

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 2. 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, public~~ Town officials, ~~and public~~ Town 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, Town Officers, and Town 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 3. Applicability

The ~~Ethics~~ Code of Ethics shall apply to all Town ~~Officials, Town Officers, and Town Employees, whether elected and/or appointed, paid or unpaid.~~ The Ethics Code shall also apply to those conducting business with the Town of Ledyard officials, including members of the Board of Education, and all Town and Board of Education employees.

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

Section 4. Definitions

As used in this ~~document~~ ordinance, 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/municipal officials, municipal officers, and municipal 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, limited liability corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.~~
- ~~1. 3. “Complainant” means any person who signed signs a complaint under penalties of false statement alleging a violation of this Code.~~
- ~~2. 4. “Confidential Information” means information, whether transmitted orally or in writing, which is obtained acquired by a Town official or Town employee in the course of and by reason of the public position of office held, that is not, at the time of transmission, performing an individual’s official duties and which is not 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.~~
- ~~3. “Financial Interest” means any interest that has a monetary value of more than one hundred dollars (\$100.00) in any calendar year and is not common to the other citizens of the Town.~~
- ~~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.~~

~~“Financial Interest” shall be deemed to exist if any municipal/Town officer, member, employee, immediate family of a municipal officer, official or employee of the Town might, directly or indirectly, derive financial gain or suffer loss from any purchase, contract, transaction, zoning decision, or other matter involving any such Town office, board, commission, authority or committee and shall also be deemed to exist if a business or professional enterprise in which the municipal officer, employee, member or commission has any financial interest as owner, member, partner, officer, employee or stockholder or has any other form of participation which will be affected by the outcome of the matter under consideration.~~
- ~~4. 7. “Gift” means anything of economic value in excess of one hundred dollars (\$25.00100.00), including but not limited to entertainment, food, beverage, travel, and 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~~ that is otherwise reported in accordance with the law.
 - b. Services provided by persons volunteering their time.
 - c. A commercially reasonable loan that is 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.~~
 - h. ~~i.~~ An honorary degree ~~bestowed upon a public official or public employee by a public or private university.~~
 - i. ~~j. A meal provided at an event~~ Costs associated with attending a conference or business meeting and/or the registration or entrance fee to attend such ~~an event, conference or business meeting~~ in which the public Town official or public Town employee participates in his or her official capacity.
 - ~~k. A meal provided in the home by a Ledyard resident.~~
 - j. Any gift provided to a Town Official or Town Employee or to an immediate 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.
 - ~~l. Gift giving occasions recognized by the public, including, Christmas, Chanukah, birthdays, the birth or adoption of a child, weddings, First Communions, Confirmations, or Bar/Bat Mitzvahs, provided the total value of such gifts for each event shall not exceed \$25.00.~~
5. ~~8.~~ "Immediate family" means spouse, fiancé, child, parent, grandchild, brother, sister, grandparent, niece, nephew, 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.~~
6. 12. ~~“Respondent” means any person accused of violating this Code.~~
7. 13. ~~“Town Official, Officer, or Employee” means an individual whether elected or appointed, whether paid or unpaid, full or part time”~~ means any person holding elective or appointive office in the government of the Town, including members of boards, commissions, and committees in the service of the Town of Ledyard the Board of Education.
8. “Town Employee” means any person receiving a salary, wages or stipend from the Town or the Board of Education for services rendered, whether full-time or part-time.

Section 5. Conflict of Interest 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’ independent judgement or action in the performance of that person or persons’ official duties.~~
1. 2. ~~Persons governed by this Code shall not be financially interested or have any personal beneficial~~ A Town official or any member of his or her immediate family shall not have a financial 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) is an elected or appointed member.~~
2. A Town employee or any member of his or her immediate family shall not have a financial interest in any contract or purchase order for any supplies, materials, equipment or contractual services that is within the purview of such Town employee.
3. ~~It is further provided, notwithstanding the above, that the~~ The Mayor of the Town of Ledyard, and 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, and any members of their immediate family shall not have a financial interest~~ 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 5(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,~~

~~cousin, niece, nephew, father in law; mother in law; brother in law; sister in law; or a business with which the person is associated.~~

4. ~~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, cousin, niece, nephew, father in law; mother in law; brother in law; sister in law; 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.~~ shall solicit or accept a gift from any person or business entity which is interested directly or indirectly in any business transaction or pending matter that is within the purview of such Town official or Town employee.
5. Town officials and Town employees shall not use Town owned vehicles, equipment, facilities, materials or property for personal convenience or profit.
6. ~~H. No Town official or Town employee, or shall disclose or use confidential information acquired in the course of and by reason of his or her official duties for financial gain or for the financial gain of~~ 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.~~
7. No Town official or Town employee may directly hire or supervise a member of his or her immediate family.
8. ~~J. No former Town official or Town employee member shall represent anyone for compensation before any Town agency, board, commission, council, or committee, or department in which he or she was formerly employed at any time within an elected or appointed member for~~ a period of one (1) year after termination of his or her following the end of such former member's service with the Town on such agency, board, commission, council or committee.
9. ~~K. No former Town official or Town employee shall represent anyone other than the Town concerning any particular matter in~~ for compensation before any Town agency or

department for which he or she ~~participated personally and substantially while in Town service.~~

~~L. was formerly employed for 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) 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 year following the end of such former employee's employment with the Town.~~

~~N. 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 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 6. Disclosure of Interests Required~~

~~A. Any officer, official or employee who has a private financial interest in any action, legislative or otherwise, by any Town agency and who is a member of, participates in discussion with or gives an official opinion to such Town agency shall disclose on the written records of such agency the true nature and extent of such interest. This section shall not apply to:~~

- ~~1. Contracts awarded to the lowest responsible bidder after public advertisement.~~
- ~~2. Unpaid appointed officials during a declared state of emergency.~~
- ~~3. Matters requiring disclosure to or approval by a court.~~
- ~~4. The Town Attorney, Town Engineer or similar Official, who is participating in or offering an opinion on behalf of said agency, and whose financial interest is merely in being paid for such services.~~

~~B. Every elected official, excluding Justices of the Peace shall, on or before January 1 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 a lease for a term exceeding five years, excluding, however, his or her principal residence. The foregoing shall also apply to real estate 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 5% of the legal or equitable interests 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-percent interest, and which firm, proprietorship, partnership, corporation, or limited liability corporation has sold or supplied goods or services in excess of \$10,000 per~~

~~annum to the Town of Ledyard during the two years immediately preceding such official's election to office.~~

3. ~~Any income, fees, salary, or wages directly or indirectly received by such elected official from the Town of Ledyard or its political subdivisions during the two years immediately preceding such official's election to public office.~~

Section ~~7~~6. ~~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.~~

1. 2. Membership

The Ethics Commission shall be comprised of five (5) regular members and two (2) ~~alternates of whom~~alternate members. All members of the Ethics Commission shall be electors of the Town. ~~Political minority rules shall apply for the membership of this commission.~~

~~The Regular Members shall include:~~

- A. ~~• At~~The five (5) Regular Members of the Commission shall include at least one member with Legal background (attorney, or paralegal (current or retired)
~~• and at At~~least one member with Financiala financial background.
~~• Three Members from the Community at Large~~

- B. No more than two (2) Regular Members may be affiliated with any one political party. Both Alternate Members may not be affiliated with the same political party. At least one Regular Member and one Alternate Member shall be registered as an unaffiliated.

~~Minority Representation shall apply separately to each of the subsets: Regular Members and Alternate Members.~~

- C. ~~Members and alternate members must be residents of the Town of Ledyard. No~~Regular member or ~~alternate~~Alternate member of the Ethics Commission shall:

- A. Be a ~~public~~Town official or ~~public~~Town employee of the ~~municipality; or an~~Town of Ledyard or be a member of the immediate family of any Town official;
~~official; or employee of a quasi public agency of the municipality.~~

- B. Have held any elected Town or State ~~Office~~office for a period of one (1)-year prior to being appointed to the Ethics Commission.

- C. ~~Hold office in a political party or political~~Be a member of a town committee.

- D. Serve as a member of another Town agency, board, commission, council or committee.

- ~~E. Hold or campaign to seek any Town Office.~~

- E. ~~F.~~ Have been employed by the Town for a period of one (1) prior to

being appointed to the Ethics Commission.

~~G. Serve as an member of any other Town Committee, Commission, or Board, or be part of the immediate family of any Town official or Town employee.~~

F. ~~H.~~ Have any ~~beneficial interest or~~ financial interest in matters before the Town or the Board of Education.

G. ~~I.~~ Have been found in violation of any federal, state, municipal or professional code of ethics.

2. ~~3.~~ Terms of Appointment

A. 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~~is removed by the Town Council.

B. 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.

C. Inaugural members shall be eligible to serve two (2) additional three (3) year term beyond his/her initial appointment.

D. Any vacancy on the Ethics 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.~~

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

F. Within thirty (30) days of the appointment of ~~this~~the Ethics Commission, an ~~Organization Meeting of said Commission~~organizational meeting 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.~~

3. ~~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.~~

A. • ~~Consult~~To consult with the Town Attorney or ~~an Attorney, and other professionals specially appointed by the Town Council to conduct its duties on assignments, as~~another attorney hired by the Ethics Commission if so authorized by the Town Council ~~on a case-by-case basis.~~

B. • ~~Request~~To request that the Town 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(e) (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 unless doing so would violate the confidentiality provision of this Code or is otherwise prohibited by law.~~
- ~~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, while maintaining confidentiality as applicable; summarizing the activities of the commission.~~
- ~~Agendas and Minutes of the Ethics Commission, not including those protected by confidentiality, 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.~~

4. 5. Procedures

aA. Filing of Complaints

~~Complaints of~~A complaint alleging any violation of the ~~code~~Code of Ethics ~~related to unethical behavior concerning any municipal official, officer, or employee of the Town of Ledyard may be made by any person and shall be made in person~~shall be made on a form prescribed by the Ethics Commission and signed under penalty of false statement ~~before the Ledyard Town Clerk; or Assistant Town Clerk.~~ The form shall be delivered to the Town Clerk who shall transmit a copy of the complaint to the Chairperson of the Ethics Commission and the respondent within five (5) days of receipt of the complaint. The Ethics Commission shall also notify the respondent 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~~Code of Ethics unless it is filed with the Ethics Commission within ~~four~~three (43) years after the violation alleged in the complaint has been committed, ~~and within six (6) months of discovery. If multiple violations are alleged, the four (4) 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~~a violation of ~~Section 4 of this code,~~the Code of Ethics and when ~~they~~said actions occurred.
- ~~Whether or not these allegations have been presented to other administrative or judicial authorities.~~

~~The Town Clerk within ten (10) business days shall provide proper notice to the Town Council and Mayor that an Ethics Complaint has been filed. 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"; pursuant to Section 1-82a of Connecticut General Statutes.~~

~~In the application of this Code of Ethics, care will be given to distinguish between concerns of management of Town employees and violations of the public trust. The daily management of employee performance is the responsibility of the Mayor or School Superintendent in the case of the employees of Ledyard Public Schools. Personnel policies should be the first guide in those areas where applicable. Similarly, the routine activities of the Commission should be governed by its rules and regulations.~~

B. ~~b.~~ Evaluation and Acknowledgement

- ~~Within thirty (30) business days of the receipt of the specific charge(s) and/or complaints, the Ethics Commission shall call an executive session to evaluate if the filing is not in violation or is not in the proper form.~~
- ~~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 and Mayor, 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.~~
- ~~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 to the Town Council, Mayor and 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 an executive session 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 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.~~

~~i. Within thirty~~thirty~~sixty (30~~30~~60) business days after the response period specified in the previous paragraph of the receipt of a complaint, the Ethics Commission shall ~~meet in an executive session to review and~~ determine ~~if whether~~ there is probable cause that a violation of the Code of Ethics has occurred. ~~In so doing,~~ A finding of probable cause means that based on a review of the available information the Ethics Commission ~~shall only consider the information submitted by~~ 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.~~

~~ii. If the Ethics Commission ~~does not find~~makes a finding of probable cause ~~of a violation of the Code, it shall notify in writing to, which shall require four (4) affirmative votes, it shall so advise~~ both the complainant and ~~the~~ respondent ~~within five (5) business days of its findings and a summary of the reasons and the complaint, and the record of investigation shall remain confidential. Upon a finding of no probable cause, the case file will be sealed and all matters pertaining thereto shall remain confidential.~~and began a formal investigation process.~~

~~If the Ethics Commission determines, by four (4) affirmative votes that there is probable cause of a violation of the code, it shall notify the complainant, respondent, Town Council and Mayor in writing within five (5) business days of such determination. The Town~~

~~Council will authorize the Ethics Commission to perform an investigation. An investigation shall be conducted within (90) business days of determining whether the complaint is in violation of this Code.~~

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

C. d. Hearings.

- i. 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) 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.

D. 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) days of the closing of the hearing.
- iii. Such finding and memorandum will be deemed to be the final decision of the 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. ~~The~~If the Ethics Commission ~~shall conduct a hearing to determine if a violation of the code has occurred; and confidentiality of complaints, evaluations of possible violations, and investigations shall be maintained~~determines that the Code of Ethics was violated, it will provide the respondent and the Mayor and the Ledyard Town Council with a copy of its findings and memorandum within ten (10) days after its decision. It will also advise the respondent of his or her right to appeal the decision pursuant to Section 1-82a4-183 of the Connecticut General Statute. Unless a judge trial referee makes a finding of probable cause, a complaint alleging a violation of this part shall be confidential except upon the request of the respondentStatutes.

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

E. Penalties for Violations of the Code of Ethics.

~~i. Of an accused to confront and cross-examine his/her accuser.~~

- i. A violation of the Code of Ethics may lead to any one or a combination of the following the following penalties:

~~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 the vote of four (4) 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, Town Council, and Mayor.~~

~~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, but not limited to, any one or a combination of the following:~~

- ~~1. Order to cease and desist the violation which must be enforced by a court of competent jurisdiction.~~
- ~~2. Pay a civil penalty of up to the maximum ~~allowed per state~~ amount permitted by State law ~~per violation~~.~~
- ~~3. Public admonition or reprimand.~~
- ~~3. 4. Censure.~~
- ~~4. 5. Suspension without pay.~~
- ~~5. 6. Demotion.~~
- ~~6. 7. Termination of employment and/or removal from appointed office.~~
- ~~7. 8. Restitution of any pecuniary benefits received because of the violation committed.~~

~~The Town Council may prescribe penalties for violation of this Ordinance, as authorized in CGS 7-479, including the avoidance of any municipal purchase, contract, or ruling adopted in contravention thereof. In the case of an Ethics violation by a member of the Town Council, the Ethics Commission will prescribe the appropriate penalty(s) as permissible under the Law, and its decision will be binding upon said Town Council Member, after appeal.~~

~~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.~~

~~g. Interpretation~~

~~The provisions of this ordinance shall be construed in a manner consistent with all applicable federal and state laws, and applicable to the provisions of the Charter of the Town of Ledyard. In the event a conflict exists between this ordinance and a federal or state law, or the Charter of the Town of Ledyard, the federal or state law, or the Charter shall control.~~

Section ~~8~~7. 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

Approve/Disapprove on: _____

Fred B. Allyn, III, Mayor

DRAFT

Summary report: Litera Compare for Word 11.9.1.1 Document comparison done on 7/14/2025 3:11:00 PM	
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<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
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Table moves from	0
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Embedded Excel	0
Format changes	0
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