

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

Section 2. Declaration of Policy and Purpose

The trust of the public is essential for government to function effectively. The proper operation of the town government requires that Town officials and 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.

Section 3. Applicability

The Code of Ethics shall apply to all Town officials, including members of the Board of Education, and all Town and Board of Education employees.

Section 4. Definitions

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

1. “*Complainant*” means any person who signs a complaint under penalties of false statement alleging a violation of this Code.
2. “*Confidential Information*” means information acquired by a Town official or Town employee in the course of and by reason of performing an individual’s official duties and which is not a matter of public record or public knowledge.
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.

4. “*Gift*” means anything of economic value in excess of one hundred dollars (\$100.00), including but not limited to entertainment, food, beverage, travel and lodging.

A gift does not include:

- a. A political contribution 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.
 - 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. An honorary degree.
 - i. Costs associated with attending a conference or business meeting and/or the registration or entrance fee to attend such conference or business meeting in which the Town official or Town employee participates in his or her official capacity.
 - 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.
5. “*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.
6. “*Respondent*” means any person accused of violating this Code.
7. “*Town Official*” means any person holding elective or appointive office in the government of the Town, including members of 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. 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 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. The Mayor of the Town of Ledyard and members of the Town Council of the Town of Ledyard 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 the Town of Ledyard.
4. No Town official or Town employee 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. No 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 or for the financial gain of a member of his or her immediate family.
7. No Town official or Town employee may directly hire or supervise a member of his or her immediate family.
8. No former Town official shall represent anyone for compensation before any Town agency, board, commission, council or committee in which he or she was formerly an elected or appointed member for a period of one (1) year following the end of such former member's service on such agency, board, commission, council or committee.
9. No former Town employee shall represent anyone for compensation before any Town agency or department for which he or she was formerly employed for a period of one (1) year following the end of such former employee's employment with the Town.

Section 6. Ethics Commission

1. Membership

The Ethics Commission shall be comprised of five (5) regular members and two (2) alternate members. All members of the Ethics Commission shall be electors of the Town.

- A. The five (5) Regular Members of the Commission shall include at least one attorney or paralegal (current or retired) and at least one member with a financial background.
- 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.
- C. No Regular member or Alternate member of the Ethics Commission shall:
 - A. Be a Town official or Town employee of the Town of Ledyard or be a member of the immediate family of any Town official;
 - B. Have held any elected Town or State office for a period of one (1)-year prior to being appointed to the Ethics Commission.
 - C. Be a member of a town committee.
 - D. Serve as a member of another Town agency, board, commission, council or committee.
 - E. Have been employed by the Town for a period of one (1) prior to being appointed to the Ethics Commission.
 - F. Have any financial interest in matters before the Town or the Board of Education.
 - G. Have been found in violation of any federal, state, municipal or professional code of ethics.

2. Terms of Appointment

- A. Members shall be appointed by the Town Council for a term of three (3) years and shall serve until their successor has qualified or 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.
- E. The Town Council may remove members for cause and fill the vacancy in accordance with the Town Charter. Cause for removal shall include, but is not limited to, an unexcused absence from three (3) consecutive meetings. It shall be the responsibility of the Chairman of the Ethics Commission to notify the Town council when a member has not properly performed his/her duties.
- F. Within thirty (30) days of the appointment of the Ethics Commission, an organizational meeting shall be held at which members shall choose a Chairman, Vice-Chairman, and a Secretary.

3. Authority/Duties

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

- A. To consult with the Town Attorney or another attorney hired by the Ethics Commission if so authorized by the Town Council.
- B. To request that the Town Attorney provide advisory opinions. 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.

4. Procedures

A. Filing of Complaints

A complaint alleging any violation of the Code of Ethics shall be made on a form prescribed by the Ethics Commission and signed under penalty of false statement. 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 of Ethics unless it is filed with the Ethics Commission within three (3) years after the violation alleged in the complaint has been committed.

The Complaint shall include:

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

B. Evaluation and Acknowledgement

- i. Within sixty (60) business days of the receipt of a complaint, the Ethics Commission shall review and determine whether there is probable cause that a violation of the Code of Ethics has occurred. A finding of probable cause means that based on a review of the available information the Ethics Commission determines that reasonable grounds exist to believe that the respondent engaged in prohibited conduct by the Code of Ethics. If the Ethics Commission does not make a finding of probable cause, the complaint shall be dismissed and a copy of its decision shall be mailed to both the complainant and the respondent. Unless the Ethics Commission makes a finding of probable cause, a complaint alleging a violation of this Code of Ethics shall be confidential except upon the request of the respondent.
- ii. If the Ethics Commission makes a finding of probable cause, which shall require four (4) affirmative votes, it shall so advise both the complainant and respondent and began a formal investigation process.

C. 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. If the Ethics Commission 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 4-183 of the Connecticut General Statutes.

E. Penalties for Violations of the Code of Ethics.

- i. A violation of the Code of Ethics may lead to any one or a combination of the following the following penalties:
 1. Order to cease and desist the violation.
 2. Pay a civil penalty of up to the maximum amount permitted by State law.
 3. Censure.
 4. Suspension without pay.
 5. Demotion.
 6. Termination of employment.
 7. Restitution of any pecuniary benefits received because of the violation committed.

Section 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

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