

AN ORDINANCE ESTABLISHING A
TOWN OF LEDYARD CODE OF ETHICS AND ETHICS COMMISSION

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

Section 1. Authority

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

Section 2. Declaration of Policy and Purpose

The trust of the public is essential for government to function effectively. The proper operation of the Town government requires that Town officials, Town employees, and Town consultants be independent, impartial, and responsible to the people; that governmental decision and policies be made in the proper channels of governmental structure; that public office and employment not be used for beneficial and/or financial interest; and that the public has confidence in the integrity of its government.

The purpose of the Town of Ledyard Code of Ethics is to:

- ~~• Fulfill the requirement of establishing guidelines for ethical conduct, pursuant to Section 1101 of the Town Charter~~
- Identify standards of ethical conduct to guide all Town officials, including members of the Board of Education, and all Town and Board of Education officers, employees, and consultants as they conduct their public responsibilities.
- Clarify the role of the Ethics Commission,
- Outline a process that allows Town officials, including members of the Board of Education, and all Town and Board of Education employees, and consultants to seek guidance and advice about ethical issues connected with their public responsibilities, and
- Establish a process that enables citizens to report and the Ethics Commission to investigate and respond to possible violation of the Code.

Section 3. Definitions

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

1. "Agency" is any board, commission, authority, or committee of the Town, including the Town Council and Board of Education.

2. *“Beneficial interest”* means any nonfinancial interest or special treatment that is not common to other citizens of the Town.
3. *“Business associate”* means a person joined together with another person through employment or to achieve a common financial and/or business-related objective.
4. *“Business day”* means a day other than a Saturday, Sunday, or other day on which the office of the ~~Ledyard~~ ~~Glastonbury~~ Town Clerk is closed to the public for business.
5. *“Complainant”* means a person or person who files a complaint under penalties of false statement against an official, employee, or consultant containing allegation of prohibited activities under the Code of Ethics.
6. *“Confidential Information”* means information acquired by a Town official, employee, or consultant in the course of and by reason of performing an individual’s official duties and which is not a matter of public record or public knowledge.
7. *“Consultant”* ~~means is~~ any independent contractor or professional person or firm that is by virtue of an award of a public bid or contract ~~as defined in Glastonbury Code of Ordinances sections 2-262 and 2-263,~~ engaged by and receives compensation from the Town or Board of Education for the purpose of providing professional, scientific, technical, or other specialized opinion, and is in a position to influence any decision of an agency, official, or employee.
8. *“Employee”* is any person receiving a salary, wages, or stipend from the Town or Board of Education for services rendered, whether full-time or part-time.
9. *“Family”* means the spouse, domestic partner, fiancé, fiancée, parents, ~~daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law,~~ grandparents, great-grandparents, lineal descendants, stepchildren, ~~foster children,~~ siblings, stepsiblings, ~~foster siblings; lineal descendants of siblings, stepsiblings, and foster siblings of an official, employee, or consultant, or his/her spouse or domestic partner.~~
10. ~~Significant~~ *“Financial Interest”* means any interest that:
 - a. has a monetary value of one hundred dollars (\$100.00) or more or generates a financial gain or loss of one hundred dollars (\$100.00) or more in a calendar year;
 - b. is not common to the other citizens of the Town. An individual’s financial interests shall include the financial interests of all members of his/her family, but shall not include any duly authorized compensation from the town.
11. ~~Valuable~~ *“Gift”* is a gift of more than ~~fifty dollars (\$50.00)~~ ~~one hundred dollars (\$100.00)~~ in value. A ~~valuable~~ gift includes, but is not limited to, entertainment, food, beverage, travel, and lodging to the extent that the gift value exceeds ~~fifty dollars (\$50.00)~~ ~~one hundred dollars (\$100.00)~~ for any one (1) occasion, and ~~one hundred dollars (\$100.00) total~~

in any one (1) year from the same person, as well as loans that are not commercially reasonable. A ~~valuable~~ gift may also include donations to a third party on behalf of an official, employee, or consultant for which she/he receives some favor, advantage, or consideration.

Gifts do not include:

1. A political contribution that is otherwise reported in accordance with the law.
2. A loan made on terms that are commercially reasonable and not more favorable than loans made in the ordinary course of business.
3. Any gift regardless of value received from: (i) any family member who resides in the same household as the recipient of the gift, or (ii) another family member unless the other family member who makes the gift is interested, directly or indirectly, in a business transaction or pending matter that is within the purview or responsibilities of (a) the recipient of the gift, or (b) another family member residing in the same household as the recipient of the gift.
4. Certificates, plaques, or other ceremonial awards costing less than fifty dollars (\$50.00).
5. 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.
6. Honorary degrees.
7. Costs associated with attending a conference or business meeting and/or registration or entrance fee to attend such conference or business meeting in which the Town official or Town employee participates in his/her official capacity.
8. Any gift provided to a Town Official or Town Employee or to a family member of a Town Official or Town Employee for the celebration of a major life event provided any such gift provided to an individual does not exceed one thousand dollars (\$1,000.00) in value. A major life event shall include, but not be limited to, a ceremony commemorating an individual's induction into religious adulthood such as a confirmation or bar mitzvah; a wedding; a funeral; the birth or adoption of a child; and retirement from public service or Town employment.

12. "Inquiry" means a complaint or allegation of a possible violation of the Code.

13. "Official" is any person holding elective or appointive office in the government of the town and shall include, but not limited to, the Town Council, Board of Education, ~~town plan & zoning commission,~~ Town commissions and committees, town attorney, or any other agency.

14. "Respondent" means a person who is the subject of a complaint.

Section 4. Confidential information ~~Section 2-60~~

Town officials, employees, or consultants may not disclose or use any information or records that are not available to the public except in the performance of official duties or as required by law or court order.

Section 5. Conflict of Interest Provisions ~~Section 2-61 and 2-64~~

- a. A ~~At~~ Town official, employee, or consultant has a conflict of interest when that individual engages in or participates in any contract, transaction, decision, employment, or rendering of service that is incompatible with the proper discharge of that individual's official responsibilities in the public interest or would tend to impair his/her independent judgment or action in the performance of official responsibilities.
- b. A ~~significant~~ financial interest or beneficial interest presents a conflict of interest that is incompatible with the proper discharge of official responsibilities in the public interest if the Town official, employee, or consultant has reason to believe or expect that he/she or any member of his family or business associate will obtain, secure, or advance such interest by reason of his/her actions in performance or nonperformance of his/her official responsibilities.
- c. A ~~At~~ Town official, employee, or consultant does not have a financial interest or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if the interest accrues to such individual, his/her family members or business associate(s) as a member of a profession, occupation, or group to no greater extent that it accrues to any other member of the profession, occupation, or group with which he/she is affiliated as set forth in G.S. 7-148h(b).
- d. No Town official or employee may directly hire or supervise a member of his/her family.
- e. Town officials and Town employees shall not use Town owned vehicles, equipment, facilities, materials, or property for personal convenience or profit. Personal convenience or profit refer to those matters that are not related to the individual's official duties.
- f. No Town official, employee, or consultant may use his/her public office or position or disclose or use confidential information, in order to obtain a financial or beneficial interest for herself, himself, or for his/her family, or for any business associate.
- g. No Town official, employee, or consultant may withhold information or make a dishonest or fraudulent statement with the intent to deceive or to misrepresent material facts in the performance of his or her official duties.

Section 6. Consultants ~~Section 2-59~~

- a. The Code of Ethics shall be incorporated by reference into all contracts entered into by the Town of Ledyard and the Board of Education with a consultant.
- b. Persons or firms who are engaged by and receive compensation from other governmental entities, such as the state or federal government, and who are in a position to influence any decision of an agency, official, or employee shall be guided by the Code.

Section 7. Gifts and favors ~~Section 2-62~~

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

Section 8. Equal treatment ~~Section 2-63~~

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

Section 9. Disclosure and disqualification ~~Section 2-65~~

- a. Any Town official, employee, or consultant who has a conflict of interest, significant financial interest, or beneficial interest, direct or indirect, in any contract, transaction or decision within the purview of his/her official responsibilities shall disclose that conflict of interest in accordance with section 9(b) through 9(e) ~~section 2-65(e)(1) through (6)~~. Such disclosure shall disqualify the official, employee, or consultant from participation in the matter, transaction, or decision.
- b. No Town official, employee, or consultant shall appear on behalf of any private person or party before any agency in connection with any cause, proceeding, application, or other matter in which he/she has significant financial interest or beneficial interest without first disclosing such interest to the agency, which shall record such disclosure in the record of the agency's proceeding.
- c. All Town Councilors, Board of Education members, and the Mayor shall, on or before January 1st each year, file with the Town Clerk, on a form to be prepared by the Town Attorney, a statement, under oath, containing the following information:
 1. All real estate located within the Town of Ledyard owned by such elected official or held under lease for a term exceeding five years, excluding, however, his/her principal residence. The foregoing shall also apply to real estate owned or leased, as aforesaid, by a corporation, trust or partnership in which any such

- elected official is the legal or equitable holder of at least five (5) percent of the legal or equitable interest in said corporation, trust, or partnership.
2. The names of any firm, proprietorship, partnership, or corporation of which said elected official is an employee or in which such elected official holds at least a five (5) percent interest, and which firm, proprietorship, partnership, corporation, or limited liability corporation has sold or supplied goods or services in excess of ten thousand dollars (\$10,000.00) per annum to the Town of Ledyard during the two (2) years immediately preceding such official's election to office.
 3. Any income, fees, salary, or wages directly or indirectly, received by such official from the Town of Ledyard or its political subdivisions during the two (2) years immediate proceeding such official's election to public office.
- d. If there is an uncertainty whether a **Town** official, employee, or consultant has a conflict of interest, financial interest, or beneficial interest that could disqualify that individual from participation in a matter, such individual shall disclose such possible conflict of interest to the following:
1. For a **Town** official who is a member of an elective or appointive board, commission, committee, or authority - to the particular agency of which such official is a member.
 2. For **Town** employees and officials appointed by the **appropriate authorities** ~~the town manager to town manager~~.
 3. For Board of Education employees - to the superintendent of schools
 4. The **Town department directors** ~~manager~~ - to the Town Council
 5. The superintendent of schools - to the Board of Education.
 6. For a consultant - to the agent executing contract on behalf of the Town or Board of Education.
- e. The appropriate authority to which the disclosure is made shall make an appropriate record of such disclosure and shall recommend to the **Town** official, employee, or consultant making the report whether such official, employee, or consultant should abstain from participating in the transaction or decision to which the possible conflict of interest relates and whatever other appropriate action should be taken.
- f. **Any such questions concerning a possible conflict of interest may be referred to the Ethics Commission pursuant to Section 13 for an advisory opinion.**

Section 10. Incompatible employment and activities

- a. No **Town** official or employee shall engage in or accept private employment or render services when the employment or services: (1) are incompatible with the proper discharge of the official duties of the official or employee; or (2) would tend to impair independence of judgment, or action by the official or employee in the performance of that individual's official duty. No consultant shall engage in employment or render services for interest other than the Town when such employment or services: (1) are incompatible with the proper discharge of his or her consulting duties on behalf of the town; or (2) would tend to impair the independence of the consultant's judgment or action on the matter for which the consultant has been engaged by the Town.

- b. No former **Town** official, employee, or consultant shall appear on behalf of any person or other entity before any agency with which he/she previously was employed or affiliated for a period of one (1) year after the termination of his/her public service or employment; provided, however, that such an individual may be permitted to make such an appearance upon receipt of a favorable prior advisory opinion by the Ethics Commission **pursuant to Section 13** following its review of the individual's written application and relevant facts.
- c. No former **Town** official, employee, or consultant shall appear on behalf of any person or other entity before any agency in regard to a matter in which that individual previously participated in the course of his/her official responsibilities for a period of one (1) year after the termination of his/her public service or employment; provided, however, that such an individual may be permitted to make such an appearance upon receipt of a favorable advisory opinion by the Ethics Commission **pursuant to Section 13**.
- d. Subsection (a), (b), and (c) of this section shall not prohibit any current or former **Town** official, employee, or consultant from appearing before any agency on his/her own behalf. To avoid an actual or perceived conflict, Town officials are strongly discouraged from appearing before the agency on which they are a member or officer, absent extenuating circumstances, unless he/she has received a prior favorable advisory opinion by the Ethics Commission **pursuant to Section 14(b)** prior to appearing.
- e. Nothing in the Code shall be interpreted to authorize conduct restricted or prohibited by any provision of the Connecticut General Statutes including, but not limited to, G.S. 8-11, 8-21, and 22a-42(c) that restrict conduct of members of municipal zoning and planning authorities and members of Inland, Wetlands and Watercourses commissions.
- f. To avoid even the appearance of impropriety or creation of a situation that would be contrary to the declared policy and purpose of the Code, a **Town** official, not otherwise restrained by the Code, shall exercise care when appearing before other agencies and shall disclose whether he/she is appearing in his/her official capacity or as a private citizen.

Section 11. Penalty for violation ~~Section 2-67~~

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

Section 12. Acknowledgment form ~~Section 2-68~~

- a. The Town Clerk shall provide a copy of the Code ~~and Town Charter Section 1101~~ of **Ethics** to every Town official and employee within sixty (60) days of date that he/she begins his/her duties. Every Town official and employee shall sign and file with the Town Clerk an acknowledgment form indicating his/her awareness of the provisions of this Code ~~and of Section 1101 of the Town Charter~~.
- b. Each consultant shall sign and file with the Town Clerk an acknowledgment form indicating his or her awareness of the provisions of this Code ~~and Section 1101 of the Town Charter~~ on or before being retained by the Town, Board of Education, or other agency.

~~c. The town manager and superintendent of schools shall develop a protocol for periodic training of employees concerning this division and Town Charter Section 1101. The Commission shall develop a protocol for periodic training of officials.~~

~~d. The Town Council shall approve a procedure for monitoring compliance with this section and approve the training protocols specified in subsection (c).~~

Section 13. Ethics Commission ~~Section 2-58~~

a. Structure

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

b. Member and alternate member qualifications

- a. Members and alternate members must be residents of the Town of ~~Glastonbury~~ Ledyard.
- b. No member or alternate member shall:
 - a. Be employed by the Town;
 - b. Have been employed by the Town for a period of two years prior to being appointed to the Ethics Commission.
 - c. Hold or seek any Town office.
 - ~~d. Have campaigned for any other person seeking a Town office.~~
 - e. Have held any Town office for a period of two years prior to being appointed to the Ethics Commission.
 - f. Serve as a member of another Town agency.
 - g. Hold office in a political party or political committee.
 - h. Have been found in violation of state, local, or professional code of ethics.
- c. Method of appointment: The Town Council shall appoint the Ethics Commission members in the manner provided in the Town Charter. Members of the Ethics Commission shall be appointed by a minimum of six (6) ~~seven (7)~~ affirmative votes of the Town Council.
- d. Terms of appointment
 1. Members will be appointed for three (3) ~~four (4)~~ year terms.

2. If a member is appointed to fill an unexpired term, then that member's term ends at the same time as the term of the person being replaced.
3. In making the original appointments under this ordinance, the Town Council shall designate two (2) regular members to serve for three (3) years, two (2) regular members to serve for two (2) years; one (1) regular member to serve for (1) year; one (1) alternate member to serve for three (3) years and one (1) alternate member to serve for two (2) years. Thereafter, vacancies shall be filled for a three (3) year term.
4. Inaugural members shall be eligible to serve two (2) additional three (3) years term beyond his/her initial appointment.
5. The Town Council may remove members for cause and fill the vacancy in accordance with the Town Charter. Cause for removal shall include, but is not limited to, an unexcused absence from three (3) consecutive meetings. It shall be the responsibility of the Chairman of the Ethics Commission to notify the Town Council when a member has not properly performed his/her duties.

e. Powers and duties

1. The Ethics Commission shall be authorized to consult the Town Attorney or another attorney hired by the Commission if so authorized by the Town Council.
2. The Ethics Commission shall be authorized to request that the Town Attorney provide advisory opinions.
3. The Ethics Commission has the power to render advisory opinions to any Town official, employee, or consultant on whether conduct by that person would constitute a violation of the Code of Ethics. Individuals seeking an advisory opinion should follow the procedures outlined in Section 14 2-69(b) of the Code.
4. The Ethics Commission has the power to examine ~~inquiries or~~ complaints and to make a determination of probable cause, pursuant to the procedures outlined in Section 14 2-69(e) and 2-69(d) of the Code.
5. ~~The Commission itself, by majority vote, may initiate an inquiry or complaint.~~
6. The Ethics Commission has the power to hold hearings concerning alleged violations of the code, may administer oaths, and may compel attendance of witnesses by subpoena to the extent permitted by law.
7. The Ethics Commission has the power to review the Code of Ethics policies and procedures on an as-needed basis and will make recommendations to the Town Council regarding changes to the Code of Ethics policies and procedures.
8. The Ethics Commission will make advisory opinions available to the public unless doing so would violate the confidentiality provision of this Code of Ethics ~~Section 2-60~~ or is otherwise prohibited by law.
9. The Ethics Commission will protect the personal privacy rights of any individual who is the subject of an inquiry or complaint, except as necessary to investigate and make determinations of probable cause. If there is a finding of no probable cause, the existence of an inquiry or complaint and any records relating to that inquiry or complaint shall remain confidential pursuant to Section 14 2-60.

10. The **Ethics** Commission may take action to increase public awareness of the Code of Ethics.

Section 14. Ethics Commission rules of procedure ~~Section 2-69~~

(a) These procedures shall be used by the Ethics Commission established in Section ~~14-2-58~~ hereof, and are designed to guide public officials, officers, employees, consultants, and citizens of the process to be followed if they seek advice or question the conduct of those in or affiliated with town government. Subsection (b), advisory opinions, describes a process for Town officers, officials, employees, or consultants, and other parties doing business with the Town who are seeking advice about their own conduct or the conduct of a Town office or function. ~~Subsection (c), inquiries, describes a process for resolving questions about specific conduct of a current town officer, official, employee or consultant, or about a town office or function.~~ Subsection (c)(d), complaints, describes a formal, public procedure for **filing complaints** ~~considering matters that cannot be resolved through the processes outlined in subsection (c) for inquiries.~~ Subsection (d) ~~(e)~~, other communications; miscellaneous, describes the process to be followed by anyone wishing to bring something to the attention of the **Ethics** Commission, without requesting an advisory opinion or filing a complaint.

(b) Advisory opinions

~~(1) Initiation~~

1. Any current, former, or prospective Town of **Ledyard** ~~Glastonbury~~ employee, official, or consultant may request an advisory opinion from the **Ethics** Commission as to whether conduct by that person or entity would violate the Code of **Ethics**. Any current Town official also may request an advisory opinion concerning the activities of any department over which he/she has jurisdiction or board or commission on which he/she serves.
2. Individuals initiating a request for an advisory opinion must do so by completing a form available through the Ledyard Town Clerk's Office or through the Town's website www.ledyardct.org. The form must contain a statement setting forth the advice requested and the relevant facts known to the individual making the request so that the **Ethics** Commission can reasonably be expected to understand the nature of the request. The individual making the request must sign it.
3. Requests must be addressed in a sealed envelope to the **Ethics** Commission, c/o The **Ledyard Town Clerk, 741 Colonel Ledyard Highway, Ledyard, CT 06339-1511** who will date stamp, but not open, the envelope and forward same promptly to the chair or vice-chair of the Ethics Commission. On the day said request is received by the Town Clerk, the Town Clerk or his/her representative shall notify the chair or vice-chair of the Ethics Commission, or both, of same.
4. The date the request is received by the Town Clerk will mark the official date of receipt for purpose of deadlines for decisions.

(2) Proceedings

1. The chair will present the request to the **Ethics** Commission at its next regular meeting for ~~which no agenda has been filed yet with the Town Clerk~~ or at a special meeting **under executive session**, except upon the request of the individual that is seeking the advisory opinion regarding whether his/her conduct constitutes a violation of the Code of Ethics, called by the **Ethics** Commission chair or vice-chair.
2. The **Ethics** Commission will meet in to review the request. At that time, it may decide to (1) Seek additional information, (2) Create a subcommittee of at least two (2) Commission members to make a recommendation for consideration by the full Ethics Commission, (3) hold an informal hearing to receive comments from the individual who request the advisory opinion and/or from the public, (4) Investigate the relevant facts and issues in order to render the advisory opinion, ~~and/or (5) treat the matter as an inquiry under subsection (e) hereof.~~

(3) Decisions

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

(4) Confidentiality

1. Requests for advisory opinions will be reviewed in **executive session** except upon the request of the individual that is seeking the advisory opinion regarding whether his/her conduct constitutes a violation of the Code of Ethics. ~~open session unless, upon review by the Commission chair or vice chair, it is determined that the matter would be more appropriately treated as an inquiry under subsection (e) hereof and pursuant to G.S. 1-82a.~~
2. Advisory opinions ~~for matters not treated as inquiries under subsection (e) hereof~~ **reviewed in open sessions** will be made available for public inspection by delivery to the Town Clerk's office.

~~(e) Inquiries:~~

~~—————(1) Initiation~~

- ~~a. Any member of the public may submit an inquiry asking whether a current official, consultant, or employee has failed to comply with the Code or asking about the appropriateness of conduct of a particular Town office, agency, or consultant.~~
- ~~b. The Commission may itself initiate an inquiry regarding a possible violation of the Code.~~
- ~~c. Individuals initiating an inquiry must do so by completing a form, available through the Glastonbury Town Clerk's office or through the town's web site at www.glastonbury-ct.gov. The initiating individual must sign the form under penalty of false statement. The form must contain a description of the relevant facts in sufficient detail so that the Commission and any person who is subject of the inquiry can reasonably be expected to understand the nature of the allegations.~~
- ~~d. Inquiries must be addressed in a sealed envelope to the Commission, c/o the Glastonbury Town Clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut, who will date stamp but not open, the envelope and forward same promptly to the chair or vice chair of the Commission.~~
- ~~e. The date an inquiry is received by the Town Clerk will mark the official date of receipt for purposes of deadlines for decisions.~~

~~(2) Preliminary review.~~

- ~~a. The chair or vice chair of the Commission will conduct a preliminary review of all inquiries to determine whether the matter should be dismissed or reviewed by the entire Commission.~~
- ~~b. The chair or vice chair may dismiss a matter on any of these grounds:
 - ~~i. The complainant does not allege a violation of, or does not give enough information to suggest a violation of, Sec. 2-60 through 2-66 of the Code.~~
 - ~~ii. The person who is the subject of the inquiry is a minor.~~
 - ~~iii. The person who is the subject of the inquiry is no longer an official, employee, or consultant of the town.~~
 - ~~iv. The matter occurred more than (3) years earlier of before the enactment of the Code by the Town of Glastonbury.~~
 - ~~v. The Commission has already taken action on the matter.~~~~
- ~~c. If a matter is dismissed by the chair or vice chair after a preliminary review, the chair or vice chair will notify the complainant within five (5) business days, by regular mail of the reasons for the dismissal.~~
- ~~d. If a matter is dismissed by the chair or vice chair after a preliminary review, no further action by the Commission, including notice to the respondent(s), is necessary.~~

- e. ~~Complainants may appeal a dismissal by the chair or vice chair by filing with the Town Clerk a new inquiry form that contains additional evidence that would warrant review by the entire Commission.~~

~~(3) Notice.~~

- a. ~~Within five (5) business days of the Town Clerk's receipt of the inquiry or initiation of an independent inquiry, the chair or vice chair will notify the respondent(s) by regular mail and will provide the person with a copy of the completed form and the Code. The Commission will confirm by regular mail to the person who initiates an inquiry that it was received by the Commission.~~
- b. ~~In the event that an inquiry contains allegations against multiple respondents, the chair or vice chair must notify each respondent individually. Respondents are subject to the confidentiality provisions of Sec. 2-60 and Sec. 2-69(c)(7) of the Code.~~
- c. ~~Respondents may file a written response with the chair of the Commission within ten (10) business days after receiving the notice. In response to allegations against multiple respondents, respondents may respond individually or collectively.~~

~~(4) Proceedings.~~

- a. ~~Unless the inquiry previously was dismissed by action of the chair or vice chair pursuant to Section 2-69(c)(2) above, the chair will present the inquiry and any response received from the subject to the Commission at its next regular meeting or in a special meeting held after receipt of the inquiry, the mailing of notice to the subject, and the passage of at least (10) additional business days.~~
- b. ~~The Commission will meet one (1) or more times in closed session from which the public is excluded to review the inquiry and to determine whether or not there exists probable cause that the Code has been violated. In those sessions, it may decide to: (1) seek additional information, (2) create a subcommittee of at least two (2) Commission members to make a recommendation for consideration by the full Commission, (3) proceed to investigate the relevant facts and issues in order to render a decision, (4) decline to review the matter further, pursuant to subsection (c)(5) hereof, (5) endeavor to resolve the matter by convening a confidential meeting that includes the individual who is the subject of the inquiry and others relevant to the issue, (6) make a finding of probable cause and treat the matter as a complaint under subsection (d) hereof, and/or (7) make a finding of no probable cause. If the Commission proceeds under steps (1), (2), (3), or (5) above, it will establish a schedule of meetings for consideration of the inquiry, subject to the provisions of subsection (c)(4)(a) hereof.~~
- c. ~~A finding of probable cause means that based on a review of the available information the Commission determines that reasonable grounds exist to believe that the respondent engaged in prohibited conduct outlined in Sec. 2-60 through 2-66 of the Code.~~

~~(5) The Commission may decline to review a matter on any of these grounds:~~

- ~~a. The alleged facts do not evidence the existence of probable cause of a violation of Sec. 2-60 through 2-66 of the Code.~~
- ~~b. The matter is judged to be vexatious, frivolous, groundless, or brought for the purpose of harassment. A vexatious matter is one that lacks any serious purpose or value that is designed to cause disruption or annoyance.~~
- ~~c. The person who is the subject of the matter has already taken corrective action and the Commission believes the action taken was appropriate in the circumstances and the matter should not be pursued.~~
- ~~d. There are other reasonable grounds for not taking action.~~

~~(6) Decisions:~~

- ~~a. As expeditiously as possible but in any event within one hundred twenty (120) days after the meeting at which the Town Clerk received the inquiry form, the Commission will decide that (1) the inquiry requires no further action because it was resolved or did not require further review under subsection (c)(5) hereof, or (2) probable cause exists that a violation of the Code occurred, in which case the inquiry will be treated as a complaint under subsection (d) hereof. The Commission may extend the time for decision if circumstances justify a delay.~~
- ~~b. No finding of the existence of probable cause may be made except upon the vote of at least (4) members of the Commission.~~
- ~~c. Within five (5) business days after making a decision under this subsection (c), the Commission will inform in writing both complainants and respondents of its decision and its reasons for the decision. It shall be sufficient that the Commission cite as a reason for its decision any of the reasons enumerated in section 2-69(c)(5), above.~~

~~(7) Confidentiality~~

- ~~a. If the Commission does not make a finding of probable cause, then the inquiry and the record of the Commission's investigation shall remain confidential, except upon the request of the respondent. If the inquiry alleged violations by multiple respondents, then the request to release information must be made by all respondents.~~
- ~~b. The Commission may publish decisions in whole or in part if it decides that publication would serve the public interest and publication can be made in such a way as to protect the personal identity and privacy of persons who were the subject of any evaluation of a possible violation of the Code.~~

(c) ~~(d)~~ Complaints

1. A complaint alleging any violation of the Code of Ethics shall be made on a form prescribed by the Ethics Commission available at the Town's website www.ledyardct.org or through the Town's Clerk office, and signed under penalty of false statement. The form shall be delivered to the Town Clerk in a sealed envelope who will date stamp, but not open, the envelope and forward same promptly to the chair or vice-chair of the Ethics Commission. On the day said request is received by the Town Clerk, the Town Clerk or his/her representative shall notify the chair or vice-chair of the Commission, or both, and the respondent within five (5) 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.

2.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 the respondent and begin a formal investigation process.

3.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.

4. 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 Ethics Commission for the purposes of the UAPA. The respondent may appeal to the superior court in accordance with the provisions of Section 4-183 of the Connecticut General Statutes.
- iv. If the Ethics Commission determines that the Code of Ethics was violated, it will provide the respondent, the Mayor, and the Ledyard Town Council with a copy of its findings and memorandum within ten (10) days after its decision. It will also advise the respondent of his/her right to appeal the decision pursuant to Section 4-183 of the Connecticut General Statutes.
- v. Penalties for Violations of the Code of Ethics
 - a. A violation of the Code of Ethics may lead to any one or a combination of the following penalties:
 - b. Order to cease and desist the violation
 - c. Pay a civil penalty of up to the maximum amount permitted by State law.
 - d. Censure
 - e. Suspension without pay
 - f. Demotion
 - g. Termination of employment
 - h. Restitution of any benefits received because of the violation committed.

(d) Other communications; miscellaneous:

The **ethics** Commission welcomes communications from the public even if they do not fall within the categories of an advisory opinion, inquiry, or complaint. These should be in writing and should include the name and address of the individual making the

communication. The communication should be addressed in a sealed envelope to the chair of the [Ethics Commission, c/o the Ledyard Town Clerk, 741 Colonel Ledyard Highway, Ledyard, CT 06339-1511](#) who will date stamp, but not open, the envelope and forward same promptly to the chair or vice chair of the Ethics Commission. On the day said communication is received by the Town Clerk, the Town Clerk or his/her representative shall notify the chair or vice chair of the Ethics Commission, or both, of same. The chair or vice chair shall determine whether said communication should be treated as confidential. Requests that are not treated as confidential will be made available for public inspection by delivery to the Town Clerk's office. Communications will be handled on a case-by-case basis and at the discretion of the Ethics Commission.

[Section 15. Severability](#)

[If any part of this Code of Ethics or Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.](#)

Adopted by the Ledyard Town Council on: _____

Gary St. Vil, Chairman

Approve/Disapprove on: _____

Fred B. Allyn , III, Mayor