

KEY:

Admin Mtg 6/11/2025

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Councilor Garcia-Irizarry- Town Employee Feedback

Town Attorney Recommendations

Ordinance # _____

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 of the Town Charter, there is hereby established a Town of Ledyard Code of Ethics and Ethics Commission.

Section 2. Declaration of Policy and Purpose

The trust of the public is essential for government to function effectively. The proper operation of the Town government requires that Town officials, Town employees, and Town consultants 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 beneficial and/or financial interest; and that the public has confidence in the integrity of its government.

Town officials, Town employees, and Town consultants must be guided by the principles of this Code of Ethics:

- *Public trust – Maintain the public trust by always acting in the best interests of the community and not for personal gain.*
- *Honesty and integrity – Always act with honesty and integrity when carrying out duties and perform all duties in a transparent way.*
- *Responsibility – Assume responsibility for your decisions and actions.*
- *Conflicts of Interest – Avoid actual or perceived conflicts of interests. Refrain from allowing personal or financial interests to influence your work.*
- *Respect – Be respectful, professional, and fair in the course of all interactions with the public, colleagues, and any other stakeholders.*

- *Public Resources – Utilize public resources responsibly. Protect and spend wisely taxpayer funds, property, and information, and only use these for official purposes.*
- Confidential Information – Never share or disclose private or sensitive information that is deemed confidential. And do not use this information for personal benefit.
- Follow all applicable laws, bylaws, policies, regulations, and procedures.

The purpose of ~~the Town of Ledyard Code of Ethics~~ *this ordinance is to:*

- Identify standards of ethical conduct to guide all Town officials, including members of the Board of Education, and all Town and Board of Education officers, employees, and consultants as they conduct their public responsibilities.
- Clarify the role of the Ethics Commission.
- Outline a process that allows Town officials, including members of the Board of Education, and all Town and Board of Education employees, and consultants to seek guidance and advice about ethical issues connected with their public responsibilities, and
- Establish a process that enables citizens to report, and the Ethics Commission to investigate and respond to possible violation of the Code.

Section 3. Definitions

As used in this ordinance, the following words or phrases shall have the meaning indicated:

1. “Agency” is any board, commission, authority, or committee of the Town, including the Town Council and Board of Education.
2. “Beneficial interest” means any nonfinancial interest or special treatment that is not common to other citizens of the Town.
3. “Business associate” means a person joined together with another person through employment or to achieve a common financial and/or business-related objective.
4. “Business day” means a day other than a Saturday, Sunday, or other day on which the office of the Ledyard Town Clerk is closed to the public for business.

~~5 “ Campaigning” —to be defined by attorney~~

5. “*Complainant*” means a person or persons who files a complaint under penalties of false statement against an official, employee, or consultant containing allegation of prohibited activities under the Code of Ethics.
6. “*Confidential Information*” means information acquired by a Town official, employee, or consultant in the course of and by reason of performing an individual’s official duties and which is not a matter of public record or public knowledge.
7. “*Consultant*” means (i) any ~~independent contractor or professional person or firm that is by virtue of an award of a public bid or contract engaged by and receives compensation from the Town or Board of Education for the purpose of providing professional, scientific, technical, or other specialized opinion, and is in a position to influence any decision of an agency, official, or employee~~ *attorney hired by the Town or the Board of Education to provide legal services; (ii) any engineer, architect or construction manager hired by the Town or the Board of Education to provide professional services related to construction projects; or (iii) any professional who is hired by the Town to provide professional advice or services related to land use matters. In addition, the definition of what constitutes a consultant shall be limited to an officer or an employee of any Town or Board of Education contractor who has managerial or discretionary responsibilities with respect to a Town or Board of Education contract.*
8. “*Employee*” is any person receiving a salary, wages, or stipend from the Town or Board of Education for services rendered, whether full-time or part-time.
9. “*Family*” means the spouse, domestic partner, fiancé, fiancée, parents, daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, ~~greatgrandparents~~ *great-grandparents*, ~~lineal descendants~~, *children*, stepchildren, foster children, siblings *and their children*, stepsiblings *and their children, and* foster *siblings and their children, of an official, employee, or consultant, or his/her spouse or domestic partner.* ~~siblings; lineal descendants of siblings, stepsiblings, and foster siblings of an official, employee, or consultant, or his/her spouse or domestic partner~~
10. “*Financial Interest*” means any interest that:
 - a. has a monetary value of one hundred dollars (\$100.00) or more or generates a financial gain or loss of one hundred dollars (\$100.00) or more in a calendar year;
 - b. is not common to the other citizens of the Town. An individual’s financial interests shall include the financial interests of all members of his/her family but shall not include any duly authorized compensation from the town.
11. “*Gift*” is a gift of more than one hundred dollars (\$100.00) in value. A gift includes, but is not limited to, entertainment, food, beverage, travel, and lodging to the extent that the gift value exceeds one hundred dollars (\$100.00) in any one (1) year from the same person, as well as loans that are not commercially reasonable. A gift may also include donations *of*

more than one hundred dollars (\$100.00) in value to a third party on behalf of an official, employee, or consultant for which she/he receives some favor, advantage, or consideration.

Gifts do not include:

- a. A political contribution that is otherwise reported in accordance with the law.
 - b. A loan made on terms that are commercially reasonable and not more favorable than loans made in the ordinary course of business.
 - c. Any gift regardless of value received from: (i) any family member who resides in the same household as the recipient of the gift, or (ii) another family member unless the other family member who makes the gift is interested, directly or indirectly, in a business transaction or pending matter that is within the purview or responsibilities of (a) the recipient of the gift, or (b) another family member residing in the same household as the recipient of the gift.
 - d. Certificates, plaques, or other ceremonial awards costing less than fifty dollars (\$50.00).
 - e. 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.
 - f. Honorary degrees.
 - g. Costs associated with attending a conference or business meeting and/or registration or entrance fee to attend such conference or business meeting in which the Town official or Town employee participates in his/her official capacity.
 - h. Any gift provided to a Town Official or Town Employee or to a family member of a Town Official or Town Employee for the celebration of a major life event provided any such gift provided to an individual does not exceed one thousand dollars (\$1,000.00) in value. A major life event shall include, but not be limited to, a ceremony commemorating an individual's induction into religious adulthood such as a confirmation or bar mitzvah; a wedding; a funeral; the birth or adoption of a child; and retirement from public service or Town employment.
12. "Inquiry" means a complaint or allegation of a possible violation of the Code.
13. *Managerial or discretionary responsibilities with respect to a Town or Board of Education contract" means having direct, extensive, and substantive responsibilities with respect to the negotiation of the contract and not peripheral, clerical, or ministerial responsibilities.*

14. ~~14~~ “Official” is any person holding elective or appointive office in the government of the town and shall include, but not limited to, the Town Council, Board of Education, Town commissions and committees, or any other agency.

15. ~~15~~ “Respondent” means a person who is the subject of a complaint.

Section 4. Confidential information

Town officials, employees, or consultants may not disclose or use any information or records that are not available to the public except in the performance of official duties or as required by law or court order. *No Town official, employee, or consultant may withhold information or make a dishonest or fraudulent statement with the intent to deceive or to misrepresent material facts in the performance of his or her official duties.*

Section 5. Conflict of Interest Provisions

- a. A Town official, employee, or consultant has a conflict of interest when that individual engages in or participates in any contract, transaction, decision, employment, or rendering of service where the Town official, employee, or consultant has a financial or beneficial interest. *Notwithstanding anything contained in this ordinance to the contract, a Town official, employee, or consultant may enter into a contract with the Town if the contract is (i) publicly quoted or bid; or (ii) the Town official, employee, or consultant is not involved in the awarding of the contract. In addition, the provisions of this section shall not apply to any employment contracts in which a Town official, employee, or consultant is hired by the Town or the Board of Education to perform necessary services, including, but not limited to recreational services.*
- b. A financial interest or beneficial interest presents a conflict of interest that is incompatible with the proper discharge of official responsibilities in the public interest if the Town official, employee, or consultant has reason to believe or expect that he/she or any member of his family or business associate will obtain, secure, or advance such interest by reason of his/her actions in performance or nonperformance of his/her official responsibilities.
- c. A Town official, employee, or consultant does not have a financial interest or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if the interest accrues to such individual, his/her family members or business associate(s) as a member of a profession, occupation, or group to no greater extent that it accrues to any other member of the profession, occupation, or group with which he/she is affiliated as set forth in G.S. 7-148h(b).
- d. ~~No Town Official or employee may directly hire a member of his/her family. Town~~ *employee supervision of a member of his/her family is not permitted except for temporary emergency situations, including but not limited to winter storms, tropical storms, and labor shortages.*
- e. Town officials and Town employees shall not use Town owned vehicles, equipment, facilities, materials, or property for personal convenience or profit. Personal convenience or profit refer to those matters that are not related to the individual’s official duties. *This section does not apply to Town-owned vehicles issued to emergency responders who are authorized by the Mayor, Fire Chief or Police Chief to take their Town-owned vehicles*

home, or vehicles issued to employees who are permitted to bring their Town-owned vehicles homes as part of an employment agreement or contract.

~~f. No Town official, employee, or consultant may withhold information or make a dishonest or fraudulent statement with the intent to deceive or to misrepresent material facts in the performance of his or her official duties~~

Section 6. Consultants

- a. The Code of Ethics shall be incorporated by reference into all contracts entered into by the Town of Ledyard and the Board of Education with a consultant.
- b. ~~Persons or firms who are engaged by and receive compensation from other governmental entities, such as the state or federal government, and who are in a position to influence any decision of an agency, official, or employee shall be guided by the Code.~~ *This Code of Ethics shall not apply to contractors hired by state or federal government mandate.*

Section 7. Gifts and favors

- a. No Town official, employee, or consultant, or any business associate, or member of his/her family nor any agency, employee organization, or group of employees shall solicit or accept any gift, whether in the form of a service, a loan at a less than a commercially available rate, a material thing, or a promise, from any person or entity who or which is interested directly or indirectly in any business transaction or pending matter that is within the purview of such official, employee, consultant, agency, employee organization, or group of employees. No Town official, employee, or consultant shall accept, or knowingly seek or cause to be given to any member of his/her family, any valuable favor, treatment, consideration, or advantage beyond that which is generally available to the citizens of the Town from any person who, to the knowledge of the official, employee, or consultant, is interested directly or indirectly in any business transaction or pending matter that is within the responsibilities of the official, employee, or consultant. For purposes of this section, a pending matter includes, but is not limited to, any application to an agency, commission, committee, a bid for work to be performed, an application for employment, and any bid for the furnishing of supplies, equipment, or services.
- b. This section shall not apply to any political contribution that is reported as required by law.

Section 8. Equal treatment

Without proper authorization, no Town official, employee, or consultant shall accept, seek, grant, or cause to be granted any special consideration, treatment, or advantage to such individual, or his/her family by virtues of his/her position or business association.

Section 9. Disclosure and disqualification

- a. Any Town official, employee, or consultant who has a conflict of interest, financial interest, or beneficial interest, direct or indirect, in any contract, transaction or decision within the purview of his/her official responsibilities shall disclose that conflict of interest in

accordance with section 9(b) through 9(e). Such disclosure shall disqualify the official, employee, or consultant from participation in the matter, transaction, or decision.

- b. No Town official, employee, or consultant shall appear on behalf of any private person or party before any agency in connection with any cause, proceeding, application, or other matter in which he/she has financial interest or beneficial interest without first disclosing such interest to the agency, which shall record such disclosure in the record of the agency's proceeding.
- c. All Town Councilors, Board of Education members, and the Mayor shall, on or before January 1st each year, file with the Town Clerk, on a form to be prepared by the Town Attorney, a statement, under oath, containing the following information:
 - 1. All real estate located within the Town of Ledyard owned by such elected official or held under lease for a term exceeding five years, excluding, however, his/her principal residence. The foregoing shall also apply to real estate in the Town of Ledyard owned or leased, as aforesaid, by a corporation, trust or partnership in which any such elected official is the legal or equitable holder of at least five (5) percent of the legal or equitable interest in said corporation, trust, or partnership.
 - 2. The names of any firm, proprietorship, partnership, or corporation of which said elected official is an employee or in which such elected official holds at least a five (5) percent interest, and which firm, proprietorship, partnership, corporation, or limited liability corporation has sold or supplied goods or services in excess of ten thousand dollars (\$10,000.00) per annum to the Town of Ledyard during the two (2) years immediately preceding such official's election to office.
 - 3. Any income, fees, salary, or wages directly or indirectly, received by such official from the Town of Ledyard during the two (2) years immediate proceeding such official's election to public office.
- d. If there is an uncertainty whether a Town official, employee, or consultant has a conflict of interest, financial interest, or beneficial interest that could disqualify that individual from participation in a matter, such individual shall disclose such possible conflict of interest to the following:
 - 1. For a Town official who is a member of an elective or appointive board, commission, committee, or authority - to the particular chair ~~of the~~ *of the* commission or committee of which such official is a member.
 - 2. For Town employees and officials appointed by the appropriate authorities – the Mayor or Town Council.
 - 3. For Board of Education employees - to the superintendent of schools
 - 4. The Town department directors - to *the Mayor* or the Town Council.

5. The superintendent of schools - to the Board of Education.
6. For a consultant - to the agent executing the contract on behalf of the Town or Board of Education.
- e. The appropriate authority to which the disclosure is made shall make an appropriate record of such disclosure and shall recommend to the Town official, employee, or consultant making the report to seek an advisory opinion from the Ethics Commission regarding whether such official, employee, or consultant should abstain from participating in the transaction or decision related to the possible conflict of interest.
- f. Any such questions concerning a possible conflict of interest may be referred to the Ethics Commission pursuant to Section 13 for an advisory opinion.

Section 10. Incompatible activities

- a. This Code shall not prohibit any current or former Town official, employee, or consultant from appearing before any agency on his/her own behalf. To avoid an actual or perceived conflict, Town officials are strongly discouraged from appearing before the agency on which they are a member or officer, absent extenuating circumstances, unless he/she has received a prior favorable advisory opinion by the Ethics Commission pursuant to Section 14(b) prior to appearing.
- b. Nothing in the Code shall be interpreted to authorize conduct restricted or prohibited by any provision of the Connecticut General Statutes including, but not limited to, G.S. 8-11, 8-21, and 22a-42(c) that restrict conduct of members of municipal zoning and planning authorities and members of Inland, Wetlands and Watercourses commissions.
- c. To avoid even the appearance of impropriety or creation of a situation that would be contrary to the declared policy and purpose of the Code, a Town official shall exercise care when appearing before other agencies and shall disclose whether he/she is appearing in his/her official capacity or as a private citizen.

Section 11. Penalty for violation

A failure to comply with the Code shall be considered grounds for censure, reprimand, suspension, demotion, removal, *termination of contract*, or dismissal of Town officials, employees, and consultants as applicable. The remedies and procedures specified in applicable statutory and Charter provisions, personnel rules, contract grievance rules, or other work rules, policies, and procedures, shall be followed in the enforcement of this section.

Section 12. Acknowledgment form

- a. The Town Clerk shall provide a copy of the Code of Ethics to every Town official. *The Human Resources Director shall provide a copy of the Code of Ethics to every* ~~and~~

employee within sixty (60) days of date that he/she begins his/her duties. Every Town official *and Board of Education official* ~~and employee~~ shall sign and file with the Town Clerk an acknowledgment form indicating his/her awareness of the provisions of this Code. *Every Town employee shall sign and file with the Town Human Resources Director an acknowledgment form indicating his/her awareness of the provisions of this Code. Every Board of Education employee shall sign and file with the Board of Education Human Resources Director an acknowledgment form indicating his/her awareness of the provisions of this Code.* Current Town and *Board of Education* officials and employees shall acknowledge the Code of Ethics within one-hundred-twenty (120) days of its effective date.

- b. ~~Each~~ *A representative of each current consultant shall acknowledge the Code of Ethics within one-hundred-twenty (120) days of the effective date of this ordinance; and prospectively, on and after the effective date of this ordinance, a* consultant shall sign and file, ~~with the Town Clerk on the same day that the consultant signs the contract,~~ an acknowledgment form indicating his or her awareness of the provisions of this Code ~~on or before~~ *of Ethics prior to* being retained by the Town, Board of Education, or other agency. ~~Current consultants shall acknowledge the Code of Ethics within one-hundred-twenty (120) days of its effective date.~~
- c. The Mayor and *Superintendent* of schools shall develop a protocol for periodic training of employees concerning the Code of Ethics. The Commission shall develop a protocol for periodic training of officials.
- d. The Town Council shall approve a procedure for monitoring compliance with this section and approve the training protocols specified in subsection (c).

Section 13. Ethics Commission

- a. Structure
 - 1. The Ethics Commission shall be comprised of five (5) regular members and two (2) alternate members. All members of the Ethics Commission shall be electors of the Town
 - 2. No more than two (2) of the regular members may be affiliated with any one political party. At all times, at least one regular member shall be unaffiliated with any political party. Both alternate members may not be affiliated with the same political party.
 - 3. Members will not be compensated for their service on the Commission.
 - 4. Within thirty (30) days of the appointment of the Ethics Commission, an organizational meeting shall be held at which members shall choose a Chairman, Vice-Chairman, and a Secretary

b. Member and alternate member qualifications

- ~~a~~1. Members and alternate members must be residents of the Town of Ledyard.
 - ~~b~~2. No member or alternate member shall:
 - ~~e~~3. Be employed by the Town;
 - ~~d~~4. Have been employed by the Town for a period of two years prior to being appointed to the Ethics Commission.
 - ~~e~~5. Hold or seek any Town office.
 - ~~a. Have campaigned for any other person seeking a town office.~~
 - ~~f~~6. Have held any Town office for a period of two years prior to being appointed to the Ethics Commission.
 - ~~g~~7. Serve as a member of another Town agency.
 - ~~h~~8. Hold office in a political party or political committee.
 - ~~i~~9. Have been found in violation of state, local, or professional code of ethics.
- c. Method of appointment: The Town Council shall appoint the Ethics Commission members in the manner provided in the Town Charter. Members of the Ethics Commission shall be appointed by a minimum of ~~(6)~~ *seven (7)* affirmative votes of the Town Council.
- d. Terms of appointment
1. Members will be appointed for three (3) year terms.
 2. If a member is appointed to fill an unexpired term, then that member's term ends at the same time as the term of the person being replaced.
 3. 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 (1) alternate member to serve for two (2) years. Thereafter, vacancies shall be filled for a three (3) year term.
 4. Inaugural members shall be eligible to serve two (2) additional three (3) years term beyond his/her initial appointment. *No member may serve more than three (3) terms total.*
 5. The Town Council may remove members for cause and fill the vacancy in accordance with the Town Charter. Cause for removal shall include, but is not limited to, an unexcused absence from three (3) consecutive meetings. It shall be the responsibility of the Chairman of the Ethics Commission to notify the Town Council when a member has not properly performed his/her duties.

e. Powers and duties

1. The Ethics Commission shall be authorized to consult the Town Attorney or another attorney hired by the Commission if so authorized by the Town Council.
2. The Ethics Commission shall be authorized to request that the Town Attorney provide advisory opinions.
3. The Ethics Commission has the power to render advisory opinions to any Town *or Board of Education* official, employee, or consultant on whether conduct by that person would constitute a violation of the Code of Ethics. Individuals seeking an advisory opinion should follow the procedures outlined in Section 14 of the Code.
4. The Ethics Commission has the power to examine complaints and to make a determination of probable cause, pursuant to the procedures outlined in Section 14.
5. The Ethics Commission has the power to hold hearings concerning alleged violations of the code, may administer oaths, and may compel attendance of witnesses by subpoena to the extent permitted by law.
6. The Ethics Commission has the power to review the Code of Ethics policies and procedures on an as-needed basis and will make recommendations to the Town Council regarding changes to the Code of Ethics policies and procedures.
7. The Ethics Commission will make advisory opinions available to the public unless doing so would violate the confidentiality provision of this Code of Ethics or is otherwise prohibited by law.
8. The Ethics Commission will protect the personal privacy rights of any individual who is the subject of an inquiry or complaint, except as necessary to investigate and make determinations of probable cause. If there is a finding of no probable cause, the existence of an inquiry or complaint and any records relating to that inquiry or complaint shall remain confidential pursuant to Section 14.
9. The Ethics Commission may take action to increase public awareness of the Code of Ethics.

Section 14. Ethics Commission rules of procedure

- (a) These procedures shall be used by the Ethics Commission established in Section 14 hereof, and are designed to guide public officials, officers, employees, consultants, and citizens of the process to be followed if they seek advice or question the conduct of those in or affiliated with town government. Subsection (b), advisory opinions, describes a process for Town officers, officials, employees, or consultants, and other parties doing business with the Town

who are seeking advice about their own conduct or the conduct of a Town office or function. Subsection (c), complaints, describes a formal, public procedure for filing complaints. Subsection (d), other communications; miscellaneous, describes the process to be followed by anyone wishing to bring something to the attention of the Ethics Commission, without requesting an advisory opinion or filing a complaint.

(b) Advisory opinions

1. Any current, former, or prospective Town of Ledyard *or Board of Education* employee, official, or consultant may request an advisory opinion from the Ethics Commission as to whether conduct by that person or entity would violate the Code of Ethics. Any current Town *or Board of Education* official also may request an advisory opinion concerning the activities of any department over which he/she has jurisdiction or board or commission on which he/she serves.
2. Individuals initiating a request for an advisory opinion must do so by completing a form available through the Ledyard Town Clerk's Office or through the Town's website www.ledyardct.org. The form must contain a statement setting forth the advice requested and the relevant facts known to the individual making the request so that the Ethics Commission can reasonably be expected to understand the nature of the request. The individual making the request must *sign it* ~~the~~ form.
3. Requests must be addressed in a sealed envelope to the Ethics Commission, c/o The Ledyard Town Clerk, 741 Colonel Ledyard Highway, Ledyard, CT 06339-1511 who will date stamp, but not open, the envelope and forward same ~~promptly~~ *,within five (5) business days of receiving the request*, to the chair or vicechair of the Ethics Commission. ~~On the day said request is received by the Town Clerk, t~~ The Town Clerk or his/her representative shall notify the chair or vice-chair of the Ethics Commission, or both, of same. *The chair or vice-chair of the Ethics Commission shall sign a form, provided by the Town Clerk, acknowledging the receipt of the request.*
4. The date the request is received by the Town Clerk will mark the official date of receipt for purpose of deadlines for decisions.
5. Proceedings
 - i. The chair will *disclose the receipt of* ~~present~~ the request to the Ethics Commission at its next regular meeting ~~or and present it~~ at a special meeting under executive session, except upon the request of the individual that is seeking the advisory opinion regarding whether his/her conduct constitutes a violation of the Code of Ethics, called by the Ethics Commission chair or vice-chair.
 - ii. The Ethics Commission will meet in to review the request. At that time, it may decide to
 - (1) Seek additional information,
 - (2) Create a subcommittee of at least two (2) commission

members to make a recommendation for consideration by the full Ethics Commission, (3) Hold an informal hearing to receive comments from the individual who request the advisory opinion and/or from the public, (4) Investigate the relevant facts and issues in order to render the advisory opinion.

6. Decisions

- i. Advisory opinions will be made by a majority of the Ethics Commission members voting at a meeting at which a quorum is present.
- ii. The Ethics Commission will issue an advisory opinion as expeditiously as possible but in any event within ninety (90) days from the day it first considers the request. The Ethics Commission may extend the time for a decision for up to an additional thirty (30) days.
- iii. All advisory opinions must be in writing and communicated to the individual making the request.
- iv. The Ethics Commission may decline to render an advisory opinion if (1) the subject matter is not covered by the Code of Ethics, (2) the known facts are incomplete or incorrect, and the omission or misstatements are material to the advisory opinion requested, or (3) other reasonable grounds exist for not taking action. If the Ethics Commission decides to so act, it shall state its reasons.

7. Confidentiality

- i. Requests for advisory opinions will be reviewed in executive session except upon the request of the individual that is seeking the advisory opinion regarding whether his/her conduct constitutes a violation of the Code of Ethics.
- ii. Advisory opinions reviewed in open sessions will be made available for public inspection by delivery to the Town Clerk's office.

(c). Complaints

A complaint alleging any violation of the Code of Ethics shall be made on a form prescribed by the Ethics Commission available at the Town's website www.ledyardct.org or through the Town's Clerk office, and signed under penalty of false statement. The form shall be delivered to the Town Clerk in a sealed envelope who will date stamp, but not open, the envelope and forward same **promptly within five (5) business days** to the chair or vice-chair of the Ethics Commission. ~~On the day said request is received by t~~ The Town Clerk ~~the Town Clerk~~ or his/her representative shall notify the chair or vice-chair of the Commission, or both, and the respondent within five (5) business days of receipt of the complaint. ***The chair or vice-chair of the Ethics Commission shall sign a form, provided by the Town Clerk, acknowledging the receipt of the complaint.*** The Ethics Commission shall also notify the respondent ***that the complaint was received and*** that it will conduct a probable cause determination, and invite the respondent to provide any information the respondent deems relevant to the Ethics Commission's determination of probable cause.

No complaint may be made under the Code of Ethics unless it is filed with the Ethics Commission within three (3) years after the violation alleged in the complaint has been committed.

The Complaint shall include:

- Name of the person accused (respondent).
- Name of the person filing the complaint.
- The specific acts alleged to constitute a violation of the Code of Ethics and when said actions occurred.

(d) . Evaluation and Acknowledgment

Within sixty (60) business days of the receipt of a complaint *by the Chair*, the Ethics Commission shall review and determine whether there is probable cause that a violation of the Code of Ethics has occurred. A finding of probable cause means that based on a review of the available information, the Ethics Commission determines that reasonable grounds exist to believe that the respondent engaged in prohibited conduct by the Code of Ethics. If the Ethics Commission does not make a finding of probable cause, the complaint shall be dismissed, and a copy of its decision shall be mailed to both the complainant and the respondent. Unless the Ethics Commission makes a finding of probable cause, a complaint alleging a violation of this Code of Ethics shall be confidential except upon the request of the respondent.

If the Ethics Commission makes a finding of probable cause, which shall require three (3) affirmative votes, it shall so advise both the complainant and the respondent and begin a formal investigation process.

(e) . Hearings

If the Ethics Commission decides that probable cause of a violation of the Code of Ethics exists, it will conduct a public hearing to determine whether or not a violation occurred in accordance with Uniform Administrative Procedure Act (“UAPA”) (See Chapter 54 of the Connecticut General Statutes). At the hearing, the respondent will have the right to be represented by legal counsel, to present evidence and witnesses and compel attendance of witnesses and the production of books, documents, records, and papers, and to examine and cross-examine witnesses and inspect and copy relevant and material records, papers and documents not in such person’s possession. Hearings are not governed by the legal rules of evidence and any information relevant to the matter may be considered. The Ethics Commission will respect the rules of privilege recognized by the law. Not later than ten (10) *business* days before the start of the hearing, the Ethics Commission will provide the respondent with a list of its intended witnesses. The Ethics Commission will make a record of the proceedings.

3. Final Decisions

- i. Decisions by the Ethics Commission that a person is in violation of the Code of Ethics must result from the concurring vote of four (4) of its members.
- ii. The Ethics Commission must render its decision within sixty (60) *business* days of the closing of the hearing.
- iii. Such finding and memorandum will be deemed to be the final decision of the Ethics Commission for the purposes of the UAPA. The respondent may appeal to the superior court in accordance with the provisions of Section 4-183 of the Connecticut General Statutes.
- iv. If the Ethics Commission determines that the Code of Ethics was violated, it will provide the respondent, the Mayor, and the Ledyard Town Council with a copy of its findings and memorandum within ten (10) *business* days after its decision. It will also advise the respondent of his/her right to appeal the decision pursuant to Section 4-183 of the Connecticut General Statutes.
- v. Penalties for Violations of the Code of Ethics

Violation of the Code of Ethics may lead to any one or a combination of the following penalties:

- a. Order to cease and desist the violation
- b. Pay a civil penalty of up to the maximum amount permitted by State law.
- c. Censure
- d. Suspension without pay
- e. Demotion
- g. Termination of employment
- h. Restitution of any benefits received because of the violation committed.
- i. Penalties will be determined by a majority vote of the Town Council within sixty (60) business days after receipt of the finding and memorandum of Ethics Commission.

(e). Other communications; miscellaneous:

The Ethics Commission welcomes communications from the public even if they do not fall within the categories of an advisory opinion, inquiry, or complaint. These should be in writing and should include the name and address of the individual making the communication. The communication should be addressed in a sealed envelope to the chair of the Ethics Commission, c/o the Ledyard Town Clerk, 741 Colonel Ledyard Highway, Ledyard, CT 06339-1511 who will date stamp, but not open, the envelop and forward same promptly to the chair or vice chair of the Ethics Commission. ~~On the day said communication is received by the Town Clerk,~~ *Within five (5) business days of receiving the communication,* the Town Clerk or his/her representative shall notify the chair or vice chair of the Ethics Commission, or both, of same. The chair or vice chair shall determine

whether said communication should be treated as confidential. *Communications containing information about a potential complaint or advisory opinion, or information regarding actions of specific individuals shall be treated as confidential.* Requests that are not treated as confidential will be made available for public inspection by delivery to the Town Clerk's office. Communications will be handled on a case-~~by case~~-by case basis and at the discretion of the Ethics Commission.

Section 15. Severability

If any part of this Code of Ethics 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: _____

Signed/Certified on: _____

Gary St. Vil, Chairman

Approve/Disapprove on: _____

Fred B. Allyn , III, Mayor