

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