recommendations to the Capital Improvement Plan (CIP); noting that was the whole point.

Mr. Schneider stated the PMBC never sees the Capital Improvement Plan.

Ms. DiPalma noted that Councilor Dombrowski brought-up an interesting point, noting that perhaps they should try to schedule more joint meetings to work together on these types of issues.

Mayor Allyn stated the Capital Improvement Plan (CIP) was in the budget every year. Councilor Dombrowski stated the PMBC had access to the Capital Improvement Plan like everyone else, noting the CIP was not a hidden document. He stated everything in the Capital Improvement Plan goes to the Planning Commission for approval and then to Town Council to be included in budget to be approved as part of the Annual Budget

Referendum each year. He stated on an annual basis they go through the Capital Improvement Plan; and that this would be the PMBC opportunity to say what should be in the Capital Improvement Plan for maintaining the buildings in the town.

Ms. DiPalma-Herb stated the PMBC has been operating in a silo, and that they were hearing feedback from the Town Council regarding timelines and delays, etc. However, she stated that there was not a lot of communication. She stated this was a good step forward.

Mr. Tyminski stated that it appeared that they were putting the cart before the horse. He stated they already had paid staff (Public Works Director/Town Engineer Steve Masalin and BOE Director of Facilities and Grounds Wayne Donaldson); therefore, they should let these two people look at the facilities and then ask the PMBC to look at the issues that have been identified.

The Group agreed to leave the following paragraph in the Ordinance:

“The Permanent Municipal Building Committee shall at least quarterly report its activity to the Town Council and to the Proposing Body, if applicable; and shall submit a final report upon completion of each project. The Permanent Municipal Building Committee is also authorized to conduct periodic reviews and audits of the physical condition of all municipal and school buildings and grounds, including service equipment and major systems and make recommendations to the Town Council for inclusion into the Town’s Capital Improvements Projects List and should work with the Mayor’s Office and the appropriate boards and commissions and agencies.”

It is understood that the agencies assigned responsibility for specific buildings, grounds, capital, and facilities shall assess, prioritize, seek funding and actively support administration of projects assigned to the Permanent Municipal Building Committee.

The Permanent Municipal Building Committee shall, with assistance from the Proposing Body ensure that projects are completed, including the close-out of required reports, in a timely manner.

Section 6. Spending Funds

The Permanent Municipal Building Committee may expend such funds as the Town Council, or if required the Town Meeting, may appropriate to carry out its duties as described herein. There shall be no intermingling of funding between projects.

Section 7. Definitions:

For the purpose of this Ordinance, the following definitions shall apply:

- 1) “Major maintenance” shall include capital building/improvement projects and projects that are capital in nature; that is, having a useful life of five or more years.

“Major maintenance” shall not include routine maintenance and upkeep of a building or other structures, or its service equipment, which is performed on a regular basis.

2) “Service equipment and major systems” shall include boilers, elevators, generators, HVAC systems, septic systems, fire alarms, electrical service including wiring and fixtures, major plumbing service, building skin (roofs, gutters, masonry, windows, exterior paint, floor covering, etc.) It shall not include information system technology (computers and computer systems).

3). “Proposing Body” means the Town of Ledyard appointed or elected board or commission sponsoring or requesting a construction or major maintenance project or for a project initiated by the Permanent Building Committee itself, the board or commission whose facility would be the recipient thereof.

Section 7. Severability

If any provision of this Ordinance shall be held invalid by a court having competent jurisdiction, such invalidity shall not affect any of the other provisions of this Ordinance that can be given effect without the invalid provision and for this purpose the provisions of the Ordinance are hereby declared severable.

Section 8. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Amended, Adopted and Renumbered by the Ledyard Town Council on: _____

S. Naomi Rodriguez, Chairman

Approved/Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Revisions: Ordinance #119 “An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard” Adopted March 26, 2008; Ordinance #138 “An Ordinance Amending an Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard: Adopted June 24, 2015; Effective: July 31, 2015; **Ordinance renumbered from Ordinance #138 to Ordinance #100-015 as part of the Town Council’s 2017-2019 Ordinance Update Initiative; September 25, 2019.**

History:

The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #138 to Ordinance #100-015.

2015: Removed the project threshold of \$25,000 requiring all capital building/improvement projects and projects that are capital in nature; that is, having a useful life of five or more years be assigned to the Permanent Municipal Building Committee.

2019: Title – Removed “Ordinance Amending” – Per Town Attorney not required. Section 4 added language regarding members attendance relative to resignation/replacement. Removed Section 9 “Cancellation” - Per Town Attorney the “Cancellation Section” was not needed. The “Revisions” and “History” paragraph indicates that the previous ordinance has been updated and replaced. Added new Section 9 “Effective Date” to be consistent with Town Ordinance format

2024:

Section 2 “Purpose” Paragraph 1 replaced the word ~~major~~ with “select” and Added Paragraphs 2 – 6.

Section 3: “Membership” Added: Public Works Director, Board of Education Director of Facilities and Grounds. Also, the following language was added for clarification: “Board of Education Temporary Members shall be appointed by the Town Council”.

Section 5 “Powers and Duties”:

Paragraph 2- The following language was replaced: ~~The Permanent Municipal Building Committee is authorized to interview architects and/or engineers for the purpose of planning, designing, building and completing municipal building projects, and based on said interviews and cost estimates, to hire suitable candidates.~~ *“When an Owner’s Representative is required for the project, the Permanent Building Committee shall provide a recommendation for the hiring of an Owner’s Representative prior to selecting the architect and/or engineer so that the Owner’s Representative may assist with the development of the Request for Proposal, the selection process, project control budgets, project schedules, contracts and other material necessary to properly solicit comprehensive proposals by interested firms”.*

Paragraph 3: Replaced: ~~cost estimates~~ with “budgets” Also added: *“However, when an Owner’s Representative is required, the Owner’s Representative shall be responsible for drafting such schedules and budgets. The Owner’s Representative shall also be responsible for developing a project cash flow projection for review by the Town Director of Finance*

NEW Paragraph 4

Paragraph 5 Added the following language: *except for school construction grants through the Department of Education. Such grant applications are the responsibility of the Superintendent of Schools and the Board of Education.*

Councilor Garcia-Irizarry thanked the Permanent Municipal Building Committee for their questions, comments, and recommendations, noting that they had a good discussion this

evening. She stated because they had a Special Town Council Meeting scheduled at 6:30 p.m. this evening that they would have to wrap up their discussion. However, she asked that if they had any additional comments or suggestions to forward them to her and to Administrative Assistant Roxanne Maher.

RESULT: CONTINUED

Next Meeting:09/11/2024 5:30 p.m.

V. ADJOURNMENT

Councilor Dombrowski moved the meeting be adjourned, seconded by Councilor Garcia-Irizarry.

VOTE: 2 - 0 Approved and so declared, the meeting was adjourned at 6:26 p.m.

Respectfully submitted,

Carmen Garcia-Irizarry
Committee Chairman
Administration Committee



File #: 24-0367

Agenda Date: 11/13/2024

Agenda #: 1.

ORDINANCE

Motion/Request:

MOTION to adopt proposed Amendments to Ordinance #100-015 (rev.1) “An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard” as presented in the draft dated July 24, 2024..

Background:

Based on the size of select Municipal Projects, it would be prudent to provide the volunteers serving on the Permanent Municipal Building Committee (PMBC) with assistance from professionals.

The proposed Amendments to the Ordinance as presented in the draft dated July 24, 2024 includes provisions for the hiring of professional support; and input from the Permanent Municipal Building Committee.

Highlights of Proposed Amendments:

➤ Section 2 - Purpose:

- Established a Project Cost threshold estimated to exceed \$500,000.
- Provides for professional assistance from a Owner’s Representative or Consulting Engineer.
- Requires the PMBC to provide written recommendations regarding their selection to include a summary of proposers, a weighted ranking sheet and reasons to support their recommendation.
- Places the final decision regarding the selection of Owner’s Representative or Consulting Engineer with the with the Town Council.

➤ Section 4 - Terms of Appointment::

- Adds: Temporary Members shall serve for the term of the project they have been appointed for.

➤ Section 5: Powers and Duties

- Updated to more clearly define PMBC powers and duties.
- Includes language for when Owner’s Representative or Consulting Engineer is required.
- Names: the Superintendent of School to be the responsible party for School Construction Grants Applications.

- Adds: the Board of Education Director of Facilities and Grounds and the Town's Public Works Director/Town Engineer as Ex-Officio Members.

Department Comment/Recommendation:

(type text here)

Mayor Comment/Recommendation:

(type text here)

Body:

DRAFT *7/24/2024 (Clean Copy)*

Ordinance # 100-015 *(rev.1)*

AN ORDINANCE ESTABLISHING
A PERMANENT MUNICIPAL BUILDING COMMITTEE
FOR THE TOWN OF LEDYARD

Be it ordained by the Town Council of the Town of Ledyard

Section 1. Authority

Pursuant to Chapter IV, Section 7 of the Town Charter, a Permanent Municipal Building Committee is hereby established.

Section 2. Purpose

The Permanent Municipal Building Committee shall have continued responsibility for the execution of ~~major~~ *select* construction and maintenance projects for the Town of Ledyard *as assigned by the Town Council*. The Permanent Municipal Building Committee will oversee and supervise the design, construction, renovation, demolition and removal of Town and Board of Education buildings *that fall within the approved budget*, as well as any significant installation, renovation or upgrade of service equipment and major systems as provided herein.

The Permanent Municipal Building Committee may have responsibility for the execution of buildings or infrastructure projects associated with the provisions of water and/or sewer, if deemed appropriate by the Town Council.

For projects whose total project cost is estimated to exceed \$500,000, an Owner's Representative and/or Consulting Engineer shall be hired through a quality-based selection process to assist the Permanent Municipal Building Committee with management and oversight of such project(s). The Owner's Representative or Consulting Engineer shall not have authority to make decisions, approvals, or otherwise

act on behalf of the Permanent Building Committee unless specifically designated to do so by contract. The Owner's Representative or Consulting Engineer shall be required to have the requisite experience, knowledge, qualifications, personnel and capacity necessary to manage such a project.

The selection of an Owner's Representative or Consulting Engineer shall be publicly advertised through a Request for Proposal to solicit proposals from interested parties. The Request for Proposal shall provide a clear scope of services that specifies the roles and responsibilities of the Owner's Representative or Consulting Engineer. Where possible, it shall clearly specify the level of oversight during construction so that proposals from multiple firms can be clearly leveled during the evaluation process.

The selection of the Owner's Representative or Consulting Engineer shall be awarded to the firm that provides the best value to the Town of Ledyard. The best value is defined as the firm providing the highest quality, expertise, and knowledge for the proposed project. This shall also include the quality of referrals from a minimum of three references provided by the proposers. It shall also consider the fee for the work; however, the fee shall not be the sole basis for award.

When a project involves the purchase of replacement equipment costing more than \$500,000, a waiver to bypass the solicitation of bids for the engagement of an Owner's Representative or Consulting Engineer may be approved by the Town Council; as requested by the Permanent Municipal Building Committee prior to purchase and installation of the equipment.

The Permanent Municipal Building Committee shall comply with provisions provided in Ordinance 200-001 (rev.1) (An Ordinance for Purchasing) with regard to the competitive bid process; and shall interview a minimum of two firms prior to selection. Should only one firm be determined qualified to perform such work, the Permanent Municipal Building Committee may request a waiver for such a requirement should the firm's proposal be reasonable for the proposed scope of work.

The Permanent Municipal Building Committee shall make a written recommendation to the Town Council for the award of such services. The recommendation shall include a summary of proposers, a weighed ranking sheet for the selection, and reasons why the Permanent Municipal Building Committee is recommending such a firm. The final decision of award will lie with the Town Council. The Town Council possesses the authority to reject the recommendation and refer it back to the Permanent Municipal Building Committee for further action relative to making another recommendation for the award of such services in the best interest of the Town of Ledyard.

Where external funding sources are used to fund the project, such requirements of the funding authority shall apply to the selection process as well. Where conflicts occur between this ordinance and the funding authority's requirements, the most stringent requirement(s) shall be applicable as determined by Mayor or their designee.

The Requests for Proposals for Owner's Representatives or Consulting Engineers is subject to review by the Town Director of Finance. The Director of Finance is responsible for ensuring that all required local and state purchasing requirements are met and that all insurance requirements are included in the Request for Proposal.

From time to time, the Permanent Municipal Building Committee may be asked to undertake certain studies or projects by the Town Council. In case of multiple projects, the Town Council may form a separate building committee for a particular project.

Section 3. Membership

The Permanent Municipal Building Committee shall consist of the following members appointed by the Town Council:

Regular Members: Five (5). These members, to the extent possible, shall include those with experience in finance, engineering, architecture, project management, or the building trades. They shall be appointed **by the Town Council** for a term of three (3) years.

Temporary Members: For each municipal project, up to two (2) temporary members who are a member or representative of the Proposing Body shall be appointed by the Town Council.

For Board of Education projects, at least one **of their two** temporary members shall be a Board of Education member. **Board of Education Temporary Members shall be appointed by the Town Council. Temporary Members shall serve for the term of the project they have been appointed for.**

Temporary members shall have the right to vote on the activities of the Permanent Municipal Building Committee only with respect to the particular project for which such members were appointed.

Ex-Officio Members: The Town Finance Director, **Public Works Director**, Board of Education Business Manager and/or his designee, **Board of Education Director of Facilities and Grounds**, Town Engineering Technician, Town Planner and the Permanent Municipal Building Committee's Town Council Liaison shall be non-voting ex-officio members.

Quorum: A quorum shall consist of a majority of **Regular** voting members.

Section 4. Terms of appointment

Regular members shall be appointed by the Town Council for a term of three (3) years. Members shall commence to serve their terms immediately upon appointment and shall serve until their successor has qualified or they have been reappointed or removed by the Town Council.

Any vacancy in the Permanent Municipal Building Committee other than by expiration of term shall be filled for the unexpired portion of the term by the Town Council. The Town Council may remove members for cause and fill the vacancy per Chapter IV, Section 6 of the Town Charter.

Cause for removal shall include, but is not limited to, unexcused absence from three (3) consecutive regular meetings and any intervening duly called special meeting.

Any member of the Permanent Municipal Building Committee who is absent from three (3) consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Permanent Municipal Building Committee. The vacancy shall be filled as herein before provided. Additionally, the Permanent Municipal Building Committee may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this action.

It shall be the responsibility of the Chairman of the Permanent Municipal Building Committee to notify

the Town Council when a member has not properly performed his duties.

Annually, the regular members of the Permanent Municipal Building Committee shall elect a Chairman, Vice Chairman and Secretary. Any vacancy in any such office shall be filled by the Permanent Municipal Building Committee from its regular membership.

Section 5. Powers and Duties

The Permanent Municipal Building Committee is authorized to develop design plans and drawings for municipal building projects directed by the Town Council, primarily in accordance with the Town's Capital Improvements Projects List.

The Permanent Municipal Building Committee is authorized to recommend to the Mayor to retain the services of architects and/or engineers for the purpose of planning, designing, building and administrating major capital projects. The process shall utilize a quality-based selection similar to that outlined in Section 2 for the Owner's Representative or Consulting Engineer. Such selection shall be based on experience, knowledge, capacity and expertise as well as the fee for performing such work.

~~The Permanent Municipal Building Committee is authorized to interview architects and/or engineers for the purpose of planning, designing, building and completing municipal building projects, and based on said interviews and cost estimates, to hire suitable candidates. When an Owner's Representative is required for the project, the Permanent Building Committee shall provide a recommendation for the hiring of an Owner's Representative prior to selecting the architect and/or engineer, so that the Owner's Representative may assist with the development of the Request for Proposal, the selection process, project control budgets, project schedules, contracts and other material necessary to properly solicit comprehensive proposals by interested firms.~~

The Permanent Municipal Building Committee is authorized to develop schedules and ~~cost estimates~~ *budgets* for municipal building projects. *However, when an Owner's Representative is required, the Owner's Representative shall be responsible for drafting such schedules and budgets; and shall be approved by the Permanent Municipal Building Committee. The Owner's Representative shall also be responsible for developing a project cash flow projection for review by the Town Director of Finance, as approved by the Permanent Municipal Building Committee.*

The Permanent Municipal Building Committee is authorized to recommend to the Mayor the execution of municipal building project contracts as may be approved by the Town Council.

The Permanent Municipal Building Committee shall have authority over all change order requests. The Permanent Municipal Building Committee shall also coordinate all applications for grants and other financial assistance documents *except for school construction grants through the Department of Education. Such grant applications are the responsibility of the Superintendent of Schools and the Board of Education.* The Permanent Municipal Building Committee shall submit change orders and grants/financial assistance documentation to the appropriate authority in a timely manner and with timely notification to the Town Council. The Town Council is the authority to modify or change the scope of the project.

The Permanent Municipal Building Committee shall at least quarterly report its activity to the Town

Council and to the Proposing Body, if applicable; and shall submit a final report upon completion of each project. The Permanent Municipal Building Committee is also authorized to conduct periodic reviews and audits of the physical condition of all municipal and school buildings and grounds, including service equipment and major systems and make recommendations to the Town Council for inclusion into the Town's Capital Improvements Projects List and should work with the Mayor's Office and the appropriate boards and commissions and agencies.

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Amended, Adopted and Renumbered by the Ledyard Town Council on: _____

S. Naomi Rodriguez, Chairman

Approved/Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Revisions: Ordinance #119 *“An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard”* Adopted March 26, 2008; Ordinance #138 *“An Ordinance Amending an Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard: Adopted June 24, 2015; Effective: July 31, 2015; **Ordinance renumbered from Ordinance #138 to Ordinance #100-015 as part of the Town Council’s 2017-2019 Ordinance Update Initiative; September 25, 2019.***

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2024:

Section 2 *“Purpose”* Paragraph 1 replaced the word major *with “select” and*
Added Paragraphs 2 - 6.

*Section 3: “Membership” Added: **Public Works Director, Board of Education Director of Facilities and Grounds.** Also, the following language was added for clarification: **“Board of Education Temporary Members shall be appointed by the Town Council”.***

Temporary Members shall serve for the duration of the Project for which they were appointed.

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Paragraph 2- The following language was replaced: The Permanent Municipal Building Committee is authorized to interview architects and/or engineers for the purpose of planning, designing, building and completing municipal building projects, and based on said interviews and cost estimates, to hire suitable candidates. “ *When an Owner’s Representative is required for the project, the Permanent Building Committee shall provide a recommendation for the hiring of an Owner’s Representative prior to selecting the architect and/or engineer so that the Owner’s Representative may assist with the development of the Request for Proposal, the selection process, project control budgets, project schedules, contracts and other material necessary to properly solicit comprehensive proposals by interested firms*”.

Paragraph 3: Replaced: cost estimates with “budgets” Also added: “*However, when an Owner’s Representative is required, the Owner’s Representative shall be responsible for drafting such schedules and budgets. The Owner’s Representative shall also be responsible for developing a project cash flow projection for review by the Town Director of Finance*

NEW Paragraph 4

Paragraph 5 Added the following language: except for school construction grants through the Department of Education. Such grant applications are the responsibility of the Superintendent of Schools and the Board of Education.

AN ORDINANCE ESTABLISHING
A PERMANENT MUNICIPAL BUILDING COMMITTEE
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For Board of Education projects, at least one *of their two* temporary members shall be ~~the~~ a Board of Education **Chairman or their designee** ~~member.~~ *Board of Education Temporary Members shall be appointed by the Town Council.*

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Any vacancy in the Permanent Municipal Building Committee other than by expiration of term shall be filled for the unexpired portion of the term by the Town Council. The Town Council may remove members for cause and fill the vacancy per Chapter IV, Section 6 of the Town Charter.

Cause for removal shall include, but is not limited to, unexcused absence from three (3) consecutive regular meetings and any intervening duly called special meeting.

Any member of the Permanent Municipal Building Committee who is absent from three (3) consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Permanent Municipal Building Committee. The vacancy shall be filled as herein before provided. Additionally, the Permanent Municipal Building Committee may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this action.

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The Permanent Municipal Building Committee is authorized to develop schedules and ~~cost estimates~~ *budgets* for municipal building projects. *However, when an Owner's Representative is required, the Owner's Representative shall be responsible for drafting such schedules and budgets; and shall be approved by the Permanent Municipal Building Committee. The Owner's Representative shall also be responsible for developing a project cash flow projection for review by the Town Director of Finance, as approved by the Permanent Municipal Building Committee.*

The Permanent Municipal Building Committee is authorized to recommend to the Mayor the execution of municipal building project contracts as may be approved by the Town Council.

The Permanent Municipal Building Committee shall have authority over all change order requests. The Permanent Municipal Building Committee shall also coordinate all applications for grants and other financial assistance documents *except for school construction grants through the Department of Education. Such grant applications are*

the responsibility of the Superintendent of Schools and the Board of Education. The Permanent Municipal Building Committee shall submit change orders and grants/financial assistance documentation to the appropriate authority in a timely manner and with timely notification to the Town Council. The Town Council is the authority to modify or change the scope of the project.

The Permanent Municipal Building Committee shall at least quarterly report its activity to the Town Council and to the Proposing Body, if applicable; and shall submit a final report upon completion of each project. The Permanent Municipal Building Committee is also authorized to conduct periodic reviews and audits of the physical condition of all municipal and school buildings and grounds, including service equipment and major systems and make recommendations to the Town Council for inclusion into the Town's Capital Improvements Projects List and should work with the Mayor's Office and the appropriate boards and commissions and agencies.

It is understood that the agencies assigned responsibility for specific buildings, grounds, capital, and facilities shall assess, prioritize, seek funding and actively support administration of projects assigned to the Permanent Municipal Building Committee.

The Permanent Municipal Building Committee shall, with assistance from the Proposing Body ensure that projects are completed, including the close-out of required reports, in a timely manner.

Section 6. Spending Funds

The Permanent Municipal Building Committee may expend such funds as the Town Council, or if required the Town Meeting, may appropriate to carry out its duties as described herein. There shall be no intermingling of funding between projects.

Section 7. Definitions:

For the purpose of this Ordinance, the following definitions shall apply:

- 1) "Major maintenance" shall include capital building/improvement projects and projects that are capital in nature; that is, having a useful life of five or more years.

"Major maintenance" shall not include routine maintenance and upkeep of a building or other structures, or its service equipment, which is performed on a regular basis.

- 2) "Service equipment and major systems" shall include boilers, elevators, generators, HVAC systems, septic systems, fire alarms, electrical service including wiring and fixtures, major plumbing service, building skin (roofs, gutters, masonry, windows, exterior paint, floor covering, etc.) It shall not include information system technology (computers and computer systems).

3). “Proposing Body” means the Town of Ledyard appointed or elected board or commission sponsoring or requesting a construction or major maintenance project or for a project initiated by the Permanent Building Committee itself, the board or commission whose facility would be the recipient thereof.

Section 7. Severability

If any provision of this Ordinance shall be held invalid by a court having competent jurisdiction, such invalidity shall not affect any of the other provisions of this Ordinance that can be given effect without the invalid provision and for this purpose the provisions of the Ordinance are hereby declared severable.

Section 8. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Amended, Adopted and Renumbered by the Ledyard Town Council on: _____

S. Naomi Rodriguez, Chairman

Approved/Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Revisions: Ordinance #119 “An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard” Adopted March 26, 2008; Ordinance #138 “An Ordinance Amending an Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard: Adopted June 24, 2015; Effective: July 31, 2015; *Ordinance renumbered from Ordinance #138 to Ordinance #100-015 as part of the Town Council’s 2017-2019 Ordinance Update Initiative; September 25, 2019.*

History:

The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #138 to Ordinance #100-015.

2015: Removed the project threshold of \$25,000 requiring all capital building/improvement projects and projects that are capital in nature; that is, having a useful life of five or more years be assigned to the Permanent Municipal Building Committee.

2019: Title – Removed “Ordinance Amending” – Per Town Attorney not required. Section 4 added language regarding members attendance relative to resignation/replacement. Removed Section 9 “Cancellation” - Per Town Attorney the “Cancellation Section” was not needed. The “Revisions” and “History” paragraph indicates that the previous ordinance has been updated and replaced. Added new Section 9 “Effective Date” to be consistent with Town Ordinance format

2024:

Section 2 “Purpose” Paragraph 1 replaced the word ~~major~~ with “select” and Added Paragraphs 2 – 6.

Section 3: “Membership” Added: Public Works Director, Board of Education Director of Facilities and Grounds. Also, the following language was added for clarification: “Board of Education Temporary Members shall be appointed by the Town Council”.

Section 5 “Powers and Duties”:

Paragraph 2- The following language was replaced: ~~The Permanent Municipal Building Committee is authorized to interview architects and/or engineers for the purpose of planning, designing, building and completing municipal building projects, and based on said interviews and cost estimates, to hire suitable candidates.~~ “When an Owner’s Representative is required for the project, the Permanent Building Committee shall provide a recommendation for the hiring of an Owner’s Representative prior to selecting the architect and/or engineer so that the Owner’s Representative may assist with the development of the Request for Proposal, the selection process, project control budgets, project schedules, contracts and other material necessary to properly solicit comprehensive proposals by interested firms”.

Paragraph 3: Replaced: ~~cost estimates~~ with “budgets” Also added: *“However, when an Owner’s Representative is required, the Owner’s Representative shall be responsible for drafting such schedules and budgets. The Owner’s Representative shall also be responsible for developing a project cash flow projection for review by the Town Director of Finance*

NEW Paragraph 4

Paragraph 5 Added the following language: except for school construction grants through the Department of Education. Such grant applications are the responsibility of the Superintendent of Schools and the Board of Education.

Roxanne Maher

From: ghosey924@gmail.com
Sent: Monday, September 16, 2024 4:01 PM
To: Town Council Group
Cc: 'Anthony Favry'; garyjonschneider@comcast.net; Fred Allyn, III
Subject: 100-015

Hi all,

At the recent Admin Committee meeting, Council Chair Rodriguez, with my permission, read an email to the Committee.

Although, as Chair Rodriguez stated, I am currently a member of the PMBC, the opinions expressed in that email, as well as this one, are my own, and do not necessarily reflect the views or opinions of my fellow PMBC members.

I had written that email in the hopes that it would generate discussion and resolution of several questions regarding the proposed revision to Ordinance 100-015 governing the PMBC. I was, thus, surprised, when it, instead, spurred a 5-minute effort by the committee to (incorrectly) analyze my motivations for writing said email. While I have absolutely no idea how my motivations for emailing impact the content of the ordinance, I thought I would write to clarify.

While there was discussion of last year's situation in which a bid waiver was denied by the Town Council, that has absolutely nothing to do with my email of last week. My motivations are quite simple. As someone who lives and volunteers in Ledyard, I want to see the town enact clear, intelligent ordinances that benefit the town. To that end, I see that a more recent version of the proposed ordinance revision discusses the Town Council rejecting the PMBC recommendation and referring it back to PMBC, instead of the previous wording that simply allowed TC to choose a different vendor. The new wording is in line with what I was requesting. Thank you for that.

Unfortunately, other questions remained unaddressed.

- Who is the “firing authority” for an owner’s rep? In the unlikely event an owner’s rep performs or behaves in a manner warranting termination of their employment with the town, who makes that decision – the PMBC, the Town Council, or the Mayor?
- What is the basis of the \$500k number? Why not \$250k, \$1M, \$2M? What is the statistical or historical significance of \$500k?

- The proposed revision defines a quorum as a majority of regular members. This is fine. It also states that temporary members may vote only on matters concerning the project for which they have been appointed. This is also fine. However, the ordinance leaves unanswered whether a quorum of regular members can vote on matters concerning temporary projects, such as schools, if neither of the temporary members appointed for that project is present. Is it the intention of the Council that regular members may vote on questions concerning the temporary projects without a temporary member present? If so, this section is also fine as-is. If not, then this section requires additional verbiage.

Thank you for your time and attention.

George Hosey
Ledyard Resident

Roxanne Maher

From: Anthony Favry <afavry@ledyard.net>
Sent: Wednesday, September 11, 2024 7:00 AM
To: Town Council Group; town council
Cc: BoE Members
Subject: Temporary Board of Education Membership; PMBC

Good Morning Chairman Rodriguez & Town Councilors,

We understand that the Administrative Committee is meeting tonight and one of the actions on the agenda is regarding Board of Education temporary membership on PMBC. Based on agenda posted, it references that the temporary Board of Education member shall be appointed by Town Council.

It is the understanding of the Board of Education that based on House Bill 5524, which was signed by the Governor this Legislative session and effective 7/1/24, that temporary member of the building committee (PMBC) shall be the School Board Chair or a designee appointed by the Chair. Reference below:

§ 168 — SCHOOL BUILDING COMMITTEE MEMBERSHIP

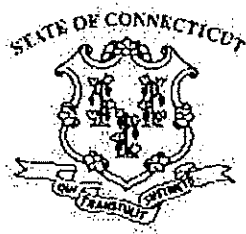
Requires that school building committees established to undertake a school building project as defined

in Section 10-282 include the school board chair or a designee.

The Board wants to make sure Town Council was aware of this prior to tonight's meeting, especially given that this state requirement impacts state reimbursements for costs associated with school projects.

We appreciate your attention to this matter.

Thank You,
Anthony Favry
Chairman, Ledyard Board of Education



General Assembly

Bill No. 5524

February Session, 2024

LCO No. 6080



Referred to Committee on No Committee

Introduced by:

REP. RITTER M., 1st Dist.

SEN. LOONEY, 11th Dist.

REP. ROJAS, 9th Dist.

SEN. DUFF, 25th Dist.

**AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE
AND CONCERNING PROVISIONS RELATED TO STATE AND
MUNICIPAL TAX ADMINISTRATION, GENERAL GOVERNMENT AND
SCHOOL BUILDING PROJECTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective July 1, 2024*) The State Bond Commission shall
2 have power, in accordance with the provisions of this section and
3 sections 2 to 7, inclusive, of this act, from time to time to authorize the
4 issuance of bonds of the state in one or more series and in principal
5 amounts in the aggregate not exceeding \$100,100,000.

6 Sec. 2. (*Effective July 1, 2024*) The proceeds of the sale of bonds
7 described in sections 1 to 7, inclusive, of this act, to the extent hereinafter
8 stated, shall be used for the purpose of acquiring, by purchase or
9 condemnation, undertaking, constructing, reconstructing, improving or
10 equipping, or purchasing land or buildings or improving sites for the

6350 Sec. 106. Section 10-292v of the general statutes is repealed and the
6351 following is substituted in lieu thereof (Effective July 1, 2024):

6352 Any school building committee established by a town or regional
6353 school district to undertake a school building project, as defined in
6354 section 10-282, shall include (1) at least one member who has experience
6355 in the construction industry, and (2) the chairperson of the local or
6356 regional board of education, or the chairperson's designee, for the school
6357 district of such school building project.

6358 Sec. 169. Section 10-265r of the 2024 supplement to the general
6359 statutes is repealed and the following is substituted in lieu thereof
6360 (Effective July 1, 2024):

6361 (a) For the fiscal year ending June 30, 2023, and each fiscal year
6362 thereafter, the Department of Administrative Services shall administer
6363 a heating, ventilation and air conditioning system grant program to
6364 reimburse local and regional boards of education, regional educational
6365 service centers, incorporated or endowed high schools or academies
6366 approved by the State Board of Education, pursuant to section 10-34,
6367 and state charter schools for costs associated with projects for the
6368 installation, replacement or upgrading of heating, ventilation and air
6369 conditioning systems or other improvements to indoor air quality in
6370 school buildings.

6371 (b) (1) A local or regional board of education, [or a] regional
6372 educational service center, incorporated or endowed high school or
6373 academy or state charter school may apply, at such time and in such
6374 manner as the Commissioner of Administrative Services prescribes, for
6375 a grant for a project involving the installation, replacement or upgrading
6376 of heating, ventilation and air conditioning systems or other
6377 improvements to indoor air quality in school buildings. A local or
6378 regional board of education may submit an application for any such
6379 project that (A) was commenced on or after March 1, 2020, and

CHAPTER 173*

PUBLIC SCHOOL BUILDING PROJECTS

Sec. 10-282. Definitions. As used in this chapter, section 10-65 and section 10-76e:

(1) "Elementary school building" means any public school building designed to house any combination of grades below grade seven or children requiring special education who are described in subdivision (2) of subsection (b) of section 10-76d;

(2) "Secondary school building" means any public school building designed to house any combination of grades seven through twelve or any regional agricultural science and technology education center established under the provisions of part IV of chapter 164, and may also include any separate combination of grades five and six or grade six with grades seven and eight in a program approved by the State Board of Education when the use of special facilities generally associated with secondary schools is an essential part of the program for all grades included in such school;

(3) "School building project", except as used in section 10-289, means (A) the construction, purchase, extension, replacement, renovation or major alteration of a building to be used for public school purposes, including the equipping and furnishing of any such construction, purchase, extension, replacement, renovation or major alteration, the improvement of land therefor, or the improvement of the site of an existing building for public school purposes, but shall not include the cost of a site, except as provided in subsection (b) of section 10-286d; (B) the construction and equipping and furnishing of any such construction of any building which the towns of Norwich, Winchester and Woodstock may provide by lease or otherwise for use by the Norwich Free Academy, Gilbert School and Woodstock Academy, respectively, in furnishing education for public school pupils under the provisions of section 10-34; and (C) the addition to, renovation of and equipping and furnishing of any such addition to or renovation of any building which may be leased, upon the approval of the Commissioner of Education or the Commissioner of Administrative Services, to any local or regional board of education for a term of twenty years or more for use by such local or regional board in furnishing education of public school pupils;

(4) "Extension" of an existing school building means the addition to an existing building or remaining portion of an existing building damaged by fire, flood or other natural catastrophe, or the erection of a new structure or group of structures on the same site which, together with the existing building, is designed to house pupils in an educational program under the supervision of one school principal;

- (5) "Replacement" of a school building means the erection of a new structure on the same or another site to replace a school building totally destroyed by fire, flood or other natural catastrophe or one to be abandoned for school use upon completion of its replacement;
- (6) "Major alteration" means a capital improvement of an existing building, the total project costs of which exceed ten thousand dollars except for projects approved pursuant to subsection (a) of section 10-65, for public school purposes resulting in improved educational conditions;
- (7) "Code violation" means the correction of any condition in an existing building for public school purposes, the total project costs of which exceed ten thousand dollars, and which condition is in violation of the requirements of the State Building, Fire Safety or Public Health Codes, state or federal Occupational, Safety and Health Administration Codes, federal or state accessibility requirements or regulations of the federal Environmental Protection Agency or the state Department of Energy and Environmental Protection, state Department of Public Health regulations for radon or federal standards for lead contamination in school drinking water;
- (8) "Completed school building project" means a school building project declared complete by the applicant board of education as of the date shown on the final application for grant payment purposes as submitted by said board to the Commissioner of Administrative Services or an agent of the commissioner;
- (9) "Date of beginning of construction" means the date on which the general construction contract or the first phase thereof, purchase agreement or leasing agreement is signed by the authorized agent of the town or regional school district;
- (10) "Standards" means architectural, engineering and education space specifications and standards for facility eligibility;
- (11) "Application" or "grant application" means formal notification of intention to apply for a state grant-in-aid for a particular school building project;
- (12) "Net eligible costs" means eligible project costs adjusted for the state standard education space specifications;
- (13) "Regional educational service center" means a body corporate and politic established pursuant to the provisions of part IVa of chapter 164;
- (14) "Regional educational service center administrative or service facility" means a building designed for administrative offices or residential facilities, operated by a regional educational service center;

(15) "Agricultural science and technology education" includes vocational aquaculture and marine-related employment;

(16) "Bonds or municipal bonds", except as used in section 10-289, means (A) any bond, note, certificate or other evidence of indebtedness, and (B) any energy conservation lease purchase agreement;

(17) "Energy conservation lease purchase agreement" means any lease purchase agreement, installment sale agreement or other similar agreement providing for periodic payments by a town or regional school district which (A) has as its purpose the financing of a school building project concerning energy conservation, (B) separately states the principal and interest components of the periodic payments to be made under the agreement, and (C) provides that the town or regional school district acquire title to the school building project upon payment of the total amount outstanding under the agreement;

(18) "Renovation" means a school building project to refurbish an existing building that was not renovated in accordance with this subdivision during the twenty-year period ending on the date of application, and of which not less than seventy-five per cent of the facility to be renovated is at least twenty years old, and that results in at least fifty-five per cent of the square footage of the completed building project being so renovated and the entire completed project having a useful life comparable to that of a new construction, and for which the total project costs of the renovation are less than the total project costs of a new construction;

(19) "Certified school indoor air quality emergency" means the existence of a building condition determined by the Department of Public Health to present a substantial and imminent adverse health risk that requires remediation in an amount greater than one hundred thousand dollars;

(20) "Turn-key purchase" means the purchase of a facility that a party has agreed to construct or renovate and deliver as fully completed in accordance with an agreement between that party and a purchasing school district.

Sec. 10-292q. School Building Projects Advisory Council. (a) There is established a School Building Projects Advisory Council. The council shall consist of: (1) The Secretary of the Office of Policy and Management, or the secretary's designee, (2) the Commissioner of Administrative Services, or the commissioner's designee, (3) the Commissioner of

Education, or the commissioner's designee, and (4) six members appointed by the Governor, one of whom shall be a person with experience in school building project matters, one of whom shall be a person with experience in architecture, one of whom shall be a person with experience in engineering, one of whom shall be a person with experience in school safety, one of whom shall be a person with experience with the administration of the State Building Code, and one of whom shall be a person with experience and expertise in construction for students with disabilities and the accessibility provisions of the Americans with Disabilities Act, 42 USC 12101 et seq. The chairperson of the council shall be the Commissioner of Administrative Services, or the commissioner's designee. A person employed by the Department of Administrative Services who is responsible for school building projects shall serve as the administrative staff of the council. The council shall meet at least quarterly to discuss matters relating to school building projects.

(b) The School Building Projects Advisory Council shall (1) develop model blueprints for new school building projects that are in accordance with industry standards for school buildings and the school safety infrastructure criteria, developed pursuant to section 10-292r, (2) conduct studies, research and analyses, (3) make recommendations for improvements to the school building projects processes to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, education and finance, revenue and bonding, and (4) periodically review and update, as necessary, the school safety infrastructure criteria developed pursuant to section 10-292r.

GRANT APPLICATION (FORM ED049) SUBMISSION CHECKLIST*Revised April 2008*

All documentation listed below must be included in the grant application package submitted in order for the application to be considered complete. Although Form ED049 is required to be submitted electronically via the School Construction Grant Management System (SCGMS), the supplemental documentation listed below is required as indicated in order to complete the electronic application.

1. Form ED049 electronically submitted via SCGMS at www.csde.state.ct.us.
2. Certified copy of resolutions from the local legislative body (*not* the Board of Education):
 - (i) establishing a building committee;
 - (ii) authorizing at least the preparation of schematic drawings and outline specifications; and
 - (iii) authorizing the filing of the grant application.
3. Complete educational specifications for the project.
4. Board of Education's written approval of educational specifications.
5. Documentation of locally authorized funding (i.e. certified referendum language and vote count; budget page(s) containing funding for the project and date budget was passed, etc.) in an amount sufficient to cover the local share. Where locally authorized funding references more than one project, a cover letter providing an allocation of the funding also needs to be provided.
6. Enrollment projection in support of the highest eight-year projected enrollment for all projects *except* code violation, roof replacement, Board of Education space, and certified indoor air quality emergency projects.
7. Vo-Ag equipment list, if applicable.
8. Formal approval from the appropriate SDE programmatic office for vo-ag projects (equipment and/or construction), interdistrict magnet projects, and regional special education center projects.
9. Completed cost estimating worksheet Part B for any project with costs in excess of \$2 million.
10. This checklist signed by contact person listed on Form ED049.

Contact Person's Name	Signature	Phone

Notes: *For Priority List projects, the local resolutions, Board of Education approval of educational specifications, and locally authorized funding need to all be executed prior to the June 30 deadline.*

Incomplete grant applications will only be assigned a temporary project number. No state grant commitments can be given for grant applications with temporary project numbers.



TOWN OF LEDYARD CONNECTICUT TOWN COUNCIL

Chairman Linda C. Davis

741 Colonel Ledyard Highway
Ledyard, CT 06339
(860) 464-3203
council@ledyardct.org

August 7, 2014

Mayor John A. Rodolico
741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Dear Mayor Rodolico:

At its special meeting held on August 6, 2014, the Town Council took the following actions:

- Assigned the administration of the expenditure of the \$500,000 STEAP Grant for Streetscape Improvements to the Permanent Municipal Building Committee.
- Appointed the Permanent Municipal Building Committee as the Building Committee for the Middle School and Gallup Hill School Addition and Improvement Projects in accordance with the Schools' Consolidation Plan.
- Authorized the preparation of schematic drawings and outline specifications for the Middle School and Gallup Hill School Addition and Improvement Projects in accordance with the Schools' Consolidation Plan.
- Authorized the Board of Education to submit a grant application for the Middle School and Gallup Hill School Addition and Improvement Projects in accordance with the Schools' Consolidation Plan.
- Entered into executive session to discuss ongoing contract negotiations.

This action was taken without prejudice and the Town Council's right to discuss in private, strategy and/or negotiations with respect to collective bargaining pursuant to Connecticut General Statutes Chapter 14 Section 1-200 and 1-210 (b).

The executive session included all Town Councilors present Mayor Rodolico and Administrator of Human Resources Don Steinhoff.

Please feel free to contact Chairman Davis or myself, should you have any questions regarding these actions.

Respectfully submitted,

Roxanne M. Maher
Administrative Assistant
to the Town Council

cc: Director of Finance
Treasurer
Superintendent Patterson
Board of Education
Ledyard Town Center Committee
Permanent Municipal Building Committee
Administrator of Human Resources



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 24-0481

Agenda Date: 10/9/2024

Agenda #: 2.

ORDINANCE

Motion/Request:

Discussion and possible action to create an Ethics Commission for the Town of Ledyard.

Background:

At the request of Residents, Chairman Rodriguez referred the subject of an Ethics Commission to the Administration Committee.

Over the years previous Town Councils have discussed establishing an Ethics Commission.

Please find attached the following documentation:

- Draft Ordinance Establishing a Town of Ledyard Code of Ethics
- Acknowledgement Form
- Fraud Policy
- Town Charter- Investigation-Conflict of Interest
- Attorney Dietter email re: Review draft Ordinance
- ACC Municipal Ethics Minimum Provisions
- Former State Representative France email dated 3/4/2019
- CGS Chapter 10 Ethics Public Employees
- State Representative Reynolds memo dated July 9, 2008 re: House Bill 6502- Ethics Reform

Department Comment/Recommendation:

(type text here)

Mayor Comment/Recommendation:

(type text here)

Body:

(type text here)

AN ORDINANCE ESTABLISHING A TOWN OF LEDYARD
CODE OF ETHICS AND ETHICS COMMISSION

Be it ordained by the Town Council of the town of Ledyard

SECTION 1. AUTHORITY

In accordance with Chapter III, Section 8 of the Town Charter, there is hereby established a Town of Ledyard Code of Ethics and Ethics Commission.

Section 1. Declaration of Policy and Purpose

Public office is a public trust. The trust of the public is essential for government to function effectively. The proper operation of the town government requires that public officers, officials, and employees be independent, impartial, and responsible to the people; that governmental decision and policies be made in the proper channels of governmental structure; that public office and employment not be used for personal gain; and that the public has confidence in the integrity of its government.

Therefore, herewith is an established Code of Ethics for all Town officials, officers, and employees. The purpose of this code is to establish standards of ethical conduct for all such officials, officers and employees, and for those who serve or conduct business with the Town of Ledyard; to assist those parties under the jurisdiction of the Ethics Commission by establishing guidelines for their conduct in order to maintain a tradition of responsible and effective public service; and to establish rules of procedure to be followed by the Ethics Commission in receiving, adjudicating, and reporting on alleged violations of the Code of Ethics.

SECTION 2. APPLICABILITY

The Ethics Code shall apply to all Town officials, officers, and employees, whether elected and/or appointed, paid or unpaid. The Ethics Code shall also apply to those conducting business with the Town of Ledyard.

Specific portions of this Ordinance shall not be applicable if they conflict in whole or in part with any labor agreement, employment contract or state statute.

SECTION 3. DEFINITIONS

As used in this document, the following words or phrases, unless a different meaning is required by the context or is specifically prescribed, shall have the meanings indicated:

1. *“Persons governed by this Code”* means ALL Town officials, officers, and employees, whether elected and/or appointed, paid or unpaid.
2. *“Business”* means any entity through which activity for profit or not for profit is conducted including, but not limited to a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.
3. *“Complainant”* means any person who signed a complaint under penalties of false statement alleging a violation of this Code.
4. *“Confidential Information”* means information, whether transmitted orally or in writing, which is obtained by reason of the public position of office held, that is not, at the time of transmission, a matter of public record or public knowledge.

5. “*Confidential Investigation*” means the examination, prior to the finding of probable cause, of both written and oral evidence, that is not to be disclosed to any third party by anyone connected with the investigation, except upon the written request of the respondent.
6. “*Financial Interest*” means pecuniary or material benefit accruing to a town official/employee, spouse or minor child of an officer, official or employee of the Town as a result of a contract, transaction, zoning decision or other matter which is, or may be, the subject of an official act or action by or with the Town of Ledyard except for such contracts of transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all persons and/or property similarly situated.
7. “*Gift*” means anything of economic value in excess of \$100.00, including but not limited to entertainment, food, beverage, travel, lodging, given or paid.

A gift does not include:

- a. A political contribution reported as required by law or a donation or payment as described in subdivision (9) or (11) of subsection (b) of 9-333b.
 - b. Services provided by persons volunteering their time.
 - c. A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business.
 - d. A gift received from a member of a person’s immediate family or fiancé.
 - e. Goods or services which are provided to the municipality and facilitate government actions or functions.
 - f. A certificate, plaque, or other ceremonial award.
 - g. A rebate or discount on the price of anything of value made in the ordinary course of business, without regard to that person’s status.
 - h. Printed or recorded information germane to government action or functions.
 - i. An honorary degree bestowed upon a public official or public employee by a public or private university.
 - j. A meal provided at an event or business meeting and/or the registration or entrance fee to attend such an event, in which the public official or public employee participates in his official capacity.
 - k. A meal provided in the home by a Ledyard resident.
 - l. Gift giving occasions recognized by the public, including, Christmas, Chanukah, birthdays, the birth or adoption of a child, weddings, First Communion, Confirmations, or Bar/Bat Mitzvahs, provided the total value of such gifts for each event shall not exceed \$100.00.
8. “*Immediate family*” means spouse, child, parent, grandchild, brother, sister, grandparent, daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, and brother-in-law.
 9. “*On The Record*” means in writing, signed and dated or a directive to the secretary taking the minutes of a meeting to note in the minutes of the meeting a special disclosure or statement.

10. *“Personal Beneficial Interest”* means any interest, other than financial, which would affect the action of the official or employee, except if that interest is based solely on the responsibility of his/her town office or employment. Membership in or affiliation with a social, fraternal, charitable, service, educational, religious, governmental or similar non-profit organization is not deemed to automatically create a presumption of personal interest unless the official employee is also an employee of the organization.
11. *“Probable Cause”* is defined by determining whether the facts would warrant a reasonable person to believe that a Town official, officer, or employee violated this Code; the belief should be more than mere suspicions, but less than proof beyond a reasonable doubt.
12. *“Respondent”* means any person accused of violating this Code.
13. *“Town Official, Officer, or Employee”* means an individual whether elected or appointed, whether paid or unpaid, full or part time, including members of boards, commissions, and committees in the service of the Town of Ledyard.

SECTION 4. CONFLICT OF INTEREST

1. Persons governed by this Code shall not engage in or participate in any business or transaction, nor have an interest, direct or indirect, which is incompatible with the proper discharge of that person or persons independent judgement or action in the performance of that person or persons’ official duties.

2. Persons governed by this Code shall not be financially interested or have any personal beneficial interest, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the board, agency or commission of which that person or persons is or are an employee(s).

It is further provided, notwithstanding the above, that the Mayor of the Town of Ledyard, members of the Town Council of the Town of Ledyard, members of the Board of Education of the Town of Ledyard shall not be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials equipment or contractual services furnished to or used by any board, agency, or commission of the Town of Ledyard.

- A. A Town official, officer, or employee shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if he/she, a member of his/her immediate family, or a business with which the person is associated 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.

If such participation is within the scope of the municipal official’s or municipal employee’s official responsibility, he or she shall be required to provide written disclosure, that sets forth in detail the nature and extent of such interest, to the Town clerk.

Notwithstanding the prohibition in subsection 3(a) a Town official, officer, or employee 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 Town of Ledyard.

- B. Persons governed by this Code shall not accept or receive, directly or indirectly, from any person or business to which any contract or purchase order may be awarded by the Town of Ledyard or any of its boards, agencies, or commissions any money, rebate, or gifts, or any promise, obligation, or contract for future reward or compensation.

No Town officials or employees shall accept a gift or engage in private employment or render services when the gift, employment, or services are incompatible with the proper discharge of the official duties of the Town official or Town employee or could tend to impair independence of judgement or action by the Town official or Town employee, in the performance of his or her official duties. If a prohibited gift is offered to a Town official or a Town employee, he or she shall refuse it, return it, or pay the donor the market value of the gift.

- C. To avoid even the appearance of impropriety or creation of a situation that would be contrary to the declared policy and purpose of this Code, a Town Official or Town employee, not otherwise restrained by the Code, shall exercise care when appearing before other Agencies and shall disclose whether he or she is appearing in his or her official capacity or as a private citizen.
- D. Persons governed by this Code who have a financial or personal interest in any transactions or contract with the Town, including but not limited to the sale of real estate, materials, supplies, or services to the Town, on which that person or persons may be called upon to act in that persons official capacity shall not vote or otherwise participate in the transaction on behalf of the Town. That person (or persons) shall declare on the record that person (or persons) has or have a conflict of interest.
- E. Persons governed by this Code shall not request or permit the use of Town owned vehicles, equipment, facilities, materials, or property for personal convenience or profit, except when such are available to the public generally, or provided a municipal policy for the use of such Town official/employee in the interest of the Town.
- F. No Town official or Town employee shall use his or her position or office and any confidential information acquired by a Town official or Town employee through his or her office or position to further such official's or employee's personal or financial interest, or interest of his or her spouse, child, child's spouse, parent, grandparent, brother or sister or a business with which the person is associated.
- G. No Town official or Town employee may appoint or hire or participate in influencing the appointment or hiring of his or her spouse, child, child's spouse, parent, grandparent, brother or sister or a business with which the person is associated for any type of employment with the Town, including by contract, unless the contract is competitively bid. No Town official or Town employee may directly supervise his or her family member or any business with which the person is associated. No Town official or Town employee may exercise authority or make recommendations with regard to personnel actions involving such family member or any business with which the person is associated.
- H. No Town official or Town employee, or a member of his or her immediate family, or a business with which the person is associated shall enter into a contract with the Town valued at five hundred (500) dollars or more, other than a contract of employment as a Town employee, or pursuant to a court appointment, unless the contract has been awarded through a process of public notice and competitive bidding.
- I. No persons in their capacities as Town official or Town employee shall represent anyone, other than the Town, concerning any matter before any board, commission, council, committee, or department of the Town. Nothing herein shall prohibit or restrict a Town official or Town employee from appearing before any board, commission, council, committee, or department of the Town on his or her own behalf, or on behalf of a member of his or her immediate family, or from being a party in any action, proceeding or litigation brought by or against such Town official or Town employee to which the Town is a party.

- J. No former Town official or Town employee member shall represent anyone for compensation before any Town board, commission, council, committee, or department in which he or she was formerly employed at any time within a period of one (1) year after termination of his or her service with the Town.
- K. No former Town official or Town employee shall represent anyone other than the Town concerning any particular matter in which he or she participated personally and substantially while in Town service.
- L. No former Town official or Town employee shall disclose or use confidential information acquired in the course of and by reason of his or her official duties, for financial gain for himself or herself or others.
- M. No former Town official or Town employee who participated substantially in the negotiation or award of a Town contract obliging the Town to pay an amount of twenty-five thousand (25,000) dollars or more, or who supervised the negotiation or award of such contract shall seek or accept employment with a party to the contract other than the Town for a period of one (1) year after his or her resignation from Town office or position if his or her resignation occurs less than one year after the contract is signed
- N. Willful violation by any such officer or employee of the provisions of this Code shall be grounds his/her removal in accordance with Chapter IX, Section 6 of the Town Charter. Violation of this section with the knowledge, express or implied, of any person or corporation participating in such contract, transaction, or decision shall render the same voidable by the Town Council, or by a court of competent jurisdiction.

SECTION 5. ESTABLISHMENT OF AN ETHICS COMMISSION

1. Purpose

An Ethics Commission is hereby established to investigate specific charge(s) and complaints concerning allegations of violations of this Code under this ordinance as identified and assigned by the Town Council and/or the Mayor.

2. Membership

The Ethics Commission shall be comprised of five (5) regular members and two (2) alternates of whom shall be electors of the Town. No member shall hold or campaign for any public office, hold office in any political party, serve as an officer of any other Town Committee, Commission, and Board, or be part of the immediate family of any Town official and Town employee. Political minority rules shall apply for the membership of this commission.

Members will serve without compensation except for authorized expenses in conjunction with their duties.

3. Terms of Appointment

Members shall be appointed by the Town Council for a term of three (3) years and shall commence to serve their terms immediately upon appointment and shall serve until their successor has qualified or are removed by the Town Council.

In making the original appointments under this ordinance, the Town Council shall designate two (2) regular members to serve for three (3) years, two (2) regular members to serve for two (2) years; one (1) regular member to serve for (1) year; one (1) alternate member to serve for three (3) years and one

alternate member to serve for two (2) years. Thereafter, vacancies shall be filled for a three (3) year term.

Any vacancy on the Commission, other than by expiration of term, shall be filled for the unexpired portion of the term by the Town Council with priority given to maintain the structure above.

The Town Council may remove members for cause and fill the vacancy per Chapter III, Section 6 of the Town Charter.

Cause for removal shall include, but is not limited to, unexcused absence from three (3) consecutive meetings. It shall be the responsibility of the Chairman of the Commission to notify the Town council when a member has not properly performed his/her duties.

Within thirty (30) days of the appointment of this Commission, an Organization Meeting of said Commission shall be held at which members shall choose a Chairman, Vice-Chairman, and a Secretary. Any vacancy in any such office shall be filled by from its regular membership.

4. Authority/Duties

The *Town of Ledyard Ethics Commission* shall be authorized to perform the following:

- Review assignments and determine whether or not the Ethics Commission would have jurisdiction, if the allegation(s) is true, and if it would be a violation of this Code.
- Consult with the Town Attorney or an Attorney, and other professionals specially appointed by the Town Council to conduct its duties on assignments.
- Request the Attorney provide advisory opinions with regard to the requirements of this Code pertaining to the subject assignment. Advisory opinions rendered by the Town Attorney, until amended or revoked by the Ethics Commission, shall be binding and shall be deemed to be final decisions.
- Conduct hearings, and issue subpoenas or subpoenas pursuant to Sections 7-148(c)(10)(B) of the Connecticut General Statutes.
- Compile and maintain a record with the Town Clerk of all reports, advisory opinions, statements, and memoranda filed by and with the Commission to facilitate public access to such reports and statements.
- Report to the Town Council when an investigation is complete, and a decision is rendered.
- Annually report to the Town Council on the status of investigations; summarizing the activities of the commission.
- All Agendas and Minutes of the Ethics Commission are public information and will be made available to the public through the Town's meeting portal and the Town Clerk's Office in accordance with Sections 1-200, 1-225 of the Connecticut General Statutes. Executive session discussion will be confidential.

5. Procedures

a. Filing of Complaints

Complaints of violation of the code of Ethics related to unethical behavior concerning any official, officer, or employee of the Town of Ledyard may be made by any person and shall be made in person on a form prescribed by the Commission and signed under penalty of false statement before one of the following:

1. A judge of a court of record
2. A clerk or a deputy clerk of a court having a seal;
3. A Town Clerk;
4. A public notary;
5. An attorney admitted to the bar of this state
6. A justice of the peace

No complaint may be made under the code unless it is filed with the Commission within three (3) years after the violation alleged in the complaint has been committed. If multiple violations are alleged, the three (3) year limitation shall be applied separately to each such alleged violation.

The Complaint shall include:

- Name of the person accused (respondent)
- Name of the person filing the complaint
- The specific acts alleged to constitute the violation of Section 4 of this code, and when they occurred.
- Whether or not these allegations have been presented to other administrative or judicial authorities.

The Town Council or Mayor shall, within ten (10) business days of receiving complaint, forward the specific charge(s) and complaints concerning allegations of violations of this Code under this ordinance to the Ethics Commission under the heading of "Confidential Materials".

b. Evaluation and Acknowledgement

- i. Within thirty (30) business days of the receipt of the specific charge(s) and/or complaints, the Ethics Commission shall call a meeting to evaluate if the filing is or is not in proper form.
- ii. If the complaint is not in the proper form and/or the Ethics Commission determines that the allegations, even if true, would not constitute a violation of this Code then the Ethics Commission shall dismiss the complaint and duly notify the complainant in writing, with a copy to the Town Council, of said fact and the reasons thereof; by registered or certified mail not later than ten (10) business days after said decision. Allegations applicable to other administrative, or judicial authority will be referred to the proper authority.
- iii. If the Ethics Commission determines that the complaint is in proper form and the allegations, if true would, constitute a violation of this Code then the Ethics Commission shall, not later than ten (10) business days after said determination, provide a copy of the complaint by registered or certified mail to all respondents against whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant. The respondent(s) shall have ten (10) business days to submit any response to the Ethics Commission.
- iv. If the Complaint is applicable to this Code, the Town Council shall request the Ethics Commission convene a meeting within fourteen (14) business days of the issuance of notification to the complainant.

c. Investigation of Probable Cause-Confidential Investigation

All information supplied to or received from the Ethics Commission during their evaluation or investigation shall remain confidential, as specified by provisions of the Connecticut General Statutes, Section 1-82a, in relation to operations of a Commission of Ethics, unless the Commission makes a finding of probable cause for a hearing, or unless the respondent requests in writing that the entire record and any hearings be open to the public.

The Ethics Commission shall within thirty (30) business days from the receipt of the assignment evaluate the complaint to determine whether the person who is the subject of the complaint is under the jurisdiction of the Ethics Commission; whether the act(s) alleged in the complaint, if proven, would constitute a violation of the Code.

If the Ethics Commission accepts jurisdiction, it shall so advise both the complainant and respondent by certified mail and provide a copy of the complaint (and any other information submitted by the complainant) to the respondent. The Ethics Commission shall advise that complainant and the respondent by certified mail that it will conduct a probable cause determination and invite the respondent to provide any information the respondent deems relevant to the Commission's determination of probable cause. Such information must be submitted to the Commission within twenty-one (21) business days of notification.

Within thirty (30) business days after the response period specified in the previous paragraph, the Ethics Commission shall meet to determine if there is probable cause that a violation of the Code has occurred. In so doing, the Ethics Commission shall only consider the information submitted by the complainant and the respondent.

If the Ethics Commission does not find probable cause of a violation of the Code, it shall so notify both the complainant and the respondent. Such notification shall be made in writing within five (5) business days of such determination. Upon a finding of no probable cause, the case file will be sealed and all matters pertaining thereto shall remain confidential.

If the Ethics Commission determines, by three (3) affirmative votes that there is probable cause of a violation of the code, it shall so notify both the complainant and respondent in writing within five (5) business days of such determination.

Within thirty (30) business days of a finding of probable cause, the Ethics Commission shall schedule a hearing to determine if a violation of the Code has occurred. The Ethics Commission shall notify both the complainant and the respondent of the date, time, and place of such hearing. Such notification shall be made in writing within five (5) business days of the scheduling of the hearing.

All notifications under this section shall be sent via certified mail, return receipt requested.

If the Ethics Commission determines that a violation of the Code has occurred, an investigation shall be conducted within (90) business days of determining the complaint is in violation of this Code.

In the conduct of its investigation, the Ethics Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and to require the production for examination by the Commission of any books and papers as permitted by law which are relevant in any manner under investigation or in question.

All parties and witnesses shall be duly sworn under oath prior to testifying before the Commission.

During the investigation, the complainant shall be allowed to present evidence, including documents and witnesses. The respondent(s) shall have the right to appear and be heard and offer any information which may tend to clear the respondent of probable cause to believe that the respondent has violated any provision of the Code of Ethics. The respondent shall be allowed to present evidence, including documents and witnesses. The respondent shall be allowed to examine and cross-examine witnesses presented and be allowed to offer before the Ethics Commission any evidence or witnesses on their behalf. This investigation shall be confidential pursuant to Connecticut General Statutes, Section 1-82a.

i. No probable cause

If the Ethics Commission finds no probable cause it shall within five (5) business days advise the complainant and the respondent of its finding and a summary of the reasons therefore and the complaint and the record of investigation shall remain confidential.

ii. Probable cause

If the Ethics Commission finds probable cause by the concurring vote of three (3) out of five (5) voting members, it shall within five (5) business days of such determination notify both the complainant and the respondent in writing.

Within thirty (30) days of finding of probable cause, the Ethics Commission shall schedule a hearing to determine if a violation of the Code has occurred. The Ethics Commission shall notify both the complainant and the respondent of the date, time, and place of such hearing. Such notification shall be made in writing within five (5) business days of the scheduling of the hearing.

It shall also fix a date for a hearing on a complaint. It shall give notice of that date to the complainant and respondent. Such date shall be not less than thirty (30) business days following notice, nor more than ninety (90) business days after the finding of probable cause.

d. Hearings

The Ethics Commission shall conduct a hearing to determine if a violation of the code has occurred. All hearings shall be opened to the public and recorded in a manner to be determined by the Ethics Commission.

Hearings shall not be subject to rules of court, except the rights:

- i. Of an accused to confront and cross-examine his/her accuser.
- ii. Of every witness or party to be represented by an attorney at law of his/her choice,
- iii. Of every witness to decline to answer questions in accordance with the Fifth Amendment to the Constitution of the United States.

In all other respects, hearings shall be conducted by the Ethics Commission, with the advice and assistance of the Town Attorney acting through its Chairperson, in order to facilitate the prompt and fair disposition of the proceedings.

While conducting a hearing of an alleged violation of this Code, the Ethics Commission shall have the authority to administer oaths, examine witnesses, receive oral and documentary evidence.

The Ethics Commission shall have the authority to issue subpoenas or subpoenas duces tecum enforceable upon application to the Superior Court for the State of Connecticut, to compel attendance of persons at hearings and the production of books, documents, records, and papers, pursuant to Sections 7-148(c)(10)(B) of the Connecticut General Statutes, subject to the inherent power of the commission to decline or limit such request where it is merely duplicative or is unnecessarily burdensome or harassing and not likely to lead to evidence which will aid the Commission in its determination.

e. Finding/Sanctions

No finding of violation of this Code shall be made except upon concurring vote of five (5) out of five (5) members of the Ethics Commission. The Chairperson shall render the finding of the Ethics Commission within thirty (30) business days after conclusion of the hearing.

A copy of the finding shall be sent to the complainant, respondent, and the Town of Ledyard.

Upon finding of a violation of any provision of the Code, the Ethics Commission will refer the matter to the appropriate appointing or supervisory authority. The authority affected will report within thirty (30) business days to the Ethics Commission the action taken, if any. Violators of the Code of Ethics are subject to penalties that may consist of an order to cease and desist the violation, to pay a civil penalty of up to the maximum allowed per state law per violation, censure, reprimand, suspension without pay, termination of employment and/or removal from appointed office. Additionally, the commission may refer violators to the proper authorities for further civil or criminal action. If the commission finds unethical conduct by a paid consultant or business performing work for the Town, it can disbar the consultant or business from doing business with the Town for up to 10 years.

Persons subject to this code found not to be in violation of this code will be reimbursed by the Town of Ledyard for their reasonable legal fees, except no legal fees shall be paid for any services rendered before a finding of probable cause.

f. Appeals

Any person aggrieved by any final decision of the Ethics Commission may appeal such decision in accordance with the provisions of Sections 4-175 or Section 4-183 of the Connecticut General Statutes. If successful, any and all reasonable legal fees will be paid by the Town of Ledyard.

SECTION 6. SEVERABILITY

If any part of this Code or Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Adopted by the Ledyard Town Council on:

S. Naomi Rodriguez, Chairman

Fred B. Allyn, III, Mayor

CHAPTER III
THE TOWN COUNCIL

SECTION 9. INVESTIGATION

The Town Council shall have power to investigate all offices and agencies of the Town and for such purposes shall have the power to call witnesses to appear before the Town Council to testify on any matter under investigation. The Chairman, or chairman pro-tempore, upon authorization of the Town Council, shall have the power, for such investigation, to issue subpoenas, and, at his request, any judge of the Superior Court may compel the appearance of witnesses and the production of books, records, and papers.

CHAPTER IX
TRANSITION AND MISCELLANEOUS PROVISIONS

SECTION 6. CONFLICTS OF INTEREST

Any elected or appointed officer or any employee of the Town who has a financial interest or personal benefit, direct or indirect, in any contract, transaction, or decision of any board or commission to which the Town is a party, shall disclose publicly that interest to the appropriate board or commission and the Town Council in advance of discussion or action on the matter, which shall record such disclosure upon the official record of its meetings. The Town Council may by ordinance specify what is, or what is not, a conflict of interest for officials and employees of the Town.

Willful violation by any such officer or employee of the provisions of this section shall be grounds for his removal. Violation of this section with the knowledge, express or implied, of any person or corporation participating in such contract, transaction, or decision shall render the same voidable by the Town Council, or by a court of competent jurisdiction.

TOWN OF LEDYARD
FRAUD POLICY

1. Purpose:

This fraud policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against the Town of Ledyard. It is the intent of the Town of Ledyard to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

2. Scope of Policy:

This policy applies to any irregularity, or suspected irregularity, involving employees as well as volunteers, vendors, consultants, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with the Town of Ledyard. Any required investigative activity will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the Town of Ledyard.

3. Policy:

Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. Any irregularity that is detected or suspected must be reported immediately to the Mayor, who coordinates all investigations with the Town's legal counsel, and other affected areas, both internal and external.

4. Actions That Constitute Fraud

The terms defalcation, misappropriation, and other fiscal irregularities refer to, but are not limited to:

- Any dishonest or fraudulent act
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiteering as a result of insider knowledge of Town activities
- Disclosing confidential information to outside parties
- Accepting or seeking anything of material value from contractors, vendors, consultants, or person providing services/materials to the Town of Ledyard. Exception: Gifts less than \$25 in value.
- Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment; and/or
- Any similar or related irregularity

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2014 MAY 29 AM 9:18
Ledyard
LEDYARD TOWN CLERK

5. Other Irregularities:

Irregularities concerning an employee's moral, ethical, or behavioral conduct should be resolved by departmental management and the Mayor. If there is any question as to whether an action constitutes fraud, contact the Mayor for guidance.

6. Investigation Responsibilities:

The Mayor has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. If the investigation substantiates that fraudulent activities have occurred, the Mayor will issue reports to appropriate designated personnel and to the Town Council. Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and senior management, as will final decisions on disposition of the case.

7. Confidentiality

The Mayor treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity will contact their supervisor immediately, and *should not attempt to personally conduct investigations or interviews/interrogations* related to any suspected fraudulent act (see Reporting Procedure section below). Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the Town of Ledyard from potential civil liability.

8. Authorization for Suspected Fraud:

The Mayor will have:

- Free and unrestricted access to all Town records and premises, whether owned or rented; and
- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of his/her investigation.

9. Reporting Procedures:

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way. An employee who discovers or suspects fraudulent activity will contact the Mayor immediately. The employee or other complainant may remain anonymous. All inquiries concerning the

activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Mayor. No information concerning the status of an investigation will be given out. The proper response to any inquiries is: "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference. The reporting individual should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution.
- Do not discuss the case, facts, suspicions, or allegations with *anyone* unless specifically asked to do so by legal counsel.

10. Termination:

If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by legal counsel before any such action is taken.

11. Administration:

The Mayor is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as needed.

Adopted by the Ledyard Town Council on May 28, 2014


Linda C. Davis, Chairman



TOWN OF LEDYARD CONNECTICUT

Code of Ethics Acknowledgement Form

I, _____
Print Name of Member, Employee, Vendor or Consultant

Member of : _____
Name of Committee, Commission, Board

Employee of the Town of Ledyard _____
Name of Department

Vendor: _____
Name of Company

Consultant: _____
Name of Company

I Acknowledge that I have received and read the Town of Ledyard's Code of Ethics

Signed: _____ Date: _____
Signature of Member, Employee, Vendor or Consultant

**Please Return Completed Form to
Town of Ledyard Town Clerk's Office
741 Colonel Ledyard Highway, Ledyard, Connecticut 06339**

.....
Town Clerk's Office Use

Received by the Town Clerk' Office: _____ Date: _____
Signature of Town Clerk or Assistant Town Clerk

**STATE OF CONNECTICUT
AGENCY LEGISLATIVE PROPOSAL
2019 SESSION**

Document Name 2019 AAC Municipal Ethics	
Agency Office of State Ethics	Agency Priority (See instructions) 1
Contact Person/Unit Carol Carson, Executive Director	Telephone 860-263-2400
Email Address: Carol.Carson@ct.gov	
Title of Proposal AAC Municipal Ethics	Statutory Reference Proposal Type <input checked="" type="checkbox"/> New <input type="checkbox"/> Resubmittal
ATTACH COPY OF FULLY DRAFTED BILL (Required for review)	
APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)	
Agency N/A	Agency Contact (Name and Title) N/A
Attach Summary of Agency Comments	Contact Date N/A
Summary of Proposal (Include background information)	
<p>To require that all municipalities adopt a municipal code of ethics that has, at a minimum, basic ethics provisions that would apply to municipal officials and employees. Municipalities have an option to draft their own minimum provisions, as described in the proposal, or adopt model minimum provisions included in the proposal.</p> <p>During 2018, the Citizen’s Ethics Advisory Board Subcommittee on Municipal Ethics (“Subcommittee”) held numerous meetings during which it discussed with various stakeholders their views concerning municipal ethics. In addition, the Subcommittee conducted a survey of all Connecticut municipalities regarding their treatment of municipal ethics matters. Based on the these discussions and the results of the survey, the Subcommittee determined that, at this time, the best approach concerning municipal ethics is to require all municipalities in Connecticut to have a Code of Ethics that, at a minimum, has certain basic ethics provisions.</p> <p>The proposed minimum ethics provisions are commonly used in any governmental ethics code. In fact, the results of the municipal ethics survey indicate that a large number of municipalities, both cities and towns, already have these basic provisions in their existing ethics codes. However, there is still a considerable segment of Connecticut municipalities that do not have an ethics code in place.</p>	
Reason for Proposal (Include significant policy and programmatic impacts)	
<p>Section 1. Requires all municipalities to adopt, by a certain date, a municipal code of ethics that has, at a minimum, basic ethics provisions that would apply to municipal officials and employees. Municipalities have an option to draft their own minimum provisions, as described in subsection (b) of this section, or adopt model minimum provisions provided for in section 2 of this act. The section sets forth certain deadlines for compliance with these requirements.</p>	

Section 2. Provides for the model minimum provisions that a municipality may adopt to be in compliance with the requirements of section 1 of this act.

Section 3. Requires municipalities, by a certain date, to report their compliance with the provisions of this act to the Office of State Ethics and include a copy of their local ethics code with such report. By a specified date, the Office of State Ethics has to inform the Legislature of the municipal compliance with the requirements of this act.

Section 4. Provides for an ethics education instructor who will be employed by the Office of State Ethics to provide ethics trainings to all municipalities on the minimum ethics provisions set forth in this act.

Significant Fiscal Impacts

Municipal: None
Federal: None
State: Funding for one ethics education instructor who will be employed by the Office of State Ethics.

AN ACT CONCERNING MUNICIPAL ETHICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2019*) (a) On or before October 1, 2020, each municipality shall adopt a code of ethics that contains, at a minimum, the provisions described in subsection (b) of this section. If a municipality adopted or adopts an ethics code prior to October 1, 2020, that contains the minimum provisions described in subsection (b) of this section, such municipality shall be in compliance with the requirements of this section. If, on or before October 1, 2020, a municipality adopts the model minimum provisions, as contained in section 2 of this act, such municipality shall be in compliance with the requirements of this section.

(b) The following minimum provisions shall be contained in a code of ethics that is adopted by a municipality pursuant to subsection (a) of this section:

(1) A conflict of interest provision that prohibits a municipal official or employee of the municipality from participating in any matter in which such municipal official or employee, his or her immediate family members, or any businesses with which the official or employee is associated, has a personal or financial interest, other than an interest of a de minimis nature valued less than one hundred dollars, or an interest that is not distinct from that of a substantial segment of the municipality's population, which does not include any group of municipal government employees;

(2) a disclosure and recusal provision that requires the written disclosure of a conflict of interest by a municipal official or employee of the municipality and the recusal from participating in any decision-making concerning a matter that presents a conflict of interest;

(3) a gift provision that prohibits a municipal official or employee of the municipality from soliciting or accepting anything of value that could reasonably be expected to influence the actions or judgment of such municipal official or employee;

(4) a use of property provision that prohibits a municipal official or employee of the municipality from using municipal property in any manner that benefits himself or herself, his or her immediate family members, or any businesses with which the official or employee is associated, to a degree that is greater than a member of the general public when such property is made available to the general public;

(5) a use of office or position provision that prohibits a municipal official or employee of the municipality from using his or her office or position and any confidential information acquired by a municipal official or employee of the municipality through his or her office or position to further such official's or employee's own personal or financial interests, or interests of his or her immediate family members, or any businesses with which the official or employee is associated;

(6) a nepotism provision that prohibits a municipal official or employee of the municipality from appointing or hiring, or participating in influencing appointment or hiring of an immediate family member for any type of employment with the municipality, including by contract, unless the contract is competitively bid. The provision shall prohibit a municipal official or employee of the municipality from serving in a direct supervisory capacity over an immediate family member, or exercising authority or make recommendations with regard to personnel actions involving such family member;

(7) a contracting provision that prohibits a municipal official or employee of the municipality, his or her immediate family members, or any businesses with which the official or employee is associated, from entering into any contract with the municipality in which such municipal official or municipal employee holds a municipal office or position, valued at five hundred dollars or more, other than a contract of employment as a municipal employee, or pursuant to a court appointment, unless the contract has been awarded through an open and public process;

(8) a representation of private interests provision, other than self-representation or representation of an immediate family member, that prohibits a municipal official or employee of the municipality from representing anyone in any matter before any municipal board, commission, council or department; and

(9) post-employment provisions that prohibit former municipal official or employee of the municipality from (A) representing anyone for compensation before any municipal board, commission, council, committee or department in which he or she was formerly employed at any time within a period of one year after termination of his or her service with the municipality; (B) representing anyone other than the municipality, concerning any particular matter which the official or employee participated personally and substantially while in municipal service or employment, and in which the municipality has a substantial interest; (C) accepting employment with a party to the contract valued at an amount of twenty-five thousand dollars or more, other than the municipality, for a period of one year after his or her resignation from municipal office or position if the former official or employee participated substantially in the negotiation or award of such contract and his or her

resignation occurs less than one year after the contract is signed; and (D) disclosing or using confidential information acquired in the course of and by reason of his or her official duties, for anyone's financial gain or benefit.

Sec. 2. (NEW) (*Effective October 1, 2019*) Any municipality that adopts a code of ethics that contains the model minimum provisions shall be in compliance with the requirements of section 1 of this act. The following provisions shall constitute the model minimum provisions:

Definitions:

(1) "Business with which the person is associated" means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the municipal official or employee of the municipality or member of his or her immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class, provided, the municipal official or employee of the municipality, or member of his or her immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the municipal official or employee of the municipality or member of his or her immediate family is an unpaid director or officer of the not for profit entity. "Officer" refers only to the president, executive or senior vice president or treasurer of such business, and to any person who exercises exclusive control over such business.

(2) "Confidential information" means any information in the possession of a municipality, a municipal employee, or a municipal official, whatever its form, which (1) is mandatorily non-disclosable to the general public under a municipal regulation, ordinance, policy or provision, or state or federal statute or regulation, or non-disclosable pursuant to municipal contract or order of any court of competent jurisdiction; or (2) falls within a category of permissibly non-disclosable information under the Freedom of Information Act, Chapter 3 of the Connecticut General Statutes, and which the appropriate municipal board, commission, council or department or individual has decided not to disclose to the general public.

(3) "Financial interest" means any interest with a monetary value of one hundred dollars or more or that generates a financial gain or loss of one hundred dollars or more per person in a calendar year.

(4) "Gift" means anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. "Gift" does not include:

(A) A political contribution otherwise reported as required by law or a donation or payment as described in subdivision (9) or (10) of subsection (b) of section 9-601a of the general statutes;

(B) Services provided by persons volunteering their time, if provided to aid or promote the success or defeat of any political party, any candidate or candidates for public office or the position of convention delegate or town committee member or any referendum question;

(C) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;

(D) A gift received from (i) an individual's spouse, fiancé or fiancée, (ii) the parent, grandparent, brother or sister of such spouse or such individual, or (iii) the child of such individual or the spouse of such child;

(E) Goods or services that are provided to the municipality and facilitate governmental action or functions;

(F) A certificate, plaque or other ceremonial award costing less than one hundred dollars;

(G) A rebate, discount or promotional item available to the general public;

(H) Printed or recorded informational material germane to governmental actions or functions;

(I) A meal provided at an event or the registration or entrance fee to attend such an event, in which the municipal official or employee of the municipality participates in his or her official capacity;

(J) A meal provided in the home by an individual who resides in the municipality;

(K) A gift, including, but not limited to, food or beverage, or both, provided by an individual for the celebration of a major life event such as the birth or adoption of a child, a wedding, a confirmation or a bar or bat mitzvah, a funeral, or retirement from municipal employment or service, provided any such gift provided by an individual who is not a member of the family of the recipient shall not exceed five hundred dollars. As used in this subparagraph, "major life event" shall not include any event that occurs on an annual basis such as an anniversary except personal gifts of up to twenty-five dollars per occasion, aggregating no more than fifty dollars per recipient in a calendar year, shall be permitted to a minor incident to a birthday or other traditional gift-giving occasion such as Christmas or Chanukah;

(L) Anything of value provided by an employer of (i) a municipal official, (ii) a municipal employee, or (iii) a spouse of a municipal official or municipal employee, to such official, employee or spouse, provided such benefits are customarily and ordinarily provided to others in similar circumstances;

(M) Anything having a value of not more than ten dollars, provided the aggregate value of all things provided by a donor to a recipient under this subparagraph in any calendar year shall not exceed fifty dollars; or

(5) "Immediate family" means any spouse, child or dependent relative who resides in the individual's household.

(6) "Individual" means a natural person.

(7) "Person" means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.

(8) "Personal interest" means an interest in any action taken by the municipality in which an individual will derive a nonfinancial benefit or detriment but which will result in the expenditure of municipal funds.

(9) "Municipal employee" means a person employed, whether part time or full time, by a municipality or a political subdivision thereof.

(10) "Municipal official" means an elected or appointed official, whether paid or unpaid or part time or full time, of a municipality or political subdivision thereof, including candidates for the office and includes a district officer elected pursuant to section 7-327 of the general statutes.

Minimum Provisions:

(1) (A) A municipal official or municipal employee shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if he or she, a member of his or her immediate family, or a business with which the person is associated, 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.

(B) If such participation is within the scope of the municipal official's or municipal employee's official responsibility, he or she shall be required to provide written disclosure, that sets forth in detail the nature and extent of such interest, to the town clerk.

(C) Notwithstanding the prohibition in subparagraph (A) of this subdivision, a municipal official or municipal employee may vote or otherwise participate in a matter that involves a determination of general

policy if the official's or employee's interest in the matter is shared with a substantial segment of the population of the municipality and is not limited any group of municipal government employees.

(2) (A) No municipal official or municipal employee shall solicit or accept any gift from any person who, to his or her knowledge, has personal or financial interest in any pending matter within such official's or employee's official responsibility, or could reasonably be expected to influence the actions or judgment of such municipal official or employee.

(B) If a prohibited gift is offered to a municipal official or municipal employee, he or she shall refuse it, return it, or pay the donor the market value of the gift. Alternatively, such prohibited gift may be considered a gift to the municipality provided it remains in the municipality's possession permanently.

(3) No municipal official or municipal employee shall request or permit the use of municipally-owned vehicles, equipment, facilities, materials or property for personal convenience or profit, or that of his or her immediate family members, or any businesses with which the person is associated, except when such are available to the public generally or are provided as municipal policy for the use of such municipal official or municipal employee in the conduct of official business.

(4) No municipal official or municipal employee shall use his or her position or office and any confidential information acquired by a municipal official or municipal employee through his or her office or position to further such official's or employee's personal or financial interests, or interests of his or her spouse, child, child's spouse, parent, grandparent, brother or sister or a business with which the person is associated.

(5) No municipal official or municipal employee may appoint or hire, or participate in influencing the appointment or hiring of his or her spouse, child, child's spouse, parent, grandparent, brother or sister or a business with which the person is associated for any type of employment with the municipality, including by contract, unless the contract is competitively bid. No municipal official or municipal employee may directly supervise his or her family member or any business with which the person is associated. No municipal official or municipal employee may exercise authority or make recommendations with regard to personnel actions involving such family member or any business with which the person is associated.

(6) No municipal official or municipal employee, or a member of his or her immediate family, or a business with which the person is associated shall enter into a contract with the municipality valued at five hundred dollars

or more, other than a contract of employment as a municipal employee, or pursuant to a court appointment, unless the contract has been awarded through a process of public notice and competitive bidding.

(7) No municipal official or municipal employee shall represent anyone, other than the municipality, concerning any matter before any board, commission, council, committee or department of the municipality.

(8) Nothing herein shall prohibit or restrict a municipal official or municipal employee from appearing before any board, commission, council, committee or department of the municipality on his or her own behalf, or on behalf of a member of his or her immediate family, or from being a party in any action, proceeding or litigation brought by or against such municipal official or municipal employee to which the municipality is a party.

(9) No former municipal official or municipal employee shall represent anyone for compensation before any municipal board, commission, council, committee or department in which he or she was formerly employed at any time within a period of one year after termination of his or her service with the municipality.

(10) No former municipal official or municipal employee shall represent anyone other than the municipality concerning any particular matter in which he or she participated personally and substantially while in municipal service.

(11) No former municipal official or municipal employee shall disclose or use confidential information acquired in the course of and by reason of his or her official duties, for financial gain for himself or herself or others.

(12) No former municipal official or municipal employee who participated substantially in the negotiation or award of a municipal contract obliging the municipality to pay an amount of twenty-five thousand dollars or more, or who supervised the negotiation or award of such contract shall seek or accept employment with a party to the contract other than the municipality for a period of one year after his or her resignation from municipal office or position if his or her resignation occurs less than one year after the contract is signed.

Sec. 3. (NEW) (*Effective October 1, 2019*) (a) Not later than January 15, 2021, each municipality shall submit a notice to the Office of State Ethics stating whether the municipality has complied with the requirements of section 1 of this act. Such notice shall include a copy of such municipality's code of ethical conduct that includes the minimum provisions described in subsection (b) of section 1 of this act.

(b) Not later than January 1, 2022, the Office of State Ethics shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to ethics. Such report shall indicate the status of the compliance of each municipality with the requirement of section 1 of this act.

Sec. 4. (NEW) (*Effective October 1, 2019*) Not later than October 1, 2020, the Office of State Ethics shall employ an ethics education instructor, who shall be in classified state service, to conduct municipal ethics education program, at least annually, for municipal officials and employees for the purpose of educating such officials or employees as to the requirements of the minimum provisions described in subsection (b) of section 1 of this act. The Office of State Ethics shall be appropriated sufficient funds to support the municipal ethics education program described in this section.

Roxanne Maher

From: Rep. France, Mike <Mike.France@cga.ct.gov>
Sent: Monday, March 04, 2019 9:31 PM
To: Fred Allyn, III; Linda C. Davis; Robert Congdon (Preston First Selectman); Mayor Ron McDaniel; Tom McNally (Montville TC)
Cc: Michael Sinko (Preston BoS); Lynwood Crary (Preston BoS); Roxanne Maher; zRepresentative Mike France
Subject: FW: Municipal Ethics Legislative Proposal
Attachments: ACC Municipal Ethics - Minimum Provisions (2019).docx

Municipal Leaders,

Attached is a recommendation approved by the Citizen's Ethics Advisory Board, which was received today from the Office of State Ethics for consideration before the GAE Committee. It provides a requirement for each municipality to adopt a code of ethics by October 1, 2020 that complies with the minimum provisions described therein. As stated below, the GAE Committee raised a placeholder concept bill on February 15, 2019 that could be updated with the attached proposed language. Please provide any feedback on this proposal.

Regards,
Mike France
State Representative, 42nd Assembly District
Ledyard, Preston, Montville
District: (860) 464-9229
Capitol: (860) 842-1423
Web: www.RepFrance.com

From: Gagnon, Hailey
Sent: Monday, March 04, 2019 4:25 PM
To: Rep. France, Mike
Subject: FW: Municipal Ethics Legislative Proposal

From: Lewandowski, Peter [mailto:Peter.Lewandowski@ct.gov]
Sent: Monday, March 04, 2019 4:20 PM
To: Sen. Flexer, Mae; Rep. Fox, Dan; Sen. Sampson, Rob; zRepresentative Mike France
Cc: Rogers, Nick; Carson, Carol; Nicolescu, Nancy
Subject: Municipal Ethics Legislative Proposal

Dear Co-Chairs and Ranking Members:

Attached is a legislative proposal from the Office of State Ethics concerning municipal ethics. On February 15, 2019, the GAE Committee voted to raise a concept with respect to municipal ethics (Agenda item, V.27). The attached proposed language was approved by the Citizen's Ethics Advisory Board at its February 28, 2019 meeting.

The proposal requires that all municipalities adopt a municipal code of ethics that has, at a minimum, basic ethics provisions that would apply to municipal officials and employees. Municipalities have an

option to draft their own minimum provisions, as described in the proposal, or adopt model minimum provisions included in the proposal.

During 2018, the Citizen's Ethics Advisory Board Subcommittee on Municipal Ethics ("Subcommittee") held numerous meetings during which it discussed with various stakeholders their views concerning municipal ethics. In addition, the Subcommittee conducted a survey of all Connecticut municipalities regarding their treatment of municipal ethics matters. Based on the these discussions and the results of the survey, the Subcommittee determined that, at this time, the best approach concerning municipal ethics is to require all municipalities in Connecticut to have a Code of Ethics that, at a minimum, has certain basic ethics provisions.

The proposed minimum provisions are commonly used in any governmental ethics code. In fact, the results of the municipal ethics survey indicate that a large number of municipalities in Connecticut, both cities and towns, already have these basic provisions in their existing ethics codes. However, there is still a considerable segment of Connecticut municipalities that do not have an ethics code in place.

The Office of State Ethics hopes that members of the GAE Committee will support this proposal. A copy of the proposal was forwarded to Shannon McCarthy at the Legislative Commissioners' Office.

Please let me know if you have any questions or concerns.

Sincerely,

Peter J. Lewandowski
Associate General Counsel
Office of State Ethics

18-20 Trinity Street | Hartford, CT 06106-1660
Tel: 860.263.2392 | Fax: 860.263.2402 | E-mail: peter.lewandowski@ct.gov

CHAPTER 10*

CODES OF ETHICS

PART I*

CODE OF ETHICS FOR PUBLIC OFFICIALS

*Cited. 18 CA 212.

Sec. 1-79. Definitions. The following terms, when used in this part, have the following meanings unless the context otherwise requires:

(1) “Blind trust” means a trust established by a public official or state employee or member of his or her immediate family for the purpose of divestiture of all control and knowledge of assets.

(2) “Business with which he is associated” means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or state employee or member of his or her immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class, provided, a public official or state employee, or member of his or her immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the public official or state employee or member of his or her immediate family is an unpaid director or officer of the not for profit entity. “Officer” refers only to the president, executive or senior vice president or treasurer of such business.

(3) “Candidate for public office” means any individual who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, or who has raised or expended money in furtherance of such candidacy, or who has been nominated for appointment to serve as a public official, but does not include a candidate for the office of senator or representative in Congress.

(4) “Board” means the Citizen's Ethics Advisory Board established in section [1-80](#).

(5) “Gift” means anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. “Gift” does not include:

(A) A political contribution otherwise reported as required by law or a donation or payment as described in subdivision (9) or (10) of subsection (b) of section [9-601a](#);

(B) Services provided by persons volunteering their time, if provided to aid or promote the success or defeat of any political party, any candidate or candidates for public office or the position of convention delegate or town committee member or any referendum question;

(C) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;

(D) A gift received from (i) an individual's spouse, fiancé or fiancée, (ii) the parent, grandparent, brother or sister of such spouse or such individual, or (iii) the child of such individual or the spouse of such child;

(E) Goods or services (i) that are provided to a state agency or quasi-public agency (I) for use on state or quasi-public agency property, or (II) that support an event or the participation by a public official or state employee at an event, and (ii) that facilitate state or quasi-public agency action or functions. As used in this subparagraph, "state property" means property owned by the state or a quasi-public agency or property leased to a state agency or quasi-public agency;

(F) A certificate, plaque or other ceremonial award costing less than one hundred dollars;

(G) A rebate, discount or promotional item available to the general public;

(H) Printed or recorded informational material germane to state action or functions;

(I) Food or beverage or both, costing less than fifty dollars in the aggregate per recipient in a calendar year, and consumed on an occasion or occasions at which the person paying, directly or indirectly, for the food or beverage, or his representative, is in attendance;

(J) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed legislative reception to which all members of the General Assembly are invited and which is hosted not more than once in any calendar year by a lobbyist or business organization. For the purposes of such limit, (i) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which such lobbyist owns or is employed by, and (ii) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception;

(K) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed reception to which all members of the General Assembly from a region of the state are invited and which is hosted not more than once in any calendar year by a lobbyist or business organization. For the purposes of such limit, (i) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which such lobbyist owns or is employed by, and (ii) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception. As used in this subparagraph, “region of the state” means the established geographic service area of the organization hosting the reception;

(L) A gift, including, but not limited to, food or beverage or both, provided by an individual for the celebration of a major life event, provided any such gift provided by an individual who is not a member of the family of the recipient does not exceed one thousand dollars in value;

(M) Gifts costing less than one hundred dollars in the aggregate or food or beverage provided at a hospitality suite at a meeting or conference of an interstate legislative association, by a person who is not a registrant or is not doing business with the state of Connecticut;

(N) Admission to a charitable or civic event, including food and beverage provided at such event, but excluding lodging or travel expenses, at which a public official or state employee participates in his or her official capacity, provided such admission is provided by the primary sponsoring entity;

(O) Anything of value provided by an employer of (i) a public official, (ii) a state employee, or (iii) a spouse of a public official or state employee, to such official, employee or spouse, provided such benefits are customarily and ordinarily provided to others in similar circumstances;

(P) Anything having a value of not more than ten dollars, provided the aggregate value of all things provided by a donor to a recipient under this subdivision in any calendar year does not exceed fifty dollars;

(Q) Training that is provided by a vendor for a product purchased by a state or quasi-public agency that is offered to all customers of such vendor;

(R) Travel expenses, lodging, food, beverage and other benefits customarily provided by a prospective employer, when provided to a student at a public institution of higher

education whose employment is derived from such student's status as a student at such institution, in connection with bona fide employment discussions; or

(S) Expenses of a public official, paid by the party committee of which party such official is a member, for the purpose of accomplishing the lawful purposes of the committee. As used in this subparagraph, “party committee” has the same meaning as provided in subdivision (2) of section [9-601](#) and “lawful purposes of the committee” has the same meaning as provided in subsection (g) of section [9-607](#).

(6) “Immediate family” means any spouse, children or dependent relatives who reside in the individual's household.

(7) “Individual” means a natural person.

(8) “Member of an advisory board” means any individual (A) appointed by a public official as an advisor or consultant or member of a committee, commission or council established to advise, recommend or consult with a public official or branch of government or committee thereof, (B) who receives no public funds other than per diem payments or reimbursement for his or her actual and necessary expenses incurred in the performance of his or her official duties, and (C) who has no authority to expend any public funds or to exercise the power of the state.

(9) “Person” means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.

(10) “Political contribution” has the same meaning as in section [9-601a](#) except that for purposes of this part, the provisions of subsection (b) of said section shall not apply.

(11) “Public official” means any state-wide elected officer, any member or member-elect of the General Assembly, any person appointed to any office of the legislative, judicial or executive branch of state government by the Governor or an appointee of the Governor, with or without the advice and consent of the General Assembly, any public member or representative of the teachers' unions or state employees' unions appointed to the Investment Advisory Council pursuant to subsection (a) of section [3-13b](#), any person appointed or elected by the General Assembly or by any member of either house thereof, any member or director of a quasi-public agency and the spouse of the Governor, but does not include a member of an advisory board, a judge of any court either elected or appointed or a senator or representative in Congress.

(12) “Quasi-public agency” means Connecticut Innovations, Incorporated, the Connecticut Health and Education Facilities Authority, the Connecticut Higher Education Supplemental Loan Authority, the Connecticut Student Loan Foundation, the

Connecticut Housing Finance Authority, the State Housing Authority, the Materials Innovation and Recycling Authority, the Capital Region Development Authority, the Connecticut Lottery Corporation, the Connecticut Airport Authority, the Connecticut Health Insurance Exchange, the Connecticut Green Bank, the Connecticut Port Authority, the Connecticut Municipal Redevelopment Authority, the State Education Resource Center and the Paid Family and Medical Leave Insurance Authority.

(13) “State employee” means any employee in the executive, legislative or judicial branch of state government, whether in the classified or unclassified service and whether full or part-time, and any employee of a quasi-public agency, but does not include a judge of any court, either elected or appointed.

(14) “Trust” means a trust in which any public official or state employee or member of his immediate family has a present or future interest which exceeds ten per cent of the value of the trust or exceeds fifty thousand dollars, whichever is less, but does not include blind trusts.

(15) “Business organization” means a sole proprietorship, corporation, limited liability company, association, firm or partnership, other than a client lobbyist, that is owned by, or employs, one or more individual lobbyists.

(16) “Client lobbyist” means a lobbyist on behalf of whom lobbying takes place and who makes expenditures for lobbying and in furtherance of lobbying.

(17) “Necessary expenses” means a public official's or state employee's expenses for an article, appearance or speech or for participation at an event, in his official capacity, which shall be limited to necessary travel expenses, lodging for the nights before, of and after the appearance, speech or event, meals and any related conference or seminar registration fees.

(18) “Lobbyist” and “registrant” shall be construed as defined in section [1-91](#).

(19) “Legal defense fund” means a fund established for the payment of legal expenses of a public official or state employee incurred as a result of defending himself or herself in an administrative, civil, criminal or constitutional proceeding concerning matters related to the official's or employee's service or employment with the state or a quasi-public agency.

(20) “State agency” means any office, department, board, council, commission, institution, constituent unit of the state system of higher education, technical education and career school or other agency in the executive, legislative or judicial branch of state government.

(21) “Confidential information” means any information in the possession of the state, a state employee or a public official, whatever its form, which (A) is required not to be disclosed to the general public under any provision of the general statutes or federal law; or (B) falls within a category of permissibly nondisclosable information under the Freedom of Information Act, as defined in section [1-200](#), and which the appropriate agency, state employee or public official has decided not to disclose to the general public.

Sec. 1-79a. Calculation of dollar limit on gifts. For purposes of calculating the dollar limits under the exceptions to the term “gift” under sections [1-79](#) and [1-91](#) any expenditure provided by a lobbyist who is an individual shall be deemed to have also been provided by the business organization which he owns or by which he is employed, and any expenditure provided by a business organization shall be deemed to have also been provided by all owners and employees of the business organization who are lobbyists.

Sec. 1-80. Office of State Ethics. Citizen's Ethics Advisory Board. Members; appointment; qualifications; vacancies; compensation; restrictions. Hearings. (a) There shall be established an Office of State Ethics. Said office shall consist of an executive director, general counsel, ethics enforcement officer and such other staff as hired by the executive director. Within the Office of State Ethics, there shall be the Citizen's Ethics Advisory Board that shall consist of nine members, appointed as follows: One member shall be appointed by the speaker of the House of Representatives, one member by the president pro tempore of the Senate, one member by the majority leader of the Senate, one member by the minority leader of the Senate, one member by the majority leader of the House of Representatives, one member by the minority leader of the House of Representatives, and three members by the Governor. Members shall be appointed to serve a four-year term commencing on October first of the year in which the prior four-year term expires. Any member may be reappointed. No more than five members shall be members of the same political party.

(b) All members shall be electors of the state. No member shall be a state employee. No member or employee of said board shall (1) hold or campaign for any public office; (2) have held public office or have been a candidate for public office for a three-year period prior to appointment; (3) hold office in any political party or political committee or be a member of any organization or association organized primarily for the purpose of influencing legislation or decisions of public agencies; or (4) be an individual who is a registrant as defined in subdivision (17) of section [1-91](#). For purposes of this subsection, “public office” does not include the offices of justice of the peace or notary public.

(c) Any vacancy on the board shall be filled by the appointing authority having the power to make the original appointment within thirty days.

(d) The board shall elect a chairperson who shall, except as provided in subsection (b) of section [1-82](#) and subsection (b) of section [1-93](#), preside at meetings of the board and a vice-chairperson to preside in the absence of the chairperson. Six members of the board shall constitute a quorum. Except as provided in subdivision (3) of subsection (a) of section [1-81](#), subsections (a) and (b) of section [1-82](#), subsection (b) of section [1-88](#), subsection (e) of section [1-92](#), subsections (a) and (b) of section [1-93](#) and subsection (b) of section [1-99](#), a majority vote of the members shall be required for action of the board. The chairperson or any three members may call a meeting.

(e) Any matter before the board, except hearings held pursuant to the provisions of subsection (b) of section [1-82](#) or subsection (b) of section [1-93](#), may be assigned by the board to two of its members to conduct an investigation or hearing, as the case may be, to ascertain the facts and report thereon to the board with a recommendation for action. Any hearing held pursuant to this subsection shall be held in accordance with the provisions of chapter 54.

(f) Members of the board shall be compensated at the rate of two hundred dollars per day for each day they attend a meeting or hearing and shall receive reimbursement for their necessary expenses incurred in the discharge of their official duties.

(g) The board shall not be construed to be a board or commission within the meaning of section [4-9a](#).

(h) The members and employees of the Citizen's Ethics Advisory Board and the Office of State Ethics shall adhere to the following code of ethics under which the members and employees shall: (1) Observe high standards of conduct so that the integrity and independence of the Citizen's Ethics Advisory Board and the Office of State Ethics may be preserved; (2) respect and comply with the law and conduct themselves at all times in a manner which promotes public confidence in the integrity and impartiality of the board and the Office of State Ethics; (3) be faithful to the law and maintain professional competence in the law; (4) be unswayed by partisan interests, public clamor or fear of criticism; (5) maintain order and decorum in proceedings of the board and Office of State Ethics; (6) be patient, dignified and courteous to all persons who appear in board or Office of State Ethics proceedings and with other persons with whom the members and employees deal in their official capacities; (7) refrain from making any statement outside of a board or Office of State Ethics proceeding, which would have a likelihood of prejudicing a board or Office of State Ethics proceeding; (8) refrain from making any statement outside of a board or Office of State Ethics proceeding that a reasonable person would expect to be disseminated by means of

public communication if the member or employee should know that such statement would have a likelihood of materially prejudicing or embarrassing a complainant or a respondent; (9) preserve confidences of complainants and respondents; (10) exercise independent professional judgment on behalf of the board and Office of State Ethics; and (11) represent the board and Office of State Ethics competently.

(i) No member or employee of the board or Office of State Ethics may make a contribution, as defined in section [9-601a](#), to any state employee, public official, candidate for state-wide office or candidate for the office of representative or senator in the General Assembly.

(j) Members of the board shall recuse themselves from participating in any proceeding or matter undertaken pursuant to this chapter that involves the person who appointed such member to the board.

(k) No former member of the board may represent any business or person, other than himself or herself, before the board for a period of one year following the end of such former member's service on the board. No business or person that appears before the board shall employ or otherwise engage the services of a former member of the board for a period of one year following the end of such former member's service on the board.

(l) No member of the board may hold any other position in state employment for a period of one year following the end of such member's service on the board, including, but not limited to, service as a member on a state board or commission, service as a judge of the Superior Court or service as a state agency commissioner. The provisions of this subsection shall not be construed to prohibit any former board member from holding a volunteer or unpaid position in state service within one year of the end of his or her service on the board.

(m) Upon request of any aggrieved party, the board may delay the effect of any decision rendered by the board for a period not to exceed seven days following the rendering of such decision.

Secs. 1-80b to 1-80d. State Ethics Commission member serving as Citizen's Ethics Advisory Board member; Citizen's Ethics Advisory Board member appointment by Governor. Appointment of interim executive director. Transfer of State Ethics Commission staff. Sections [1-80b](#) to [1-80d](#), inclusive, are repealed, effective October 1, 2021.

Sec. 1-80e. Designation of judge trial referees. The Chief Court Administrator shall designate ten judge trial referees who shall be available to the Office of State Ethics to: (1) Preside over and rule at any hearing of the Office of State Ethics; and (2) make

findings as to probable cause following any investigation conducted by the ethics enforcement officer of the Office of State Ethics.

(Sec. 1-81. Duties of the board, Office of State Ethics. Employment of executive director, general counsel, ethics enforcement officer. Legal and enforcement divisions of the Office of State Ethics. Regulations. State personnel training in ethics. (a) The board and general counsel and staff of the Office of State Ethics shall:

(1) Compile and maintain an index of all reports, advisory opinions, informal staff letters, memoranda issued in accordance with subsection (b) of section [1-82](#) and statements filed by and with the Office of State Ethics to facilitate public access to such reports and advisory opinions, informal staff letters, memoranda statements as provided by this part;

(2) Preserve advisory opinions and informal staff letters, permanently; preserve memoranda issued in accordance with subsection (b) of section [1-82](#) and statements and reports filed by and with the board for a period of five years from the date of receipt;

(3) Upon the concurring vote of a majority of the board present and voting, issue advisory opinions with regard to the requirements of this part or part IV of this chapter, upon the request of any person subject to the provisions of this part or part IV of this chapter, and publish such advisory opinions in the Connecticut Law Journal. Advisory opinions rendered by the board, until amended or revoked, shall be binding on the board and shall be deemed to be final decisions of the board for purposes of appeal to the superior court, in accordance with the provisions of section [4-175](#) or [4-183](#). Any advisory opinion concerning the person who requested the opinion and who acted in reliance thereon, in good faith, shall be binding upon the board, and it shall be an absolute defense in any criminal action brought under the provisions of this part or part IV of this chapter, that the accused acted in reliance upon such advisory opinion;

(4) Respond to inquiries and provide advice regarding the code of ethics either verbally or through informal letters;

(5) Provide yearly training to all state employees regarding the code of ethics;

(6) Make legislative recommendations to the General Assembly and report annually, not later than February fifteenth, to the Governor summarizing the activities of the Office of State Ethics; and

(7) Meet not less than once per month with the office's executive director and ethics enforcement officer.

(b) The Office of State Ethics may enter into such contractual agreements as may be necessary for the discharge of its duties, within the limits of its appropriated funds and in accordance with established procedures.

(c) The Office of State Ethics shall employ an executive director, general counsel and ethics enforcement officer, each of whom shall be exempt from classified state service. The ethics enforcement officer shall be a member of the bar of this state. The salary for the executive director, general counsel and the ethics enforcement officer shall be determined by the Commissioner of Administrative Services in accordance with accepted personnel practices. No one person may serve in more than one of the positions described in this subsection. The Office of State Ethics may employ necessary staff within available appropriations. Such necessary staff of the Office of State Ethics shall be in classified state service.

(d) The executive director, described in subsection (c) of this section, shall be appointed by the Citizen's Ethics Advisory Board for an open-ended term. Such appointment shall not be made until all the initial board members appointed to terms commencing on October 1, 2005, are appointed by their respective appointing authorities, pursuant to subsection (a) of section [1-80](#). The board shall annually evaluate the performance of the executive director, in writing, and may remove the executive director, in accordance with the provisions of chapter 67.

(e) The general counsel and ethics enforcement officer described in subsection (c) of this section, and other staff of the Office of State Ethics shall be appointed by the executive director of the Office of State Ethics. The executive director shall annually evaluate the performance of the general counsel, ethics enforcement officer and such other staff, in writing, and may remove the general counsel or ethics enforcement officer, in accordance with the provisions of chapter 67, or such other staff, in accordance with any applicable collective bargaining agreement.

(f) There shall be a legal division within the Office of State Ethics. The legal division shall provide the board with legal advice on matters before said board and shall represent the board in all matters in which the board is a party, without the assistance of the Attorney General unless the board requests such assistance. The legal division shall, under the direction of the general counsel, provide information and written and verbal opinions to persons subject to the code and to the general public. The general counsel, described in subsection (c) of this section, shall supervise such division. The investigation or instigation of a complaint may not occur solely because of information received by the legal division.

(g) There shall be an enforcement division within the Office of State Ethics. The enforcement division shall be responsible for investigating complaints brought to or by

the board. The ethics enforcement officer, described in subsection (c) of this section, shall supervise the enforcement division. The ethics enforcement officer may represent the Office of State Ethics before the Superior Court in an appeal of any ruling or finding pursuant to, or any matter arising under, section [1-82](#), [1-93](#), or [1-101nn](#), provided the board is not a party in such appeal. The enforcement division shall employ such attorneys and investigators, as necessary, within available appropriations, and may refer matters to the office of the Chief State's Attorney, as appropriate.

(h) The Citizen's Ethics Advisory Board shall adopt regulations in accordance with chapter 54 to carry out the purposes of this part. Such regulations shall not be deemed to govern the conduct of any judge trial referee in the performance of such judge trial referee's duties pursuant to this chapter.

(i) The general counsel shall, in consultation with the executive director of the Office of State Ethics, oversee yearly training of all state personnel in the code of ethics, provide training on the code of ethics to other individuals or entities subject to the code and shall make recommendations as to public education regarding ethics.

Sec. 1-81a. Recommended appropriations. Allotments. (a) Notwithstanding any provision of the general statutes, the appropriations recommended for the Office of State Ethics shall be the estimates of expenditure requirements transmitted to the Secretary of the Office of Policy and Management by the executive director of the Office of State Ethics and the recommended adjustments and revisions of such estimates shall be the recommended adjustments and revisions, if any, transmitted by said executive director to the Office of Policy and Management.

(b) Notwithstanding any provision of the general statutes, the Governor shall not reduce allotment requisitions or allotments in force concerning the Office of State Ethics.

Sec. 1-81b. Summary of ethics laws re bidders, proposers and state contractors. The Office of State Ethics shall develop a plain language summary of state ethics laws concerning (1) persons, firms and corporations submitting bids or proposals for state contracts, and (2) state contractors. The Office of State Ethics shall publish said summary on the Office of State Ethics' web site.

Sec. 1-81c. Mandatory ethics training for public officials. Frequency. Exception. Not later than December 31, 2010, the Office of State Ethics shall establish and administer a program of mandatory training on the code of ethics for public officials as set forth in chapter 10. Such program shall provide such training to members of the General Assembly upon first election to the General Assembly, and for all members of

the General Assembly every four years beginning in 2011, except that, in the event there is a significant revision of the code of ethics for public officials, as determined by the Joint Committee on Legislative Management, said committee shall request that the Office of State Ethics conduct a training for all members of the General Assembly before the date of the next regularly scheduled training.

Sec. 1-82. Complaints. Procedure. Time limits. Investigation; notice; hearings. Attorneys' fees. Damages for complaints without foundation. (a)(1) Upon the complaint of any person on a form prescribed by the board, signed under penalty of false statement, or upon its own complaint, the ethics enforcement officer of the Office of State Ethics shall investigate any alleged violation of this part, section [1-101bb](#) or section [1-101nn](#). Not later than five days after the receipt or issuance of such complaint, the board shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant. When the ethics enforcement officer of the Office of State Ethics undertakes an evaluation of a possible violation of this part, section [1-101bb](#) or section [1-101nn](#) prior to the filing of a complaint, the subject of the evaluation shall be notified not later than five business days after an Office of State Ethics staff member's first contact with a third party concerning the matter.

(2) In the conduct of its investigation of an alleged violation of this part, section [1-101bb](#) or section [1-101nn](#), the Office of State Ethics shall have the power to hold hearings, administer oaths, examine witnesses and receive oral and documentary evidence. The Office of State Ethics may subpoena witnesses under procedural rules adopted by the Citizen's Ethics Advisory Board as regulations in accordance with the provisions of chapter 54 to compel attendance before the Office of State Ethics and to require the production for examination by the ethics enforcement officer of the Office of State Ethics of any books and papers which the Office of State Ethics deems relevant in any matter under investigation or in question, provided any such subpoena is issued either pursuant to a majority vote of the Citizen's Ethics Advisory Board or pursuant to the signature of the chairperson of such board. The vice-chairperson of such board may sign any such subpoena if the chairperson of such board is unavailable. In the exercise of such powers, the Office of State Ethics may use the services of the state police, who shall provide the same upon the office's request. The Office of State Ethics shall make a record of all proceedings conducted pursuant to this subsection. The ethics enforcement officer of the Office of State Ethics may bring any alleged violation of this part before a judge trial referee assigned by the Chief Court Administrator for such purpose for a probable cause hearing. Such judge trial referee shall be compensated in accordance with the provisions of section [52-434](#) from such funds as may be available to the Office of State Ethics. Any witness summoned before the Office of State Ethics or a judge trial referee pursuant to this subsection shall receive the witness fee paid to

witnesses in the courts of this state. During any investigation conducted pursuant to this subsection or any probable cause hearing conducted pursuant to this subsection, the respondent shall have the right to appear and be heard and to offer any information which may tend to clear the respondent of probable cause to believe the respondent has violated any provision of this part, section [1-101bb](#) or section [1-101nn](#). The respondent shall also have the right to be represented by legal counsel and to examine and cross-examine witnesses. Not later than ten days prior to the commencement of any hearing conducted pursuant to this subsection, the Office of State Ethics shall provide the respondent with a list of its intended witnesses. Any finding of probable cause to believe the respondent is in violation of any provisions of this part shall be made by a judge trial referee not later than thirty days after the ethics enforcement officer brings such alleged violation before such judge trial referee, except that such thirty-day limitation period shall not apply if the judge trial referee determines that good cause exists for extending such limitation period.

(b) If a judge trial referee determines that probable cause exists for the violation of a provision of this part, section [1-101bb](#) or section [1-101nn](#), the board shall initiate hearings to determine whether there has been a violation of this part, section [1-101bb](#) or section [1-101nn](#). Any such hearing shall be initiated by the board not later than thirty days after the finding of probable cause by a judge trial referee and shall be concluded not later than ninety days after its initiation, except that such thirty or ninety-day limitation period shall not apply if the judge trial referee determines that good cause exists for extending such limitation period. A judge trial referee, who has not taken part in the probable cause determination on the matter shall be assigned by the Chief Court Administrator and shall be compensated in accordance with section [52-434](#) out of funds available to the Office of State Ethics. Such judge trial referee shall preside over such hearing and rule on all issues concerning the application of the rules of evidence, which shall be the same as in judicial proceedings. The judge trial referee shall have no vote in any decision of the board. All hearings of the board held pursuant to this subsection shall be open. At such hearing the board shall have the same powers as the Office of State Ethics under subsection (a) of this section and the respondent shall have the right to be represented by legal counsel, to compel attendance of witnesses and the production of books, documents, records and papers and to examine and cross-examine witnesses. Not later than ten days prior to the commencement of any hearing conducted pursuant to this subsection, the Office of State Ethics shall provide the respondent with a list of its intended witnesses. The judge trial referee shall, while engaged in the discharge of the duties as provided in this subsection, have the same authority as is provided in section [51-35](#) over witnesses who refuse to obey a subpoena or to testify with respect to any matter upon which such witness may be lawfully interrogated, and may commit any such witness for contempt for a period no longer than thirty days. The Office of State Ethics shall make a record of all proceedings pursuant to this subsection.

During the course of any such hearing, no ex-parte communication shall occur between the board, or any of its members, and: (1) The judge trial referee, or (2) any staff member of the Enforcement Division of the Office of State Ethics, concerning the complaint or the respondent. The board shall find no person in violation of any provision of this part, section [1-101bb](#) or section [1-101nn](#) except upon the concurring vote of two-thirds of its members present and voting. No member of the board shall vote on the question of whether a violation of any provision of this part has occurred unless such member was physically present for the duration of any hearing held pursuant to this subsection. Not later than forty-five days after the public hearing conducted in accordance with this subsection, the board shall publish its finding and a memorandum of the reasons therefor. Such finding and memorandum shall be deemed to be the final decision of the board on the matter for the purposes of chapter 54. The respondent, if aggrieved by the finding and memorandum, may appeal therefrom to the Superior Court in accordance with the provisions of section [4-183](#).

(c) If a judge trial referee finds, after a hearing pursuant to this section, that there is no probable cause to believe that a public official or state employee has violated a provision of this part, section [1-101bb](#) or section [1-101nn](#), or if the board determines that a public official or state employee has not violated any such provision, or if a court of competent jurisdiction overturns a finding by the board of a violation by such a respondent, the state shall pay the reasonable legal expenses of the respondent as determined by the Attorney General or by the court if appropriate. If any complaint brought under the provisions of this part, section [1-101bb](#) or section [1-101nn](#) is made with the knowledge that it is made without foundation in fact, the respondent shall have a cause of action against the complainant for double the amount of damage caused thereby and, if the respondent prevails in such action, the respondent may be awarded by the court the costs of such action together with reasonable attorneys' fees.

(d) No complaint may be made under this section later than five years after the violation alleged in the complaint has been committed.

(e) No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the board or the general counsel, ethics enforcement officer or staff of the Office of State Ethics under the provisions of this part, section [1-101bb](#) or section [1-101nn](#). After receipt of information from an individual under the provisions of this part, section [1-101bb](#) or section [1-101nn](#), the Office of State Ethics shall not disclose the identity of such individual without such individual's consent unless the Office of State Ethics determines that such disclosure is unavoidable during the course of an investigation. No person shall be subject to civil liability for any good faith disclosure that such person makes to the Office of State Ethics.

Sec. 1-82a. Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings.

(a) Unless a judge trial referee makes a finding of probable cause, a complaint alleging a violation of this part, section [1-101bb](#) or section [1-101nn](#) shall be confidential except upon the request of the respondent. An evaluation of a possible violation of this part, section [1-101bb](#) or section [1-101nn](#) by the Office of State Ethics prior to the filing of a complaint shall be confidential except upon the request of the subject of the evaluation. If the evaluation is confidential, any information supplied to or received from the Office of State Ethics shall not be disclosed to any third party by a subject of the evaluation, a person contacted for the purpose of obtaining information or by the ethics enforcement officer or staff of the Office of State Ethics. No provision of this subsection shall prevent the Office of State Ethics from reporting the possible commission of a crime to the Chief State's Attorney or other prosecutorial authority.

(b) An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received from the Office of State Ethics shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics.

(c) Not later than three business days after the termination of the investigation, the Office of State Ethics shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making that finding. The Office of State Ethics shall publish its finding upon the respondent's request and may also publish a summary of its reasons for making such finding.

(d) If a judge trial referee makes a finding of no probable cause, the complaint and the record of the Office of State Ethics' investigation shall remain confidential, except upon the request of the respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the judge trial referee may, after consultation with the respondent if the respondent is not the source of the disclosure, publish the judge trial referee's finding and a summary of the judge trial referee's reasons therefor.

(e) The judge trial referee shall make public a finding of probable cause not later than five business days after any such finding. At such time the entire record of the investigation shall become public, except that the Office of State Ethics may postpone examination or release of such public records for a period not to exceed fourteen days

for the purpose of reaching a stipulation agreement pursuant to subsection (c) of section [4-177](#). Any such stipulation agreement or settlement shall be approved by a majority of those members present and voting.

Sec. 1-82b. Continuation of certain probable cause hearings. Section [1-82b](#) is repealed, effective October 1, 2021.

Sec. 1-83. Statements of financial interests. Filing requirements. Ethics statements. Confidentiality. Waiver. (a)(1) All state-wide elected officers, members of the General Assembly, department heads and their deputies, members or directors of each quasi-public agency, members of the Investment Advisory Council and such members of the Executive Department and such employees of quasi-public agencies as the Governor shall require, shall file electronically with the Office of State Ethics using the software created by the office, under penalty of false statement, a statement of financial interests for the preceding calendar year on or before the May first next in any year in which they hold such an office or position. If, in any year, May first falls on a weekend or legal holiday, such statement shall be filed not later than the next business day. Any such individual who leaves his or her office or position shall file electronically a statement of financial interests covering that portion of the year during which such individual held his or her office or position. The Office of State Ethics shall notify such individuals of the requirements of this subsection not later than sixty days after their departure from such office or position. Such individuals shall file such statement electronically not later than sixty days after receipt of the notification.

(2) Each state agency, department, board and commission shall develop and implement, in cooperation with the Office of State Ethics, an ethics statement as it relates to the mission of the agency, department, board or commission. The executive head of each such agency, department, board or commission shall be directly responsible for the development and enforcement of such ethics statement and shall file a copy of such ethics statement with the Office of State Ethics.

(b) (1) The statement of financial interests, except as provided in subdivision (2) of this subsection, shall include the following information for the preceding calendar year in regard to the individual required to file the statement and the individual's spouse and dependent children residing in the individual's household: (A) The names of all businesses with which associated; (B) all sources of income, including the name of each employer, with a description of the type of income received, in excess of one thousand dollars, without specifying amounts of income; (C) the name of securities in excess of five thousand dollars at fair market value owned by such individual, spouse or dependent children or held in the name of a corporation, partnership or trust for the benefit of such individual, spouse or dependent children; (D) the existence of any known blind trust and the names of the trustees; (E) all real property and its location,

whether owned by such individual, spouse or dependent children or held in the name of a corporation, partnership or trust for the benefit of such individual, spouse or dependent children; (F) the names and addresses of creditors to whom the individual, the individual's spouse or dependent children, individually, owed debts of more than ten thousand dollars; (G) any leases or contracts with the state or a quasi-public agency held or entered into by the individual or a business with which he or she was associated; and (H) the name of any of the following that is a partner or owner of, or has a similar business affiliation with, the business included under subparagraph (A) of this subdivision: (i) Any lobbyist, (ii) any person the individual filing the statement knows or has reason to know is doing business with or seeking to do business with the state or is engaged in activities that are directly regulated by the department or agency in which the individual is employed, or (iii) any business with which such lobbyist or person is associated.

(2) In the case of securities in excess of five thousand dollars at fair market value held within (A) a retirement savings plan, as described in Section 401 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, (B) a payroll deduction individual retirement account plan, as described in Section 408 or 408A of said Internal Revenue Code, (C) a governmental deferred compensation plan, as described in Section 457 of said Internal Revenue Code, or (D) an education savings plan, as described in Section 529 of said Internal Revenue Code, the names of such securities shall not be required to be disclosed in any statement of financial interests and only the name of such retirement savings plan, individual retirement account plan, deferred compensation plan or education savings plan holding such securities shall be required.

(c) The statement of financial interests filed pursuant to this section shall be a matter of public information, except (1) the names of any dependent children residing in the household of the individual filing such statement shall not be subject to disclosure under the Freedom of Information Act, as defined in section [1-200](#), and (2) the list of names, filed in accordance with subparagraph (F) of subdivision (1) of subsection (b) of this section shall be sealed and confidential and for the use of the Office of State Ethics only after a complaint has been filed under section [1-82](#) and such complaint has been determined by a vote of the board to be of sufficient merit and gravity to justify the unsealing of such list or lists and not open to public inspection unless the respondent requests otherwise. If the board reports its findings to the Chief State's Attorney in accordance with subsection (c) of section [1-88](#), the board shall turn over to the Chief State's Attorney such relevant information contained in the statement as may be germane to the specific violation or violations or a prosecutorial official may subpoena such statement in a criminal action. Unless otherwise a matter of public record, the Office of State Ethics shall not disclose to the public any such subpoena which would be exempt from disclosure by the issuing agency.

(d) Any individual who is unable to provide information required under the provisions of subdivision (1) of subsection (b) of this section by reason of impossibility may petition the board for a waiver of the requirements.

Sec. 1-84. (Formerly Sec. 1-66). Prohibited activities. Exception re employment of immediate family at constituent unit. (a) No public official or state employee shall, while serving as such, have any financial interest in, or engage in, any business, employment, transaction or professional activity, which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, as defined in section [1-85](#).

(b) No public official or state employee shall accept other employment which will either impair his independence of judgment as to his official duties or employment or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties.

(c) No public official or state employee shall wilfully and knowingly disclose, for financial gain, to any other person, confidential information acquired by him in the course of and by reason of his official duties or employment and no public official or state employee shall use his public office or position or any confidential information received through his holding such public office or position to obtain financial gain for himself, his spouse, child, child's spouse, parent, brother or sister or a business with which he is associated.

(d) No public official or state employee or employee of such public official or state employee shall agree to accept, or be a member or employee of a partnership, association, professional corporation or sole proprietorship which partnership, association, professional corporation or sole proprietorship agrees to accept any employment, fee or other thing of value, or portion thereof, for appearing, agreeing to appear, or taking any other action on behalf of another person before the Department of Banking, the Office of the Claims Commissioner, the Health Systems Planning Unit of the Office of Health Strategy, the Insurance Department, the Department of Consumer Protection, the Department of Motor Vehicles, the State Insurance and Risk Management Board, the Department of Energy and Environmental Protection, the Public Utilities Regulatory Authority, the Connecticut Siting Council or the Connecticut Real Estate Commission; provided this shall not prohibit any such person from making inquiry for information on behalf of another before any of said commissions or commissioners if no fee or reward is given or promised in consequence thereof. For the purpose of this subsection, partnerships, associations, professional corporations or sole proprietorships refer only to such partnerships, associations, professional corporations or sole proprietorships which have been formed to carry on the business or profession directly relating to the employment, appearing, agreeing to

appear or taking of action provided for in this subsection. Nothing in this subsection shall prohibit any employment, appearing, agreeing to appear or taking action before any municipal board, commission or council. Nothing in this subsection shall be construed as applying (1) to the actions of any teaching or research professional employee of a public institution of higher education if such actions are not in violation of any other provision of this chapter, (2) to the actions of any other professional employee of a public institution of higher education if such actions are not compensated and are not in violation of any other provision of this chapter, (3) to any member of a board or commission who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance of the member's duties, or (4) to any member or director of a quasi-public agency. Notwithstanding the provisions of this subsection to the contrary, a legislator, an officer of the General Assembly or part-time legislative employee may be or become a member or employee of a firm, partnership, association or professional corporation which represents clients for compensation before agencies listed in this subsection, provided the legislator, officer of the General Assembly or part-time legislative employee shall take no part in any matter involving the agency listed in this subsection and shall not receive compensation from any such matter. Receipt of a previously established salary, not based on the current or anticipated business of the firm, partnership, association or professional corporation involving the agencies listed in this subsection, shall be permitted.

(e) No legislative commissioner or his partners, employees or associates shall represent any person subject to the provisions of part II concerning the promotion of or opposition to legislation before the General Assembly, or accept any employment which includes an agreement or understanding to influence, or which is inconsistent with, the performance of his official duties.

(f) No person shall offer or give to a public official or state employee or candidate for public office or his spouse, his parent, brother, sister or child or spouse of such child or a business with which he is associated, 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 official, state employee or candidate for public office would be or had been influenced thereby.

(g) No public official or state employee or candidate for public office 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 official or state employee or candidate for public office would be or had been influenced thereby.

(h) Nothing in subsection (f) or (g) of this section shall be construed (1) to apply to any promise made in violation of subdivision (6) of section [9-622](#), or (2) to permit any activity otherwise prohibited in section [53a-147](#) or [53a-148](#).

(i) (1) No public official or state employee or member of the official or employee's immediate family or a business with which he is associated shall enter into any contract with the state, valued at one hundred dollars or more, other than a contract (A) of employment as a state employee, (B) with the Technical Education and Career System for students enrolled in a school in the system to perform services in conjunction with vocational, technical, technological or postsecondary education and training any such student is receiving at a school in the system, subject to the review process under subdivision (2) of this subsection, (C) with a public institution of higher education to support a collaboration with such institution to develop and commercialize any invention or discovery, or (D) pursuant to a court appointment, unless the contract has been awarded through an open and public process, including prior public offer and subsequent public disclosure of all proposals considered and the contract awarded. In no event shall an executive head of an agency, as defined in section [4-166](#), including a commissioner of a department, or an executive head of a quasi-public agency, as defined in section [1-79](#), or the executive head's immediate family or a business with which he is associated enter into any contract with that agency or quasi-public agency. Nothing in this subsection shall be construed as applying to any public official who is appointed as a member of the executive branch or as a member or director of a quasi-public agency and who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance of the public official's duties unless such public official has authority or control over the subject matter of the contract. Any contract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced not later than one hundred eighty days after the making of the contract.

(2) The superintendent of the Technical Education and Career System shall establish an open and transparent process to review any contract entered into under subparagraph (B) of subdivision (1) of this subsection.

(j) No public official, state employee or candidate for public office, or a member of any such person's staff or immediate family shall knowingly accept any gift, as defined in subdivision (5) of section [1-79](#), from a person known to be a registrant or anyone known to be acting on behalf of a registrant.

(k) No public official, spouse of the Governor or state employee shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event, in the public official's, spouse's or state employee's official capacity, provided a public official, Governor's spouse or state employee may receive payment or reimbursement

for necessary expenses for any such activity in his or her official capacity. If a public official, Governor's spouse or state employee receives such a payment or reimbursement for lodging or out-of-state travel, or both, the public official, Governor's spouse or state employee shall, not later than thirty days thereafter, file a report of the payment or reimbursement with the Office of State Ethics, unless the payment or reimbursement is provided by the federal government or another state government. If a public official, Governor's spouse or state employee does not file such report within such period, either intentionally or due to gross negligence on the public official's, Governor's spouse's or state employee's part, the public official, Governor's spouse or state employee shall return the payment or reimbursement. If any failure to file such report is not intentional or due to gross negligence on the part of the public official, Governor's spouse or state employee, the public official, Governor's spouse or state employee shall not be subject to any penalty under this chapter. When a public official, Governor's spouse or state employee attends an event in this state in the public official's, Governor's spouse's or state employee's official capacity and as a principal speaker at such event and receives admission to or food or beverage at such event from the sponsor of the event, such admission or food or beverage shall not be considered a gift and no report shall be required from such public official, spouse or state employee or from the sponsor of the event.

(l) No public official or state employee, or any person acting on behalf of a public official or state employee, shall wilfully and knowingly interfere with, influence, direct or solicit existing or new lobbying contracts, agreements or business relationships for or on behalf of any person.

(m) No public official or state employee shall knowingly accept, directly or indirectly, any gift, as defined in subdivision (5) of section [1-79](#), from any person the public official or state employee knows or has reason to know: (1) Is doing business with or seeking to do business with the department or agency in which the public official or state employee is employed; (2) is engaged in activities which are directly regulated by such department or agency; or (3) is prequalified under section [4a-100](#). No person shall knowingly give, directly or indirectly, any gift or gifts in violation of this provision. For the purposes of this subsection, the exclusion to the term "gift" in subparagraph (L) of subdivision (5) of section [1-79](#) for a gift for the celebration of a major life event shall not apply. Any person prohibited from making a gift under this subsection shall report to the Office of State Ethics any solicitation of a gift from such person by a state employee or public official.

(n) (1) As used in this subsection, (A) "investment services" means investment legal services, investment banking services, investment advisory services, underwriting services, financial advisory services or brokerage firm services, and (B) "principal of an investment services firm" means (i) an individual who is a director of or has an

ownership interest in an investment services firm, except for an individual who owns less than five per cent of the shares of an investment services firm which is a publicly traded corporation, (ii) an individual who is employed by an investment services firm as president, treasurer, or executive or senior vice president, (iii) an employee of such an investment services firm who has managerial or discretionary responsibilities with respect to any investment services, (iv) the spouse or dependent child of an individual described in this subparagraph, or (v) a political committee established by or on behalf of an individual described in this subparagraph.

(2) The State Treasurer shall not pay any compensation, expenses or fees or issue any contract to any firm which provides investment services when (A) a political committee, as defined in section [9-601](#), established by such firm, or (B) a principal of the investment services firm has made a contribution, as defined in section [9-601a](#), to, or solicited contributions on behalf of, any exploratory committee or candidate committee, as defined in section [9-601](#), established by the State Treasurer as a candidate for nomination or election to the office of State Treasurer. The State Treasurer shall not pay any compensation, expenses or fees or issue any contract to such firms or principals during the term of office as State Treasurer, including, for an incumbent State Treasurer seeking reelection, any remainder of the current term of office.

(o) If (1) any person (A) is doing business with or seeking to do business with the department or agency in which a public official or state employee is employed, or (B) is engaged in activities which are directly regulated by such department or agency, and (2) such person or a representative of such person gives to such public official or state employee anything having a value of more than ten dollars, such person or representative shall, not later than ten days thereafter, give such recipient and the executive head of the recipient's department or agency a written report stating the name of the donor, a description of the item or items given, the value of such items and the cumulative value of all items given to such recipient during that calendar year. The provisions of this subsection shall not apply to a political contribution otherwise reported as required by law.

(p) (1) No public official or state employee or member of the immediate family of a public official or state employee shall knowingly accept, directly or indirectly, any gift costing one hundred dollars or more from a public official or state employee who is under the supervision of such public official or state employee.

(2) No public official or state employee or member of the immediate family of a public official or state employee shall knowingly accept, directly or indirectly, any gift costing one hundred dollars or more from a public official or state employee who is a supervisor of such public official or state employee.

(3) No public official or state employee shall knowingly give, directly or indirectly, any gift in violation of subdivision (1) or (2) of this subsection.

(q) No public official or state employee shall intentionally counsel, authorize or otherwise sanction action that violates any provision of this part.

(r) (1) Notwithstanding the provisions of subsections (b) and (c) of this section, a member of the faculty or a member of a faculty bargaining unit of a constituent unit of the state system of higher education may enter into a consulting agreement or engage in a research project with a public or private entity, provided such agreement or project does not conflict with the member's employment with the constituent unit, as determined by policies established by the board of trustees for such constituent unit.

(2) The board of trustees for each constituent unit of the state system of higher education shall establish policies to ensure that any such member who enters such a consulting agreement or engages in such a research project (A) is not inappropriately using university proprietary information in connection with such agreement or project, (B) does not have an interest in such agreement or project that interferes with the proper discharge of his or her employment with the constituent unit, and (C) is not inappropriately using such member's association with the constituent unit in connection with such agreement or project. Such policies shall (i) establish procedures for the disclosure, review and management of conflicts of interest relating to any such agreement or project, (ii) require the approval by the chief academic officer of the constituent unit, or his or her designee, prior to any such member entering into any such agreement or engaging in any such project, and (iii) include procedures that impose sanctions and penalties on any member for failing to comply with the provisions of the policies. Annually, the internal audit office of each constituent unit shall audit the constituent unit's compliance with such policies and report its findings to the committee of the constituent unit established pursuant to subdivision (3) of this subsection. For purposes of this subsection, "consulting" means the provision of services for compensation to a public or private entity by a member of the faculty or member of a faculty bargaining unit of a constituent unit of the state system of higher education: (I) When the request to provide such services is based on such member's expertise in a field or prominence in such field, and (II) while such member is not acting in the capacity of a state employee, and "research" means a systematic investigation, including, but not limited to, research development, testing and evaluation, designed to develop or contribute to general knowledge in the applicable field of study.

(3) There is established a committee for each constituent unit of the state system of higher education to monitor the constituent unit's compliance with the policies and procedures described in subdivision (2) of this subsection governing consulting agreements and research projects with public or private entities by a member of the

faculty or a member of a faculty bargaining unit of such constituent unit. Each committee shall consist of nine members as follows: (A) Three members, appointed jointly by the Governor, the speaker of the House of Representatives, the president pro tempore of the Senate, the majority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives and the minority leader of the Senate, who shall serve as members for each such committee; (B) one member appointed by the chairperson of the constituent unit's board of trustees from the membership of such board; (C) the chief academic officer of the constituent unit, or his or her designee; (D) three members appointed by the chief executive officer of the constituent unit; and (E) one member appointed by the chairperson of the Citizen's Ethics Advisory Board from the membership of such board. Members shall serve for a term of two years. Any vacancies shall be filled by the appointing authority. Each committee shall (i) review the annual reports submitted by the internal audit office for the constituent unit, pursuant to subdivision (2) of this subsection, (ii) make recommendations, annually, to the board of trustees of the constituent unit concerning the policies and procedures of the constituent unit established pursuant to subdivision (2) of this subsection, including any changes to such policies and procedures, and (iii) send a copy of such recommendations, in accordance with section [11-4a](#), to the joint standing committees of the General Assembly having cognizance of matters relating to higher education and government administration.

(4) The provisions of subsections (b) and (c) of this section shall apply to any member of the faculty or member of a faculty bargaining unit of a constituent unit of the state system of higher education who enters such a consulting agreement or engages in such a research project without prior approval, as described in subdivision (2) of this subsection.

(s) Notwithstanding the provisions of this section or any other provision of this part, a state employee who is employed at a constituent unit of the state system of higher education and a member of the immediate family of such state employee may be employed in the same department or division of such constituent unit, provided the constituent unit has determined that procedures have been implemented to ensure that any final decisions impacting the financial interests of either such state employee, including decisions to hire, promote, increase the compensation of or renew the employment of such state employee, are made by another state employee who is not a member of the immediate family of such state employee.

Sec. 1-84a. Disclosure or use of confidential information by former official or employee. No former executive or legislative branch or quasi-public agency public official or state employee shall disclose or use confidential information acquired in the course of and by reason of his official duties, for financial gain for himself or another person.

Sec. 1-84b. Certain activities restricted after leaving public office or employment. (a) No former executive branch or quasi-public agency public official or state employee shall represent anyone other than the state, concerning any particular matter (1) in which he participated personally and substantially while in state service, and (2) in which the state has a substantial interest.

(b) No former executive branch or quasi-public agency public official or state employee shall, for one year after leaving state service, represent anyone, other than the state, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the state has a substantial interest. The provisions of this subsection shall not apply to an attorney who is a former employee of the Division of Criminal Justice, with respect to any representation in a matter under the jurisdiction of a court.

(c) The provisions of this subsection apply to present or former executive branch public officials or state employees of an agency who hold or formerly held positions which involve significant decision-making or supervisory responsibility. Such positions shall be designated as such by the agency concerned, in consultation with the Office of State Ethics, except that such provisions shall not apply to members or former members of the boards or commissions who serve ex officio, who are required by statute to represent the regulated industry or who are permitted by statute to have a past or present affiliation with the regulated industry. On or before November 1, 2021, and not less than annually thereafter, the head of each agency concerned, or his or her designee, shall submit the designation of all positions in existence on such date that are subject to the provisions of this subsection to the office electronically, in a manner prescribed by the Citizen's Ethics Advisory Board. If an agency creates such a position after its annual submission under this subsection, the head of such agency, or his or her designee, shall submit the designation of the newly created position not later than thirty days after the creation of such position. As used in this subsection, "agency" means the Health Systems Planning Unit of the Office of Health Strategy, the Connecticut Siting Council, the Department of Banking, the Insurance Department, the Department of Emergency Services and Public Protection, the office within the Department of Consumer Protection that carries out the duties and responsibilities of sections [30-2](#) to [30-68m](#), inclusive, the Public Utilities Regulatory Authority, including the Office of Consumer Counsel, and the Department of Consumer Protection and the term "employment" means professional services or other services rendered as an employee or as an independent contractor.

(1) No public official or state employee in an executive branch position designated pursuant to the provisions of this subsection shall negotiate for, seek or accept employment with any business subject to regulation by his agency.

(2) No former public official or state employee who held such a position in the executive branch shall, within one year after leaving an agency, accept employment with a business subject to regulation by that agency.

(3) No business shall employ a present or former public official or state employee in violation of this subsection.

(d) The provisions of subsection (e) of this section apply to (1) present or former Department of Consumer Protection public officials or state employees who hold or formerly held positions which involve significant decision-making or supervisory responsibility and designated as such by the department, in consultation with the Office of State Ethics, and (2) present or former public officials or state employees of other agencies who hold or formerly held positions which involve significant decision-making or supervisory responsibility concerning the regulation or investigation of (A) any business entity (i) engaged in Indian gaming operations in the state, and (ii) in which a federally-recognized Indian tribe in the state owns a controlling interest, or (B) a governmental agency of a federally-recognized Indian tribe engaged in Indian gaming operations in the state, which positions are designated as such by the agency concerned, in consultation with the Office of State Ethics. On or before November 1, 2021, and not less than annually thereafter, the Commissioner of Consumer Protection and the head of each agency concerned, or their designees, shall submit designations of all positions in existence on such date that are subject to the provisions of this subsection to the office electronically, in a manner prescribed by the Citizen's Ethics Advisory Board. If the department or agency concerned creates such a position after its annual submission under this subsection, the Commissioner of Consumer Protection or the head of such agency, as applicable, or their designees, shall submit the designation of the newly created position not later than thirty days after the creation of such position.

(e) (1) No Department of Consumer Protection public official or state employee or other public official or state employee described in subdivision (2) of subsection (d) of this section shall negotiate for, seek or accept employment with (A) a business entity (i) engaged in Indian gaming operations in the state, and (ii) in which a federally-recognized Indian tribe in the state owns a controlling interest, or (B) a governmental agency of a federally-recognized Indian tribe engaged in Indian gaming operations in the state.

(2) No former Department of Consumer Protection public official or state employee or other former public official or state employee described in subdivision (2) of subsection (d) of this section, who held such a position shall, within two years after leaving such agency, accept employment with (A) a business entity (i) engaged in Indian gaming operations in the state, and (ii) in which a federally-recognized Indian

tribe in the state owns a controlling interest, or (B) a governmental agency of a federally-recognized Indian tribe engaged in Indian gaming operations in the state.

(3) As used in this subsection, “employment” means professional services or other services rendered as an employee or as an independent contractor.

(f) No former public official or state employee (1) who participated substantially in the negotiation or award of (A) a state contract valued at an amount of fifty thousand dollars or more, or (B) a written agreement for the approval of a payroll deduction slot described in section [3-123g](#), or (2) who supervised the negotiation or award of such a contract or agreement, shall accept employment with a party to the contract or agreement other than the state for a period of one year after his resignation from his state office or position if his resignation occurs less than one year after the contract or agreement is signed. No party to such a contract or agreement other than the state shall employ any such former public official or state employee in violation of this subsection.

(g) No member or director of a quasi-public agency who participates substantially in the negotiation or award of a contract valued at an amount of fifty thousand dollars or more, or who supervised the negotiation or award of such a contract, shall seek, accept, or hold employment with a party to the contract for a period of one year after the signing of the contract.

(h) The provisions of subsections (a), (b) and (f) of this section shall not apply to any employee of a quasi-public agency who leaves such agency before July 1, 1989. The provisions of subsections (b) and (f) of this section shall not apply to a former state employee of a public institution of higher education whose employment was derived from such employee's status as a student at such institution.

(i) No Treasurer who authorizes, negotiates or renegotiates a contract for investment services valued at an amount of fifty thousand dollars or more shall negotiate for, seek or accept employment with a party to the contract prior to one year after the end of the Treasurer's term of office within which such contract for investment services was authorized, negotiated or renegotiated by such Treasurer.

(j) No former executive, judicial or legislative branch or quasi-public agency official or state employee convicted of any felony involving corrupt practices, abuse of office or breach of the public trust shall seek or accept employment as a lobbyist or act as a registrant pursuant to this chapter.

(k) No former Governor shall accept employment or act as a registrant pursuant to the provisions of this chapter, for one year after leaving state service, on behalf of any business that received a contract with any department or agency of the state during such

Governor's term. No business shall employ a former Governor in violation of this subsection.

Sec. 1-84c. Donation of goods or services to state or quasi-public agencies. Reporting requirement. (a) Nothing in this chapter shall prohibit the donation of goods or services, as described in subparagraph (E) of subdivision (5) of section [1-79](#), to a state agency or quasi-public agency, the donation of the use of facilities to facilitate state agency or quasi-public agency action or functions or the donation of real property to a state agency or quasi-public agency.

(b) If a public official or state employee receives goods or services to support such official's or employee's participation at an event, as described in subparagraph (E) of subdivision (5) of section [1-79](#), and such goods or services (1) include lodging or out-of-state travel, or both, and (2) are not provided by the federal government or another state government, such official or employee shall, not later than thirty days after receipt of such goods or services, file a report with the Office of State Ethics. Such report shall be on an electronic form prescribed by the board and shall certify to the Office of State Ethics, under penalty of false statement, that the goods or services received in support of such official's or employee's participation at an event facilitated state action or functions. If a public official or state employee does not file a report within such thirty-day period, either intentionally or due to gross negligence on the official's or employee's part, the official or employee shall return to the donor the value of the goods or services received. Unless the failure to file such report is intentional or due to gross negligence, the public official or state employee shall not be subject to any penalty under this chapter for such failure.

(Sec. 1-84d. Foundations or alumni associations established for the benefit of a constituent unit of public higher education or technical education and career school. Notwithstanding any provision of the general statutes, for purposes of this chapter, no foundation or alumni association established for the benefit of a constituent unit of public higher education or technical education and career school shall be deemed to be doing business with or seeking to do business with such constituent unit of public higher education or technical education and career school.

Sec. 1-85. (Formerly Sec. 1-68). Interest in conflict with discharge of duties. A public official, including an elected state official, or state employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. A public official, including an elected state official, or state employee 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 this state, if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group. A public official, including an elected state official or state employee who has a substantial conflict may not take official action on the matter.

Sec. 1-86. Procedure when discharge of duty affects official's or state employee's financial interests. Lobbyists prohibited from accepting employment with General Assembly and General Assembly members forbidden to be lobbyists. (a) Any public official or state employee, other than an elected state official, who, in the discharge of such official's or employee's official duties, would be required to take an action that would affect a financial interest of such official or employee, such official's or employee's spouse, parent, brother, sister, child or the spouse of a child or a business with which such official or employee is associated, other than an interest of a de minimis nature, an interest that is not distinct from that of a substantial segment of the general public or an interest in substantial conflict with the performance of official duties as defined in section [1-85](#) has a potential conflict of interest. Under such circumstances, such official or employee shall, if such official or employee is a member of a state regulatory agency, either excuse himself or herself from the matter or prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict and explaining why despite the potential conflict, such official or employee is able to vote and otherwise participate fairly, objectively and in the public interest. Such public official or state employee shall deliver a copy of the statement to the Office of State Ethics and enter a copy of the statement in the journal or minutes of the agency. If such official or employee is not a member of a state regulatory agency, such official or employee shall, in the case of either a substantial or potential conflict, prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the conflict and deliver a copy of the statement to such official's or employee's immediate superior, if any, who shall assign the matter to another employee, or if such official or employee has no immediate superior, such official or employee shall take such steps as the Office of State Ethics shall prescribe or advise.

(b) No elected state official shall be affected by subsection (a) of this section.

(c) No person required to register with the Office of State Ethics under section [1-94](#) shall accept employment with the General Assembly or with any member of the General Assembly in connection with legislative action, as defined in section [1-91](#). No member of the General Assembly shall be a lobbyist.

Secs. 1-86a to 1-86c. Reserved for future use.

Sec. 1-86d. Legal defense fund established by or for a public official or state employee. Reports. Contributions. (a) Any public official or state employee who establishes a legal defense fund, or for whom a legal defense fund has been established, shall file a report on said fund with the Office of State Ethics not later than the tenth day of January, April, July and October. Each such report shall include the following information for the preceding calendar quarter: (1) The names of the directors and officers of the fund, (2) the name of the depository institution for the fund, (3) an itemized accounting of each contribution to the fund, including the full name and complete address of each contributor and the amount of the contribution, and (4) an itemized accounting of each expenditure, including the full name and complete address of each payee and the amount and purpose of the expenditure. The public official or state employee shall sign each such report under penalty of false statement. The provisions of this subsection shall not apply to any person who has made a contribution to a legal defense fund before June 3, 2004.

(b) (1) In addition to the prohibitions on gifts under subsections (j) and (m) of section [1-84](#) and subsection (a) of section [1-97](#), no public official or state employee shall accept, directly or indirectly, any contribution to a legal defense fund established by or for the public official or state employee, from (A) a member of the immediate family of any person who is prohibited from giving a gift under subsection (j) or (m) of section [1-84](#) or subsection (a) of section [1-97](#), or (B) a person who is appointed by said public official or state employee to serve on a paid, full-time basis. No person described in subparagraph (A) or (B) of this subdivision shall make a contribution to such a legal defense fund, and no such person or any person prohibited from making a gift under subsection (j) or (m) of section [1-84](#) or subsection (a) of section [1-97](#) shall solicit a contribution for such a legal defense fund.

(2) A public official or state employee may accept a contribution or contributions to a legal defense fund established by or for the public official or state employee from any other person, provided the total amount of such contributions from any such person in any calendar year shall not exceed one thousand dollars. No such person shall make a contribution or contributions to said legal defense fund exceeding one thousand dollars in any calendar year. The provisions of this subdivision shall not apply in 2004, to any person who has made a contribution or contributions to a legal defense fund exceeding one thousand dollars in 2004, before June 3, 2004, provided said legal defense fund shall not accept any additional contributions from such person in 2004, and such person shall not make any additional contributions to said fund in 2004.

(3) Notwithstanding the provisions of subdivision (2) of this subsection, a public official or state employee may accept a contribution or contributions, in any amount, to a legal defense fund established by or for the public official or state employee from a relative of the public official or state employee or a person whose relationship with the public official or state employee is not dependent on the official's or employee's status as a public official or state employee. The factors that the board shall consider in determining whether a person's relationship is so dependent shall include, but not be limited to, whether the person may be able to benefit from the exercise of official authority of the public official or state employee and whether the person made gifts to the public official or state employee before the official or employee began serving in such office or position.

(Sec. 1-86e. Consultants, independent contractors and their employees. Prohibited activities. (a) No person hired by the state as a consultant or independent contractor, and no person employed by such consultant or independent contractor, shall:

(1) Use the authority provided under the contract, or any confidential information acquired in the performance of the contract, to obtain financial gain for the consultant or independent contractor, an employee of the consultant or independent contractor or a member of the immediate family of any such consultant, independent contractor or employee;

(2) Accept another state contract which would impair the independent judgment of the consultant, independent contractor or employee in the performance of the existing contract; or

(3) Accept anything of value based on an understanding that the actions of the consultant, independent contractor or employee on behalf of the state would be influenced.

(b) No person shall give anything of value to a person hired by the state as a consultant or independent contractor or an employee of a consultant or independent contractor based on an understanding that the actions of the consultant, independent contractor or employee on behalf of the state would be influenced.

Sec. 1-87. Aggrieved persons. Appeals. Any person aggrieved by any final decision of the board, made pursuant to this part, may appeal such decision in accordance with the provisions of section [4-175](#) or section [4-183](#).

Sec. 1-88. Authority of board after finding violation. Prohibition against disclosure of information. Enforcement of civil penalties. (a) The board, upon a

finding made pursuant to section [1-82](#) that there has been a violation of any provision of this part, section [1-101bb](#) or section [1-101nn](#), shall have the authority to order the violator to do any or all of the following: (1) Cease and desist the violation of this part, section [1-101bb](#) or section [1-101nn](#); (2) file any report, statement or other information as required by this part, section [1-101bb](#) or section [1-101nn](#); and (3) pay a civil penalty of not more than ten thousand dollars for each violation of this part, section [1-101bb](#) or section [1-101nn](#).

(b) Notwithstanding the provisions of subsection (a) of this section, the board may, after a hearing conducted in accordance with sections [4-176e](#) to [4-184](#), inclusive, upon the concurring vote of two-thirds of its members present and voting, impose a civil penalty not to exceed ten dollars per day upon any individual who fails to file any report, statement or other information as required by this part, section [1-101bb](#) or section [1-101nn](#). Each distinct violation of this subsection shall be a separate offense and in case of a continued violation, each day thereof shall be deemed a separate offense. In no event shall the aggregate penalty imposed for such failure to file exceed ten thousand dollars.

(c) The board may also report its finding to the Chief State's Attorney for any action deemed necessary. The board, upon a finding made pursuant to section [1-82](#) that a member or member-elect of the General Assembly has violated any provision of this part, section [1-101bb](#) or section [1-101nn](#), shall notify the appropriate house of the General Assembly, in writing, of such finding and the basis for such finding.

(d) Any person who knowingly acts in such person's financial interest in violation of section [1-84](#), [1-85](#), [1-86](#), [1-86d](#), [1-86e](#) or [1-101nn](#) or any person who knowingly receives a financial advantage resulting from a violation of any of said sections shall be liable for damages in the amount of such advantage. If the board determines that any person may be so liable, it shall immediately inform the Attorney General of that possibility.

(e) Any employee of the Office of State Ethics or member of the Citizen's Ethics Advisory Board who, in violation of this part or section [1-101nn](#), discloses information filed in accordance with subparagraph (F) of subdivision (1) of subsection (b) of section [1-83](#), shall be dismissed, if an employee, or removed from the board, if a member.

(f) Any civil penalty imposed by the board pursuant to this section may be enforced by the Office of State Ethics as a money judgment in accordance with chapter 906.

Sec. 1-89. Violations; penalties. Disciplinary powers of the legislature, agencies and commissions. Civil action for damages. (a)(1) Any person who intentionally violates any provision of this part, section [1-101bb](#) or section [1-101nn](#) shall, for a first violation, be guilty of a class A misdemeanor, unless subdivision (2) of this subsection is applicable.

(2) If, for a first violation, such person derives a financial benefit of one thousand dollars or more as a result of such violation, such person shall be guilty of a class D felony.

(3) For a second or subsequent violation, such person shall be guilty of a class D felony.

(4) No person may be found guilty of a violation of subsection (f) or (g) of section [1-84](#) and bribery or bribe receiving under section [53a-147](#) or [53a-148](#) upon the same incident, but such person may be charged and prosecuted for all or any of such offenses upon the same information.

(b) The penalties prescribed in this part or section [1-101nn](#) shall not limit the power of either house of the legislature to discipline its own members or impeach a public official, and shall not limit the power of agencies or commissions to discipline their officials or employees.

(c) The Attorney General may bring a civil action against any person who knowingly acts in the person's financial interest in, or knowingly receives a financial advantage resulting from, a violation of section [1-84](#), [1-85](#), [1-86](#), [1-101bb](#) or [1-101nn](#). In any such action, the Attorney General may, in the discretion of the court, recover any financial benefit that accrued to the person as a result of such violation and additional damages in an amount not exceeding twice the amount of the actual damages.

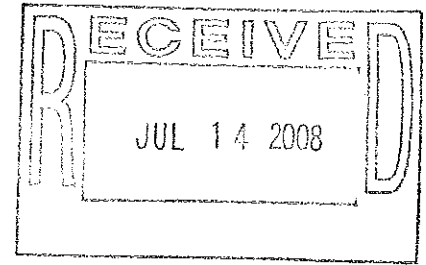
(d) Any fines, penalties or damages paid, collected or recovered under section [1-88](#) or this section for a violation of any provision of this part or section [1-101bb](#) or [1-101nn](#) applying to the office of the Treasurer shall be deposited on a pro rata basis in any trust funds, as defined in section [3-13c](#), affected by such violation.

Sec. 1-89a. Conferences on ethical issues. Section [1-89a](#) is repealed, effective October 1, 2021.

(Sec. 1-90. Commission to review oath of office for members of General Assembly. Section [1-90](#) is repealed.



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591



REPRESENTATIVE TOM REYNOLDS
FORTY-SECOND ASSEMBLY DISTRICT

VICE CHAIRMAN
PUBLIC SAFETY AND SECURITY COMMITTEE

47 BITTERSWEET DRIVE
GALES FERRY, CONNECTICUT 06335
HOME: (860) 464-0441
CAPITOL: (860) 240-8585
TOLL FREE: 1-800-842-8267
FAX: (860) 240-0206
E-MAIL: Tom.Reynolds@cga.ct.gov

MEMBER
APPROPRIATIONS COMMITTEE
EDUCATION COMMITTEE

MEMORANDUM

DATE: July 9, 2008
TO: Mayor Fred Allyn, Jr.
FROM: Representative Tom Reynolds
RE: New Ethics Law

You asked me about the new ethics law adopted by the legislature and signed by the Governor this year. Specifically, you were interested in the pension revocation provision. Attached is a summary of the new law.

The law generally permits state courts to revoke or reduce any retirement or other benefit due to state or municipal public officials or employees who commit certain crimes related to their employment. The law requires the Attorney General to apply to the Superior Court for an order to revoke or reduce the benefits of a public official or employee who, on and after the bill's passage, is convicted of or pleads guilty or nolo contendere (no contest) in federal or state court to various crimes.

The effective date of the law is October 1, 2008. Therefore, pension revocation is not an option for towns seeking to apply this new law to pensioners who were convicted of certain crimes before that date.

A retroactive pension revocation provision was in the original bill, but we could not get the votes to pass the bill if the retroactivity language was left in. I regret this, but it's the best we could do this year.

I hope this information is responsive to your inquiry. If you have any questions, please let me know.

Copy: Ledyard Town Council
Attachment

OLR Bill Analysis

HB 6502

Emergency Certification

AN ACT CONCERNING COMPREHENSIVE ETHICS REFORMS.

SUMMARY:

This bill:

1. generally permits state courts to revoke or reduce any retirement or other benefit due to state or municipal officials or employees who commit certain crimes related to their employment;
2. makes it a class A misdemeanor for public servants to fail to report a bribe;
3. expands illegal campaign finance practices to cover certain solicitations by chiefs of staff;
4. makes several changes to state codes of ethics such as limiting gift exceptions, prohibiting state contractors from hiring certain former public officials and state employees, restricting the Office of State Ethics' (OSE) authority to issue subpoenas, prohibiting *ex parte* communications during OSE hearings on ethics complaints, limiting Citizens' Advisory Board members who can act on ethics complaints, and subjecting the governor's spouse to the code;
5. requires OSE to provide mandatory training to legislators on the Code of Ethics for Public Officials; and
6. requires public agencies to post, on available web sites, meeting dates, times, and minutes required by law to be publicly disclosed.

EFFECTIVE DATE: October 1, 2008

§§ 1-5 — CORRUPT OFFICIALS AND EMPLOYEES

The bill generally permits state courts to revoke or reduce any retirement or other benefit due to state or municipal public officials or employees or quasi-public agency members and directors who commit certain crimes related to their employment.

The bill requires the court to order payment of any benefit or payment that is not revoked or reduced.

Exceptions to Reduction or Revocation

Under the bill:

1. no revocation or reduction may prohibit or limit benefits that are the subject of a qualified domestic relations order (e. g. , child support);
2. no pension may be reduced or revoked if the IRS determines that the action will negatively affect or invalidate the status of the state's or a municipality's government retirement plans under Section 401 (a) of the Internal Revenue Code of 1986; and
3. the pension benefits of a public official or employee who cooperated with the state as a whistleblower before learning of the criminal investigation may not be revoked or reduced if the court determines or the attorney general certifies that the official or employee voluntarily provided information to the attorney general, state auditors, or a law enforcement agency against a person more blameworthy than the official or employee.

Additionally, no pension may be revoked if the court determines that to do so would constitute a unilateral breach of a collective bargaining agreement. Instead the court may issue an order to reduce the pension by an amount necessary to (1) satisfy any fine, restitution, or other monetary order issued by the criminal court and (2) pay the cost of the official's or employee's incarceration.

Crimes Related to Office or Employment

The bill requires the attorney general to apply to the Superior Court for an order to revoke or reduce the benefits of a public official or employee who, on and after the bill's passage, is convicted of or pleads guilty or *nolo contendere* (no contest) in federal or state court to:

1. committing or aiding or abetting the embezzlement of public funds from the state, a municipality, or a quasi-public agency;
2. committing or aiding or abetting any felonious theft from the state, a municipality, or a quasi-public agency;
3. bribery connected to his or her role as a public official or employee; or
4. felonies committed willfully and with intent to defraud to obtain or attempt to obtain an advantage for himself or herself or others through the use or attempted use of his or her office.

The attorney general must notify the prosecutor in these criminal cases of the pension revocation statute and that the pension may be used to pay any fine, restitution, or other monetary order the court issues.

"Public officials" are (1) statewide elected officers, (2) legislators and legislators-elect, (3) judges, (4) gubernatorial appointees, (5) municipal elected and appointed officials, (6) public

members and union representatives on the Investment Advisory Council, (7) quasi-public agency members and directors, and (8) people appointed or elected by the General Assembly or either chamber. The term does not include advisory board members or members of Congress.

"State employees" includes employees of quasi-public agencies.

Sentencing Considerations

When determining whether to revoke or reduce a public official's or employee's benefits or payments, the bill requires the court to consider:

1. the severity of the crime;
2. the amount of money the state, municipality, quasi-public agency, or anyone else lost as a result of the crime;
3. the degree of public trust reposed in the person by virtue of his or her position;
4. if the crime was part of a fraudulent scheme against the state or a municipality, the defendant's role in it; and
5. any other factors the court determines that justice requires.

After determining to reduce pension benefits, the court must consider the needs of an innocent spouse or beneficiary and may order that all or part of the benefits be paid to the spouse or beneficiary.

Pension Contributions

If an official's or employee's pension is revoked, the bill entitles the person to the return of any contributions he or she made to it, without interest. But, the repayment cannot be made until the court determines that the official or employee has fully satisfied any judgment or court-ordered restitution related to the crime against the office. If the court determines that he or she has not, it may deduct the unpaid amount from the individual's pension contributions.

Collective Bargaining Agreements

Beginning October 1, 2008, the bill prohibits collective bargaining agreements from containing any provision that bars the revocation or reduction of a corrupt state or municipal employee's pension.

§§ 6 & 7 — BRIBERY

The bill makes it a class A misdemeanor for public servants to fail to report a bribe (see BACKGROUND). Public servants commit this crime when they do not report to a law

enforcement agency as soon as reasonably practicable that (1) another person has attempted to bribe them by promising, offering, transferring, or agreeing to transfer to them any benefit as consideration for their decision, opinion, recommendation, or vote or (2) they knowingly witnessed someone attempting to bribe another public servant or another public servant committing bribe receiving. By law, a person is guilty of bribe receiving if he or she solicits, accepts, or agrees to accept any benefit for, because of, or inconsideration for his or her decision, opinion, recommendation, or vote.

The bill expands the definition of "public servant" that applies to existing bribery and bribe receiving crimes, as well as this new crime. The bill expands the public servants covered by these crimes to include quasi-public agency officers and employees. Elected and appointed government officers and employees and people performing a government function, including advisors and consultants, are already covered.

§ 12 — CAMPAIGN FINANCE

The bill makes it an illegal campaign practice for chiefs of staff to solicit contributions from certain people on behalf of, or for the benefit of, any state, district, or municipal office candidate. Under the bill, the chief of staff (1) for a legislative caucus cannot solicit an employee of the caucus, (2) for a statewide elected official cannot solicit a member of the official's office, and (3) for the governor or lieutenant governor cannot solicit from any member of the official's office or from any state commissioner or deputy commissioner.

By law, it is an illegal campaign finance practice for, among other things, state department heads and their deputies to solicit political contributions at any time, and for anyone to knowingly and willfully violate a campaign finance law. Campaign finance violators are subject to criminal penalties of up to five years in prison, a \$ 5,000 fine, or both for knowing and willful violations. They are also subject to civil penalties of up to \$ 2,000 per offense.

STATE ETHICS CODE

§§ 16 & 17 — *Ethics Complaint Enforcement*

By law, when an ethics complaint is filed with OSE, the office conducts probable cause investigations, including hearings. If probable cause is found, OSE's Citizens' Advisory Board initiates a hearing to determine whether there has been a violation. A judge trial referee conducts the hearing. Both OSE and its advisory board can subpoena witnesses and records during their respective proceedings.

Subpoenas. The bill restricts OSE's authority to issue subpoenas by requiring it to get (1) approval from a majority of the advisory board members or (2) the chairperson of the board to sign the subpoena. It authorizes the vice chair to sign the subpoena if the chair is unavailable.

Ex Parte Communications. During the hearing on whether a violation has occurred, the bill prohibits ex parte communications about the complaint or respondent between the board or any of its members and the judge trial referee conducting the hearing or a member of OSE's

staff.

Voting on Existence of Violation. By law, the Citizens' Advisory Board, at the conclusion of the hearing, determines whether a violation occurred and, if so, imposes penalties. The bill restricts the board members who can vote on whether a violation occurred to those who were physically present during the entire violation hearing.

The bill makes a technical change by specifying the number of board members, rather than the fraction of the board, necessary to find a violation of the State Code for Lobbyists. The bill requires six members, rather than two-thirds of the board, to find a violation. By law, there are nine board members.

§§ 13 & 14 — Gifts

With several exceptions, the law prohibits public officials, candidates for public office, and state employees from accepting gifts (generally anything of value over \$ 10) from lobbyists. It also prohibits public officials and state employees from accepting gifts from people doing, or seeking to do, business with their agency; people engaged in activities regulated by their agency; or prequalified state contractors. The law also prohibits these people from giving gifts to public officials and employees.

The bill caps at \$ 1,000 the exception for gifts provided at celebrations of major life events by people unrelated to the recipient. Major life events include a ceremony commemorating an individual's induction into religious adulthood such as a confirmation or bar or bat mitzvah, a wedding, a funeral, and the birth or adoption of a child. It does not include any event that occurs on an annual basis such as an anniversary (Conn. State Agency Regulations § 1-92-53).

§ 15 — Employment Restrictions

The bill prohibits a party to a state contract or agreement from employing a former public official or state employee who substantially helped negotiate or award a contract valued at \$ 50,000 or more or an agreement for the approval of a payroll deduction. The prohibition applies to employees or officials who resign within one year after the contract or agreement is signed and ends one year after the resignation. The law already prohibits former officials and employees from accepting the job. The penalty for violations is a fine of up to \$ 10,000. First-time intentional violations are punishable by up to one year in prison, a \$ 2,000, or both. Subsequent intentional violations are punishable by up to five years in prison, a \$ 5,000 fine, or both.

§§ 9 & 10 — Governor's Spouse

The bill makes the governor's spouse subject to the State Ethics Code by extending the definition of "public official" to include him or her. Currently, "public officials" are statewide elected officers, legislators and legislators-elect, gubernatorial appointees, public members and union representatives on the Investment Advisory Council, quasi-public agency members and directors, and people appointed or elected by the General Assembly or any house thereof. The

term does not include judges, advisory board members, or members of Congress.

§ 8 — TRAINING

By December 31, 2010, the bill requires OSE to establish and administer a program for providing mandatory training to legislators on the Code of Ethics for Public Officials. The program must provide for mandatory training of (1) newly elected legislators and (2) all legislators every four years beginning in 2011. However, the Legislative Management Committee must request OSE to train all legislators before the next regularly scheduled training if it determines that there has been a significant revision to the Code of Ethics for Public Officials.

BACKGROUND

Penalties for Class A Misdemeanors

A class A misdemeanor is punishable by up to one year in prison, a \$ 2,000 fine, or both.

Roxanne Maher

From: Keva Fothergill <kevafothergill@sbcglobal.net>
Sent: Friday, September 13, 2024 7:28 AM
To: Town Council Group
Subject: Ethics committee

Town Council:

I support the formation of an Ethics Committee

In Ledyard and would gladly sit on said committee, if members are needed. I do not currently participate in any other boards/committees.

Contact information:

Keva Fothergill
16 Osprey drive
Gales Ferry
[8608573565](tel:8608573565)

[Sent from AT&T Yahoo Mail for iPhone](#)

Roxanne Maher

From: Joe Franzone <joefranzone@gmail.com>
Sent: Thursday, September 12, 2024 10:26 PM
To: Town Council Group
Subject: Ethics Committee

We should have one!
Thanks, Joe Franzone
66 Hurlbutt Rd.

--

'Every day's a Holiday!'

Roxanne Maher

From: Alicia <amlyons77@aol.com>
Sent: Thursday, September 12, 2024 9:08 PM
To: Town Council Group
Subject: I support an Ethics Committee

Good evening,

I am a Ledyard resident of 17 years now. As I am reading about the proposed apartment complex in Gales Ferry, a blasting company and other projects being done its past time for Ledyard to have an Ethics Committee to protect our residents, wildlife and businesses.

I fully support our town organizing an ethics committee and hope it happens before these big projects are approved.

Please reply with any questions or concerns.

Thank you,
Alicia Lyons

Roxanne Maher

From: Lynn Wilkinson <lynnwilkinson57@comcast.net>
Sent: Thursday, September 12, 2024 6:04 PM
To: Town Council Group
Subject: Ethics committee

Dear Town Council members

I am would like to respectfully request that an Ethics commission be formed for our town. It seems odd to me that Ledyard is one of very few towns that doesn't have one, and I believe this should be rectified.

Lynn Wilkinson
57 Terry Road
Gales Ferry, CT 06335
Sent from my iPhone

Roxanne Maher

From: Markos Samos <markwsamos@gmail.com>
Sent: Saturday, September 14, 2024 8:28 AM
To: Town Council Group
Subject: Ethics Committe

I wish to request that the Town Council create an ethics committee. I am concerned that without such a committee this town runs the risk of self interested parties making decisions on their behalf and not that of the town's people.

I have been a resident of Gales Gales for 44 years and love this town. I am concerned that given the current political climate some decisions may not be in the best interest of the town.

--

Thank You
Markos Samos
33 Robin Hood Drive
Gales Ferry



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 22-091

Agenda Date: 10/9/2024

Agenda #: 3.

AGENDA REQUEST
GENERAL DISCUSSION ITEM

Subject:

Any other Old Business proper to come before the Committee

Background:

(type text here)

Department Comment/Recommendation:

(type text here)



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 24-0752

Agenda Date: 9/25/2024

Agenda #: 2.

POLICY-PROCEDURE

Motion/Request:

MOTION to approve a proposed “*Town of Ledyard Digital Sign Use Policy*” as presented in the draft dated 9/4/2024.

Background:

The Town of Ledyard purchased (2) two digital sign board with ARPA (American Rescue Plan Act) funds. One sign is located in Gales Ferry at the Gales Ferry Volunteer Fire Company, 1772 Route 12, Gales Ferry, CT and the other sign is located in Ledyard Center on the Town Green, 728 Colonel Ledyard Highway, Ledyard, CT.

Department Comment/Recommendation:

(type text here)

Mayor Comment/Recommendation:

(type text here)

Body:

(type text here)

Policy #2024-XXX

Town of Ledyard
Digital Sign Use Policy

1. POLICY STATEMENT

The Town of Ledyard is committed to providing residents and visitors with accurate and appropriate information through the use of digital signage. The digital signs shall be used to disseminate information about town sponsored events, special town meetings, referendums and other public messages from the municipality.

2. SCOPE

This policy applies to the design, approval and content management of municipally owned and/or operated outdoor digital signs located in the Town of Ledyard.

3. PURPOSE

- (a) This policy facilitates effective digital communication tools for community messaging
- (b) The policy provides direction for the appropriate use of digital signage in the municipality
- (c) This policy defines who may submit requests for messaging on digital municipal sign

4. POLICY

The Town of Ledyard's digital sign conveys information to the public as a representative of the municipality, and therefore will be operated in a manner that represents the Town of Ledyard positively. Total content will be limited to a maximum of 10 slides displayed at any one time with a maximum exposure of 10 seconds per slide. The Town offers no guarantee with the respect to the appearance of any messages on the digital sign, exact color matches or the length of time that the message will be displayed. Appearance of messages is subject to constraints of priorities, as well as electronic limitations. All content must adhere to the State of Connecticut Department of Transportation Highway Signing Guidelines.

The following system of hierarchy shall be utilized in selecting messages to be posted:

- (a) Emergency Messages – in the event of an emergency, the Town reserves the right to suspend all messages and use signage for emergency purposes only
- (b) Messages from the Town of Ledyard
- (c) Town sponsored events

- (d) Community events hosted and/or sponsored by a non-profit organization located within the Town of Ledyard

The following messages shall not be permitted to be posted on the digital sign:

- (a) Political or religious messages, promotion or advertising
- (b) Private sector messages, whether from an individual, group, organization or business
- (c) Events and/or functions open only to members of an organization

5. SUBMITTING A REQUEST

Subject to availability, the digital signs may be used by a non-profit registered in the Town of Ledyard to announce events or special programs on a first come, first serve basis. Requests to utilize municipal digital signage must be submitted to the Mayor’s Office using the town-provided request form. All requests must be submitted at least (1) week prior to the requested posting date. Messages will be posted for a maximum of (2) weeks prior to the event, depending on availability, and approval by the Mayor.

6. RESPONSIBILITY

The Mayor’s Office will be responsible for design and management of all digital content. The Mayor’s Office may designate representatives from Town Departments to create content. The Mayor’s Office shall ensure all information, photos, and designs submitted for posting meet a professional standard consistent with the Town of Ledyard. The Mayor shall have the authority and sole discretion to deny use of the sign based upon availability or to groups whose mission or purpose is deemed to be offensive or against the best interest of the town.

*Gales Ferry Volunteer Fire Company may designate a representative(s) to add and update fire company related content to the “GFFC Playlist”.

7. EFFECTIVE DATE

The “*Town of Ledyard Digital Sign Use Policy*” shall become effective upon adoption.

Amended and Adopted by the Ledyard Town Council on; _____

S. Naomi Rodriguez, Chairman



TOWN OF LEDYARD DIGITAL SIGN USE RESERVATION FORM

If there is availability, the digital signs may be used by a non-profit registered in the Town of Ledyard to announce events or special programs on a first come, first serve basis. All requests must be submitted at least (1) week prior to the requested posting date. Messages will be posted for a maximum of (2) weeks depending on availability, and approval by the Mayor.

Today's Date: _____ Organization
Name: _____

Organizations
Address: _____

Contact Name: _____ Contact
Email: _____

Name of Event: _____ Date(s) of
Event: _____

Hours of Event: _____

Description of Event (Please briefly describe the event)

Please email the completed form to mayoral.asst@ledyardct.org along with any images related to the event. Acceptance of a request does not guarantee that the



TOWN OF LEDYARD DIGITAL SIGN USE RESERVATION FORM

announcement will appear on either sign at the Town reserves the right to use of the signs for emergency purposes.

DRAFT



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 24-0389

Agenda Date: 9/25/2024

Agenda #: 3.

APPOINTMENT

Motion/Request:

MOTION to appoint Ms. Cynthia Wright (D) 6 Laurel Leaf Drive, Gales Ferry to the Library Commission to complete a two (2) year term ending November 7, 2025 filling a vacancy left by Mr. Cronin.

Background:

Ms. Wright has a Bachelor of Arts in History from Bridgewater State College (now University) Master of Library Science from the University of Rhode Island Master of Public Administration from the University of Rhode Island.

Ms. Wright was a librarian and was retired having been employed for 27 years at the Groton Public; Library and she also worked 35 years for a military contractor, a law firm, a college and public libraries.

Ms. Wright has been an active member in the community being involved in Cub Scout Pack 55 as the treasurer. for three years; and also served as the treasurer for the Ledyard Wrestling boosters. She was a room mother in various grades at the Gales Ferry School and Juliet Long School; and a member of Our Lady of Lourdes parish for 33 years.

Ms. Wright would like to volunteer to serve on the Library Commission because she believed that her background in libraries would be an asset to the Library Commission. (please see attached Appointment Application)

Administrative Notes:

Ms. Gantz resigned from the Library Commission after seventeen years of service to the town (see attached letter dated 4/1/2024)

Currently the Library Commission has one vacancy (see attached roster)

Nominating Committee Recommendation:

5/6/2024 DTC Endorsed Ms. Wright's appointment to the Library Commission.

Minority Representation - CGS 9-167a:

In accordance with Chapter IV; Section 8 of the Town Charter "Except as otherwise provided for in this Charter, the Town Council may appoint members to fill vacancies in other offices, boards, and commissions established by this Charter and by ordinance as vacancies may occur, and appointing members to such offices, boards, and commissions as may be created in the future. Such appointments shall be made by the Town Council for such terms and upon such conditions as provided in the respective ordinance".

Chapter IV, Section 9: “In making appointments and removals, the Town Council shall act by the affirmative votes of at least a majority of all its members.

All members of boards, commissions, and committees contained in this Charter, or subsequently created under this Charter, except members of the Building Code Board of Appeals, the Fire Marshal, and the Deputy Fire Marshal(s), shall be electors of the Town at the time of their appointment and during their terms of office.”

Connecticut General Statutes

Sec. 9-167a. Minority representation. (a) (1) Except as provided in subdivision (2) of this subsection, the maximum number of members of any board, commission, legislative body, committee or similar body of the state or any political subdivision thereof, whether elective or appointive, who may be members of the same political party, shall be as specified in the following table:

Total Membership	Maximum from One Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9 Two-thirds of total membership	

(2) The provisions of this section shall not apply (A) to any such board, commission, committee or body whose members are elected wholly or partially on the basis of a geographical division of the state or political subdivision, (B) to a legislative body of a municipality (i) having a town meeting as its legislative body or (ii) for which the charter or a special act, on January 1, 1987, provided otherwise or (C) to the city council of an unconsolidated city within a town and the town council of such town if the town has a town council and a representative town meeting, the town charter provides for some form of minority representation in the election of members of the representative town meeting, and the city has a city council and a body having the attributes of a town meeting or (D) to the board of directors and other officers of any district, as defined in section 7-324, having annual receipts from all sources not in excess of two hundred fifty Thousand dollars.

(b) Prior to any election for or appointment to any such body, the municipal clerk, in cases of elections, and the appointing authority, in cases of appointments, shall determine the maximum number of members of any political party who may be elected or appointed to such body at such election or appointment. Such maximum number shall be determined for each political party in the following manner: From the number of members of one political party who are members of such body at the time of the election or appointment, subtract the number of members of such political party whose terms expire prior to the commencement of the terms for which such election or appointment is being held or made and subtract the balance thus arrived at from the

appropriate number specified in column II of subsection (a) of this section.

Application Form**Profile**

Cynthia

First Name

R

Middle
Initial

Wright

Last Name

kwright8@comcast.net

Email Address

6 Laurel Leaf Drive

Home Address

Suite or Apt

GALES FERRY

City

CT

State

06335

Postal Code

Mobile: (860) 912-9378

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Library Commission: Submitted

Education & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

Since I retired, I have been looking for a way to get involved in Ledyard. I was a librarian for 35 years and worked for a military contractor, a law firm, a college and public libraries. My most recent experience was 27 years at the Groton Public Library. I think my background in libraries would be an asset to the Library Commission.

Community Involvement

I was involved in Cub Scout Pack 55 as the treasurer. for three years. I also served as the treasurer for the Ledyard Wrestling boosters. I was a room mother in various grades at the Gales Ferry School and Juliet Long School. I have been a member of Our Lady of Lourdes parish for 33 years.

Educational Background

Bachelor of Arts in History from Bridgewater State College (now University) Master of Library Science from the University of Rhode Island Master of Public Administration from the University of Rhode Island

Groton Public Library
(retired)

Employer

Manager of Technical
Services and Circulation

Job Title

[Cindy_resume.pdf](#)

Upload a Resume

Party Affiliation**Party Affiliation ***

Democrat

Disclaimer & FOIA Information

Your attendance and active participation is important for the Committee to conduct its business. Any member of a Committee/Commission/Board who is absent from three (3) consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Committee and the vacancy shall be filled, except that the Committee may vote to waive attendance requirements in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements. It shall be the responsibility of the Chairman of the Committee to notify the Town Council or Mayor's office when a member has not properly performed his/her duties.

Please Agree with the Following Statement

If selected as a board member, I understand that information on this application is subject to the Freedom of Information Act (FOIA) and may be disclosed to anyone requesting this information.

I Agree

Signature (type full name below)

Cynthia R. Wright

Roxanne Maher

From: Cronin, Brian J <Brian.J.Cronin@pfizer.com>
Sent: Tuesday, September 3, 2024 2:09 PM
To: Town Council Group
Cc: Jen Smith; 'John Bolduc'; Barbara Candler; Elizabeth Rumery; Ellin Grenger; Peter Diette; Ralph Hightower; 'Rolf Racich'; 'Rebecca Nash'
Subject: Brian Cronin Library Commission Resignation

Some people who received this message don't often get email from brian.j.cronin@pfizer.com. [Learn why this is important](#)

To the Ledyard Town Council,

I am writing to inform the Town Council of Ledyard that I am not longer able to represent the town on the Library Commission. Changes in my responsibilities at work and at home have made it difficult for me to manage all my obligations. I regret that my participation in Library Commission is one of the obligations I need to step away from. Please accept my resignation from Town of Ledyard Library Commission effective today.

It has been a privilege and an honor to represent the town and to work with such a dedicated group of people in support of our Library over the years. I am proud to have seen our library evolve and meet the needs of our community through years of challenges, pandemics and constant technological advancements notwithstanding. Over the years I have been on the Library Commission, one thing that remained constant and was a source of fulfillment for me, was the unified commitment to the importance of maintaining a town library that is accessible and useful to our community.

Libraries, like schools, museums and galleries enrich the communities they are a part of in ways that are sometimes hard to quantify and often underestimated or even overlooked when budgets are tight. I have faith that the library is in good hands with our new director and that the current commission will continue to advocate the importance of maintaining the library as an oasis of knowledge, opportunity and resources that provide the foundations for endless possibilities to our community now and into the future.

Sincerely
Brian Cronin
12 Erin's Way
Ledyard, CT

LIBRARY COMMISSION

	Name	Term Expiration
U	Bolduc, John (Chairman) 14 Monticello Drive Gales Ferry, Connecticut 06335	11/07/2025
D	Grenger, Ellin M. 15 Bittersweet Drive Gales Ferry, Connecticut 06335	11/ 07/ 2025
D	Candler, Barbara 3 Goulart Road Ledyard, Connecticut 06339	11/ 07/2025
U	Vacant (Cronin, Brian) (Cynthia Wright Admin Mtg 9/11/2024)	11/ 07/ 2025
D	Hightower, Ralph 1-0 Lakeside Drive Ledyard, Connecticut 06335	11/ 07/ 2024
U	Racich, Rolf 18 Brewster Drive Gales Ferry, Connecticut 06335	11/ 07/ 2024
D	Vacant (Nash, Rebecca) Effective 11/7/2024	11/ 07/ 2024
U	Diette, Peter 15 Hyde Park Gales Ferry, Connecticut 06335	11/ 07/ 2024
D	Rumery, Elizabeth (Vice-Chairman) 22 Bluff Road Gales Ferry, Connecticut 06335	11/ 07/ 2025

Town Council Appointment

2 Year Term

9 Members



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 24-0461

Agenda Date: 10/9/2024

Agenda #: 4.

AGENDA REQUEST
GENERAL DISCUSSION ITEM

Subject:

Discussion and possible action to draft an Ordinance regarding the raising of Unofficial-Third-Party Flags on Town Property.

Background:

Town Council June 12, 2024 Meeting: In response to a proposal to raise the Pride-Progressive Flag in-front of Town Hall in recognition of Pride Month (June) several residents provided comments both for and against the flying of Un-Official-Third Party Flags on Town Property.

Link to 6/12/2024 Minutes:

[Meeting Minutes \(legistar.com\)](https://ledyardct.legistar.com/View.ashx?M=M&ID=1159053&GUID=8D4AFDB8-45E7-40B2-9550-579227DAEB67) <

<https://ledyardct.legistar.com/View.ashx?M=M&ID=1159053&GUID=8D4AFDB8-45E7-40B2-9550-579227DAEB67> >

Link to 6/12/2024 Video:

[Town Council on 2024-06-12 7:00 PM - Regular Meeting \(granicus.com\)](https://ledyardct.granicus.com/player/clip/968?view_id=1&redirect=true) <

https://ledyardct.granicus.com/player/clip/968?view_id=1&redirect=true >

In the absence of a Policy or Ordinance regarding the subject of flying of Un-Official-Third Party Flags on Town Property; Chairman Rodriguez referred the subject to the Administration Committee to research.

Department Comment/Recommendation:

(type text here)

Mayor Comment/Recommendation:

(type text here)

Body:

(type text here)

Department Comment/Recommendation:
(type text here)

Unofficial Flags on Town and School Property

By: Taylorann Vibert, Graduate Fellow
May 7, 2024 | 2024-R-0078

Issue

Summarize the law governing unofficial flags on town property and school property in Connecticut.

The Office of Legislative Research is not authorized to provide legal opinions and this report should not be considered one.

Summary

Although the federal government provides guidance on how to fly unofficial flags in relation to the U.S. flag, both federal and state law are silent on the issue of unofficial flags on town property. This issue is primarily governed by town policies and municipal ordinances. In Connecticut, these policies and ordinances typically either (1) prohibit all unofficial flags but provide exceptions for certain military and departmental flags or (2) allow unofficial flags on a case-by-case basis upon approval by the town council or board of selectmen.

Town ordinances may include disclaimers that the flags are not intended to serve as a forum for public expression, but rather as a non-public forum to display government speech. A 2022 U.S. Supreme Court case, *Shurtleff v. City of Boston*, discussed below, held that a municipality may raise one unofficial flag but decline to raise another flag if it is done as an expression of governmental speech, rather than as a restriction on private speech in a public forum.

Some towns have policies and ordinances that are specific to flags flown on school property. Further, in light of the decision in *Shurtleff*, the Connecticut Association of Boards of Education (CABE) [advises boards of education to adopt policies](#) on unofficial flags flown on school property and provides model policies and procedures districts may consider (beginning on page 5).

Flags on Town Property Generally

Neither federal nor state law restricts whether or which flags may be flown in addition to the U.S. flag. The U.S. Flag Code provides guidance on how additional flags should be displayed with the U.S. flag but does not restrict other flags from being flown with it ([4 U.S.C. §§ 4-10](#)). For an overview of federal flag law, see this [Congressional Research Service report](#).

The issue of whether and which unofficial flags may be flown on town property is primarily governed by municipal law, typically through policies or ordinances.

Examples of Towns' Flag Policies and Ordinances

Unofficial Flags Generally Prohibited. Several towns, including Berlin, Southington, and Tolland, among others, have adopted policies or ordinances that generally prohibit unofficial flags with certain exceptions.

[Berlin's policy](#) generally prohibits flying unofficial flags but provides exceptions for (1) certain military flags (e.g., POW/MIA flags, U.S. armed forces, military units) on property used as a veteran's memorial, at the discretion of the town's veterans committee; (2) the official department flag and, with approval from the town council, flags honoring first responders at police and fire departments; and (3) Thin Blue Line, Thin Red Line, and FDNY/MIA 9/11 flags at fire departments. It specifies flagpoles are not intended to serve as a forum for free expression.

[Southington's ordinance](#) prohibits the flying of unofficial flags but makes exceptions for POW/MIA flags, gives the town's veterans committee discretion to raise certain military flags on town property, and also allows the fire and police departments and schools to fly their official flags. It specifies that flagpoles are not intended to serve as a forum for free expression.

[Tolland's policy](#) prohibits unofficial flags except (1) certain military flags at a veteran's memorial and at the discretion of the veteran's committee; (2) service, remembrance, or public safety department flags at memorial parks; and (3) the public safety department flag at any of their stations or offices.

Unofficial Flags Generally Allowed. Other towns, including Easton, New Britain, and South Windsor, among others, have policies or ordinances that generally allow unofficial flags but impose certain restrictions or requirements.

[Manchester's policy](#) (beginning on page 19) allows unofficial (i.e., commemorative and organizational) flags on a designated flagpole upon request to and approval by the board of

directors. The board will not consider certain categories of flags (e.g., those of a particular religion, political party, business, or those that enable violence, discrimination, prejudice, or racism) and the policy does not apply to board of education-controlled properties. The policy specifies that flagpoles are not intended to serve as a forum for free expression.

New Britain's policy allows unofficial flags to be flown outside of city hall upon request but the city will not fly flags it determines are inappropriate, offensive, discriminatory, or controversial.

An ordinance in South Windsor allows unofficial (i.e., commemorative and organizational) flags on one designated flagpole upon request to, and supermajority plus one approval by, the town council. The council will not consider certain categories of flags (e.g., those of a particular religion, political party, or business, or those that enable violence, discrimination, prejudice, or racism). The ordinance specifies that flagpoles are not intended to serve as a forum for free expression.

Government Speech and Private Speech

While the law does not restrict towns from flying unofficial flags, it may prohibit towns from rejecting flags from being flown on town property if the town flagpole is used for private speech, rather than government speech.

The U.S. Supreme Court established that a government entity is entitled to say what it wishes and to select the views it wants to express (*Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995)). A central issue in this “government speech doctrine” is identifying when speech is government speech versus private speech. In *Shurtleff v. City of Boston*, the Supreme Court recently distinguished between the two in the context of a municipal flag policy (*Shurtleff v. City of Boston*, 142 S. Ct. 55 (2021)).

In *Shurtleff*, the Court held that the city violated the First Amendment by refusing an individual’s request to fly what he described as a Christian flag when it had routinely approved applications to fly other unofficial flags on one of the three flagpoles outside city hall. The determination of whether the flag-raising was government speech was a fact-specific inquiry, focusing on whether the municipality intended to convey the flags’ messages as its own. The Court classified the third-party flag raising on Boston’s flagpole as private speech because the city did not have any meaningful involvement in the selection of the flags or the messages those flags would communicate. Since the flag-raising was private speech, denying the request to fly this flag violated the Free Speech Clause of the First Amendment as it “constitutes impermissible viewpoint discrimination.”

Generally, under the *Shurtleff* decision, a government entity may continue to use a flagpole to convey the government’s message and display the flags that the governing body selects. If a government’s flag-raising program constitutes government speech, then they may refuse to fly flagpoles based on viewpoint. However, if a government entity wishes to use their flagpole as a forum for private expression and allow private organizations and individuals to display flags, they have limited discretion to reject flags and cannot do so based on the content of the flag (i.e., the municipality may not be able to reject flags with controversial messaging). For more information about the decision in *Shurtleff v. City of Boston*, see OLR Report [2022-R-0241](#).

In response to the decision in *Shurtleff*, some towns are changing their flag policies. For example, in 2022, Enfield adopted [resolution 6230](#) (beginning on page 9) to fly the rainbow flag for the month of June “to inspire equity, create alliances, [and] celebrate diversity.” However, in January 2024, the Town Council adopted [resolution 6841](#) (beginning on page 16) which prohibits unofficial flags and limits the flags flown on town property to the American flag, the State of Connecticut flag, the MIA/POW flag, and the flags of the various military services of the United States.

Flags on School Property

Federal and State Law

State law requires that each local and regional board of education provide a United States flag for each schoolroom and requires the flags to be displayed in schoolrooms during each day school is in session ([CGS § 10-230](#)). A similar requirement exists in the U.S. Flag Code, which specifies that the U.S. flag should be displayed at every public institution, polling places on election days, and in schoolhouses during school days, among other places ([4 U.S.C. § 6\(e\)–\(g\)](#)).

Municipal Law

Town policies and ordinances may or may not apply to flags specifically on school buildings or property. For example, policies that regulate flagpoles “owned or maintained by the town” may apply to the extent flagpoles on school property fit within that definition.

Towns may also have a school-specific ordinance or resolution. For example, Southington’s [ordinance](#) specifies that any town property serving as an official school may only fly (1) the official school flag or (2) on the interior of school buildings, the official country flag of other sovereign nations with the approval of the school’s principal. As another example, in 2022, Stonington’s board of education adopted a resolution allowing teachers to display LGBTQ+ rainbow flags (see [pages 1-2](#)).

TV:co



MEMORANDUM

TO: Fred B. Allyn, III, Mayor, Town of Ledyard
FROM: Matt Ritter and/or Dori Pagé Antonetti
RE: Municipal Displays of Flags and the First Amendment
DATE: September 10, 2024

You recently shared that the Town of Ledyard (“Town”) currently flies only the United States, State of Connecticut, and military flags on Town flagpoles, and that the Town Council is considering whether to adopt an ordinance regarding the flying of flags on Town property. You asked for legal advice regarding flag-flying policies and the legal issues regarding same.

I. BACKGROUND

It is our understanding that the Town currently does not maintain a written policy or ordinance regarding flag flying but has consistently and uniformly permitted only the United States, State of Connecticut, and military flags (“Official Flags”) to be flown on Town flagpoles (“Town Flagpoles”). Recently, the Town received requests that the Town also raise affinity flags. It is our further understanding that the Town is still considering these requests, and as part of the process, the Town’s Administration Committee has the following item on its September 11, 2024 agenda: “Discussion and possible action to draft an Ordinance regarding the raising of Unofficial-Third-Party Flags on Town Property.”

II. MUNICIPAL FLAG-FLYING

As a threshold matter, given its current and longstanding practice, the Town has no legal obligation to fly any “unofficial third party flags” on Town Flagpoles. Therefore, the question is whether the Town wishes to permit flags other than the Official Flags to be flown on Town Flagpoles.

If the Town wishes to fly flags other than the Official Flags, it may choose to do so in either of two ways: (1) as government speech (in which case the flags are no longer unofficial third party flags, but express the views of the government on a particular matter), or (2) as private speech (in which case the flags represent private views but are allowed to be flown in a forum that has been opened for that purpose). If flags are flown as government speech, then the Town can choose what flags to fly, and what flags not to fly; in other words, the Town could refuse a flag based on its viewpoint. If, however, the Town creates a limited public forum for

private expression, then the government is constrained by the First Amendment. *See Amer. Italian Women v. City of New Haven*, 2022 WL 1912853, and *8 (D. Conn. 2022).

In *Shurtleff v. City of Boston, Mass. et al.*, 596 U.S. 243 (2022), the United States Supreme Court recently considered the issue of flag-flying pursuant to a government-sponsored program. On City Hall Plaza, the City of Boston hoisted flags on three flagpoles: (1) the American flag, (2) the Commonwealth of Massachusetts flag, and (3) (usually) the City of Boston's flag. The City also allowed groups to hold ceremonies on the plaza, during which groups were permitted to hoist their own flag (rather than the City of Boston flag) on the third flagpole. Over a twelve-year period, the City of Boston permitted the flying of fifty unique flags in almost 300 different ceremonies. However, it refused the request of a group to fly the "Christian Flag." When the group making the request sued, alleging a violation of its First Amendment rights, the City defended its actions on the basis that its decisions as to what flags would fly above City Hall constituted government speech. If the City was successful in making this argument, the City would be within its rights to prohibit certain flags based on their viewpoint.

In analyzing the City's argument, the Court clarified the scope of "government speech". As explained by the Court, the First Amendment does not prohibit the government from declining to express a view. "When the government wishes to state an opinion, to speak for the community, to formulate policies, or to implement programs, it naturally chooses what to say and what not to say." *Id.* at 251. The Court also noted that "the line between government speech and private expression can blur when ... a government invites the people to participate in a program." *Id.* at 252. In reviewing such speech, the Court noted that there must be a fact-specific inquiry to determine whether the government is speaking for itself or creating a forum for private speech. *See id.* This inquiry involves an examination of: (1) the history of the expression at issue (here, flag flying on a government plaza as part of a flag-flying program); (2) whether the public would tend to view the speech as attributable to the government or a private citizen/organization; and (3) the extent to which the government controlled the flag flying and shaped the messages being sent.

After reviewing these factors, the Court found that the first two were non-dispositive, but as to the third, the City did not engage in any meaningful consideration of the various requests to fly flags until the petitioner's request. Indeed, the City had no "meaningful involvement in the selection of flags or the crafting of their messages," and therefore the Court rejected the claim that the flags permitted to fly over City Hall should be considered government speech. Instead, the practice of permitting various flags to fly over City Hall was considered a limited public forum, and the Court concluded that the City violated the First Amendment, and engaged in impermissible viewpoint discrimination, by refusing to allow the petitioner to access to that forum and fly its "Christian Flag."

This case provides helpful guidance in evaluating three options that the Town may consider as related to flag flying on Town Flagpoles: (1) maintain the Town's current approach of flying only Official Flags as government speech, (2) allow additional flags to be flown as government speech, or (3) create a limited public forum and allow citizens to fly flags as an

expressions of their private speech. Each of these options involves different legal considerations and practical concerns, and we address each in turn below.

III. OPTIONS FOR CONSIDERATION

A. Option One: Maintain Current Approach and Display Only Official Government (U.S., State, and Military) Flags

The government (here, the Town of Ledyard) has the right to express its views on a particular matter and engage in government speech. Courts have held that government speech that expresses the view of government officials on particular topics does not create a limited forum for other speech.

As noted above, our understanding is that the Town currently does not maintain a written policy or ordinance regarding flag flying but has consistently and uniformly permitted only the Official Flags to be flown on Town Flagpoles. Consistent with the First Amendment, the Town may continue with this practice and deny requests by other organizations to fly flags on Town property.

This approach offers little legal exposure, as long as it is consistently and uniformly followed. In light of *Shurtleff*, however, if the Town wishes to maintain this approach, it may wish to adopt a resolution or ordinance to make clear that only the Official Flags will be flown on Town Flagpoles, and that the Town Flagpoles are in no way intended as a forum for speech.

B. Option Two: Allow Additional Flag(s) to be Flown as Government Speech and Display Only Those Flags Selected by the Town

The Town may choose to adopt an ordinance or pass a resolution that identifies the Official Flags – and other flags identified by the Town -- to be flown on Town Flagpoles as government speech. If the Town decides to pursue this approach, the Town is well advised, in light of *Shurtleff*, to ensure that it engage in meaningful consideration and active control of any flags proposed to be flown on Town property. These options are recommended for two reasons: (1) to ensure that no limited public forum (as discussed below) is inadvertently created, and (2) to ensure that the Town wishes to endorse each flag approved to be flown as its own speech.

If the Town wishes to pursue this approach, it should consider whether it will adopt an ordinance or resolution identifying, at the outset, the flags that will be flown as government speech or whether it will establish a policy and process for determining whether and how flags will be considered for approval as government speech. Such policy and procedure would need to be carefully written, and consistently implemented, to ensure that the Town engaged in meaningful consideration and active control of which flags were approved, lest it inadvertently open up a forum for other speech (in which case the limited public forum analysis, below, would apply).

This approach would allow the Town to express messages in a symbolic way. Practically, however, this approach raises a number of considerations, including but not limited

to: (1) the possibility that the process of determining whether certain flags should be flown as an expression of the government's views could, in and of itself, become divisive and/or consume Town resources and attention;¹ (2) whether and what types of restrictions and guidelines would be in place for flags other than the Official Flags (*e.g.*, size, quality, duration of display, etc.); and (3) how requests would be processed and approved by the Town.

C. Option Three: Create a Limited Public Forum by Allowing Citizens to Fly Flags on Town Flagpoles as Private Speech

The Town may choose to create a limited public forum and allow outside organizations to fly flags in order to express their own private speech. In such instance, the First Amendment would prohibit the Town from discriminating against citizen speakers based on their viewpoint, including religious viewpoint, and may prohibit the Town from excluding certain classes of speech. *Rosenberger v. Rector and Visitors of Univ. of Virginia*, 515 U.S. 819 (1995) (“Once it has opened a limited forum, however, the State must respect the lawful boundaries it has itself set. The State may not exclude speech where its distinction is not “reasonable in light of the purpose served by the forum,” nor may it discriminate against speech on the basis of its viewpoint.”) (further citations omitted).

When considering this option, the Town is advised to be mindful that individuals and organizations may request a wide variety of viewpoints and perspectives to be placed on display on the Town Flagpoles, and determining whether and when any restrictions could lawfully be implemented could be time-consuming, disruptive, and costly.

* * *

We hope that this analysis is helpful to you. Please let me know whether and how we may be of further assistance as the Town considers these important issues. Thank you.

¹ *See, e.g.*, Jane Caffrey, “Dozens speak out amid debate over flying the ‘Thin Blue Line’ flag at Wethersfield town hall” (June 18, 2024), available at <https://www.nbcconnecticut.com/news/local/dozens-speak-out-amid-debate-over-flying-the-thin-blue-line-flag-at-wethersfield-town-hall/3315859/>.

42 Church Hill Road
Ledyard, CT 06339
September 10, 2024

Administration Committee
Ledyard Town Council

Dear Council Members,

My name is Lorraine Healy and I live at 42 Church Hill Road in Ledyard. I am sorry that I cannot attend your meeting in-person. I have another meeting to attend to at the same time.

I am writing to discuss the proposed ordinance regarding raising of unofficial third-party flags on town property. I am against changing the current unwritten practice but I am for making that policy official in an ordinance. I have read the accompanying documents, OLR Report unofficial flags 5-7-24 and Attorney Memo-Memo Re Flag Flying-2024-09-09. I believe the town will open itself up to more legal issues if it changes its current policy.

How are you going to decide which flags represent our town or are allowed to fly?
Unfortunately, in today's environment, nothing is simple. It seems like every flag today is associated with some political agenda. Flying one flag and not another does not bring people together, it divides people. People do not hate that flag or group. They just see it as unfair to favor one flag over another.

I believe it is in the best interest of the Town, to only fly the United States, State of Connecticut, and military flags ("Official Flags") on Town flagpoles. Citizens can fly any flag they want on their property.

Sincerely,

Lorraine Healy



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 22-090

Agenda Date: 10/9/2024

Agenda #: 5.

AGENDA REQUEST
GENERAL DISCUSSION ITEM

Subject:

Any other New Business proper to come before the Committee.

Background:

(type text here)

Department Comment/Recommendation:

(type text here)