

AN ORDINANCE
ESTABLISHING A TOWN OF LEDYARD CODE OF ETHICS

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

Section 1. Authority

In accordance with Chapter III, Section 4 of the Town Charter, there is hereby established a Town of Ledyard Code of Ethics.

Section 2. Declaration of Policy and Purpose

Public office is a public trust. The trust of the public is essential for government to function effectively. Therefore, herewith is an established Code of Ethics for all Town officials, officers and employees. The purpose of this code is to establish suitable ethical standards for all such officials, officers and employees by prohibiting acts not in the best interests of the Town of Ledyard.

Section 3. Applicability

The Ethics Code shall apply to all Town officials, officers and employees, whether elected and/or appointed, paid or unpaid.

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 4. Definitions

1. *“Person”* means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.
2. *“Individual”* means a natural person.
3. *“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.
4. *“Municipal employee”* means a person employed, whether part-time or full-time, by a municipality or a political subdivision thereof.
5. *“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.

6. "*Immediate family*" means spouse, child, parent or dependent relative who resides in the individual's household and grandchild, brother, sister, grandparent, daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, and brother-in-law.
7. "*Persons governed by this Code*" means All Town officials, officers and employees, whether elected and/or appointed, paid or unpaid.
8. "*Business*" means any entity through which activity is conducted including, but not limited to a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual is conducted for profit or not for profit in which the municipal official or employee of the municipality or member of his/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/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/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.
9. "*Confidential Information*" means information, whether transmitted orally or in writing, in the possession of municipality, a municipal employee, or a municipal official, which is obtained by reason of the public position or office held, that is not, at the time of transmission, a matter of public record or public knowledge, whatever its form:
 - (a) 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
 - (b) 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.
10. "*Financial Interest*" means monetary or material value/benefit of one hundred dollars (\$100.00) or more that generates a financial gain or loss of one hundred dollars (\$100.00) per person in a calendar year to a town official/employee 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.
11. "*Gift*" means anything of value in excess of five hundred dollars (\$500.00) which is directly and personally received, unless consideration of equal or greater value is given in return.

- 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 (10) of subsection (b) of Section 9-601 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 a member of a person's immediate family:
 - a) an individual's spouse, fiancé or fiancée,
 - b) a parent, grandparent,
 - c) a brother or sister of such spouse or such individual, or
 - d) a child of such individual or the spouse of such child;
- 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, available to the general public.
- 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 municipal official or employee participates in his/her official capacity.
- j) A meal provided in the home by a Ledyard resident.
- 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 (\$500.00).

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(\$50.00) 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:
 - a) a municipal official,
 - b) a municipal employee, or

- c) 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

Section 5. Municipal Provisions

- (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 official duties in the public interest or would tend to impair that person or persons independent judgment 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 a member, or of which that person or persons is or are an employee(s).

It is further provided, notwithstanding the above, that no member of the Town Council of the Town of Ledyard and no member of the Board of Education of the Town of Ledyard shall 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.

Section 6. Conflict of Interest

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, or a member of his/her immediate family, has a financial or personal interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to the municipality. That person (or persons) shall declare on the record that person (or persons) has or have a conflict of interest.

Notwithstanding the prohibition in subsection 11(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.

Section 7. Disclosure/Recusal

In accordance with Chapter IX, Section 6 of the Town Charter 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.

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.

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.

Section 8. Use of Position

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

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.

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/her own behalf, or on behalf of a member of his/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.

(a) Employment Appointment

No municipal official or municipal employee may appoint or hire, or participate in influencing the appointment or hiring of his/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/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.

(b) Contracts

No municipal official or municipal employee, or a member of his/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.

(c) Use of Town Property

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/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.

Section 9. Acceptance of Gifts

Persons governed by this Code shall not solicit, accept or receive, directly or indirectly from any person or business who, to his/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 on matters that 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.

If a prohibited gift is offered to a municipal official or municipal employee, he /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.

Section 8. Post Employment

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/her service with the municipality.

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.

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

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/her resignation from municipal office or position if his/her resignation occurs less than one year after the contract is signed.

Section 9. Violations

Willful violation by any such officer or employee of the provisions of this Code shall be grounds for his/her removal in accordance with Chapter IX, Section 6 of the Town Charter. Violation of this Code 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 10. 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.

Section 11. 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.

Adopted by the Town Council on: _____

Chairman

Approved / Disapproved on: _____

Fred Allyn, III., Mayor

History: Office of State Ethics recommendation for all Municipalities to adopt a municipal code of ethics by October 1, 2020.