

FINAL DRAFT JUNE 1, 2026

CODE OF ETHICS

TOWN OF KILLINGWORTH, CONNECTICUT

Section 1. ESTABLISHMENT; PURPOSE. There is hereby established a Code of Ethics (hereinafter referred to as "the Code") for all officers of the Town of Killingworth (hereinafter referred to as "the Town"). The purpose of the Code is to establish ethical standards of conduct for all such officers that will: (1) Ensure that the affairs, decisions, and actions of the Town be conducted without favoritism, or conflict of interest, consistent with the highest ethical standards; (2) Outline acceptable practices and conduct for all those who serve the Town in any capacity or who engage in or may engage in business with the Town; and (3) Provide orderly procedures for the receipt and consideration of complaints or other issues that may arise from time to time. The intent of the Code is to uphold integrity and public confidence, not to serve as an instrument of political advantage or retribution.

Section 2. DEFINITIONS. (1) Town officer shall mean and include any official, employee, agent, consultant, or member, elected or appointed, of any board, department, commission, committee, or other agency of, or affiliated with, the Town. (2) Indirect interest, without limiting its generality, shall mean and include the interest of any subcontractor in any prime contract with the Town and the interest of any person or their immediate family in any corporation, firm, or partnership that has a direct or indirect interest in any transaction with the Town. (3) Substantial financial interest shall mean any financial interest, direct or indirect, that is more than nominal and that is not common to the interests of other citizens of the Town. (4) Transaction shall mean and include the offer, sale, or furnishing of any real or personal property, material, supplies, or services by any person, directly or indirectly, as a vendor, prime contractor, subcontractor, or otherwise, for the use and benefit of the Town for a valuable consideration, excepting the services of any person as a Town officer. (5) Confidential Information is any information concerning the property, business, or affairs of the Town not available to the general public. (6) They/Their/Them is used in this document instead of gender-specific pronouns, including when referring to a single individual.

Section 3. ETHICS COMMISSION; MEMBERSHIP; TERM; VACANCY There shall be an Ethics Commission consisting of five (5) members, all of whom are resident electors, appointed by the Board of Selectmen, and charged with the administration of the Code. Of the five (5) commission members, no more than four (4) shall be of the same political party. At least three (3) members of the Commission shall not be Town officers in any other capacity. Of the initial

five (5) members appointed, three (3) shall be appointed for a term of four (4) years and two (2) for a term of two (2) years. All subsequent appointments shall be for a term of four (4) years. Any regular commission member having served for eight (8) years in succession shall be ineligible for reappointment to the commission for a period of four (4) years. The ethics commission shall elect, from among its members, a chair and any other positions deemed necessary. At least three (3) commission members must be present and participating in order to constitute a quorum.

Section 4. CONFLICT OF INTEREST.

1. Financial Interests. If a Town officer, their immediate family, business, or employer will derive a direct monetary gain or suffer direct monetary loss distinct from the privileges, rights, restrictions, or benefits afforded the general public, in any matter that comes before the officer in the course of discharging their duties or responsibilities, said officer shall refrain from any discussion, decision, action, or vote in said matter.

2. Personal Interests. Any Town officer who has a personal interest in any matter coming before the body on which said officer serves shall disclose said interest to such body, which shall be recorded in the official records of its meeting. Such officer shall refrain from voting upon and not otherwise participate in the consideration of such matter or any determination in connection therewith.

3. Private Interests. No Town officer shall appear on behalf of the private interest or concern of another person before any board, commission, or agency of the Town, nor shall they represent private interests in any action or proceeding against the Town in any litigation, when said appearance or representation would be in conflict with or would impair their independence of judgment and action in the performance of their official duties as such officer. Nonetheless, a Town Officer may appear on behalf of themselves or their immediate family members in a proceeding in which the Town is a party, such as in an assessment appeal or tax dispute.

4. Transactions. Town officers shall abstain from participating in or influencing any such decision in which they have a financial interest. However, no Town officer shall be barred from contracting with the Town on the sale or purchase of materials or services, so long as said Town officer is not associated with any department or agency selling or purchasing said materials or services.

5. Confidential Information. No Town officer shall disclose any confidential information, except when such disclosure is appropriate and authorized in the performance of their official duties. No Town officer shall use any confidential information to advance the financial interest or personal interest of themselves or others.

6. Gifts and Favors. No Town officer or immediate family member shall knowingly solicit or accept any gift from any person who is providing said gift in order to influence the decision-making authority of said officer in business dealings with the Town.

7. Use of Influence. No Town officer shall, directly or indirectly, solicit, intimidate, or coerce another employee, contractor, or agent of the Town to fulfill a personal or financial interest of the officer or others.

8. Use of Town Assets. No Town officer or independent contractor shall request or permit the use of Town funds or services, Town-owned or Town-leased vehicles, equipment, facilities, materials, or property for personal convenience or profit, except when such assets and services are available to the public generally.

9. Outside Employment. No Town officer or employee shall engage in self-employment or accept private employment or render services for private interest when the employment or services: (1) are incompatible with the proper discharge of their official duties; or (2) would tend to impair their independence of judgment or action in the performance of their official duty. No consultant shall engage in employment or render services for interests other than the Town when such employment or services: (1) are incompatible with the proper discharge of their consulting duties; or (2) would tend to impair the independence of their judgment or action on the matter for which they have been engaged by the Town.

10. Political Activity. No Town officer or candidate for elected office of the Town shall utilize Town funds, supplies, equipment, or vehicles for political purposes or activities.

11. Public Discourse. Town officers are expected to display civil and decorous behavior and maintain civil discourse with one another and members of the public in the discharge of their town duties. Nothing contained herein shall be construed so as to unlawfully restrain the rights of Town officers to exercise their rights to free expression or assembly.

12. Disclosure. If a Town officer is aware of a Conflict of Interest (as identified herein), the Town officer, if an elected or appointed Board or Commission member, is expected to announce that a conflict of interest prevents the Town official from participating in the discussion of such matter and from participating in a vote on such matter. A Town officer who is a Town employee should report any conflict of interest (as defined herein) to their Department Head (or, if the Town employee is a Department Head or reports directly to the First Selectman, to the First Selectman) at the earliest possible juncture—preferably, in writing.

13. Participation in Budgetary Process. No provision of this code is intended to prohibit any Town Officer from any discussion, decision, action, or vote related to the creation or adjustment of Town budgets, or Town meetings or hearings related to Town budgets, including all budgets contained therein, such as school budgets.

Section 5 **HARASSMENT AND DISCRIMINATION.** Town officers who serve as Town employees are subject to the Town's Equal Employment Opportunity, Non-Discrimination and Harassment, Workplace Accommodation, and similar policies. Violations of such policies may constitute ethics violations. Town officers who are not Town employees are expected to familiarize themselves with Town policies regarding Equal Employment Opportunity, Non-discrimination and Harassment, Workplace Accommodations, and similar policies upon becoming a Town officer. Violations of such policies may constitute an ethics violation for such Town officers.

The Town of Killingworth does not tolerate discrimination based on race, color, religion, sex, pregnancy, sexual orientation, gender identity or expression, national origin, age, disability, marital status, military/veteran status, genetic information, or any other status protected under state and federal law. No individual should be excluded from participation in, denied the benefits of, or discriminated against in any aspect of Town activities, offices, or committees. Potential remedies exist in the Connecticut General Statutes, the United States Code, and supporting law.

Section 6. **COMPLAINTS, PROCEDURES, TIME LIMITS, INVESTIGATION, NOTICES, HEARINGS.**

1. Complaints. The Ethics Commission shall receive complaints of any alleged violation of the Code. The Commission shall have the power and duty to investigate and hear complaints concerning allegations of violations of this Code. Complaints of violations of the Code of Ethics relate to unethical behavior as defined herein and concern any Town officer. The complaint must be made within one year of the alleged violation or its discovery by any person and must be signed under penalty of perjury. Included in this complaint shall be the name of the complainant(s), the name of the person(s) accused, the specific act(s) alleged to constitute a violation of this Code, where and when such act(s) occurred, as well as any witnesses to the act(s). It shall also state whether these allegations have been presented to other administrative or judicial authorities. All information supplied to or received from the Commission during evaluation or investigation shall remain confidential, as specified by provisions of the Connecticut General Statutes, section 1- 82a, in relation to operations of an Ethics Commission, unless the Commission makes a finding of probable cause for a hearing. The above shall not impede potential referral to law enforcement.

2. Evaluation and Acknowledgment.

A. No Violation. If the complaint is incomplete or the Ethics Commission agrees that the complaint, were its allegations assumed to be true, would not constitute a violation of this Code, then the Ethics Commission shall dismiss the complaint and duly notify the complainant(s) and respondent(s) of said fact and the reason(s) therefore by written or electronic communication.

B. Violation. If the complaint has sufficient information and the allegations, if assumed to be true, would constitute a violation of this Code, the Ethics Commission shall, not later than twenty-one days after said determination, provide a copy by written or electronic communication to all respondent(s) against whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant(s). The respondent(s) shall have twenty-one days to submit any written or electronic response to the Commission.

C. Confidential Investigation. The Ethics Commission shall conduct, or direct the conduct of, an investigation to decide whether there is probable cause to believe a violation of this Code has occurred. The investigation shall be conducted within ninety days after the twenty-one days in which respondent(s) are afforded an opportunity to submit a written or electronic response. In the conduct of its investigation, the Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and require the production for examination by the Commission of any books and papers, as permitted by law, that are relevant in any manner under investigation or in question. During the investigation, the respondent(s) shall have the right to appear and be heard and offer any information that may tend to clear the respondent(s) of probable cause to believe that the respondent(s) has violated any provision of the Code of Ethics. This investigation shall be kept confidential, and witnesses will be urged to do the same.

D. No Probable Cause. If the Commission finds no probable cause to sustain the complaint, the Commission shall advise the complainant and the respondent(s) of its finding, along with a summary of the reasons, by written or electronic communication. The complaint and the record of investigation shall remain confidential.

E. Probable Cause. If the Commission, by majority vote, finds probable cause to sustain any portion of the complaint, it shall, within seven days of its investigation and its decision, advise the complainant and the respondent(s) of its finding of probable cause and any summary of the reasons for such decision by written or electronic communication. No later than seven days after making a determination of probable cause, the Commission shall make public its finding(s) of probable cause. At such time, the entire record of the investigation shall become public, with the exception of personally identifiable information (such as Social Security numbers, dates of birth, etc.) and any information that is not subject to disclosure under state and federal Freedom of Information laws. However, the Ethics Commission may postpone examination or release of such public records for a period not to exceed fourteen days for the purpose of reaching a stipulation agreement in accordance with the procedures identified in state law, including subsection (c) of Section 4-177 of the Connecticut General Statutes. Any such stipulation, agreement, or settlement shall be approved by a majority of those members present and voting.

F. Hearings. Upon a finding of probable cause, the Commission shall set a date for the commencement of a public hearing that shall be no more than fourteen days from the notice of finding of probable cause. Notwithstanding such time limit, the hearing may be delayed based on

the agreement of all parties to the dispute, any criminal prosecution of the respondent(s), especially where evidence necessary to such hearing is not made available by the State, and, in the context of Town officers who are unionized Town employees, during the pendency of grievance proceedings and arbitration involving the alleged conduct at issue. Any delay in the hearing shall be at the sole discretion of the Commission.

All such hearings shall be open to the public and recorded in a manner to be determined by the Ethics Commission. Hearings shall not be subject to the evidentiary and other rules of court, except for the rights:

- (1) of an accused to confront and cross-examine their accuser,
- (2) of every witness or party to be represented by an attorney of their choice, and
- (3) of every witness to decline to answer questions in accordance with the Fifth Amendment to the Constitution of the United States and Article First, Section 8 of the Connecticut Constitution.

While conducting a hearing of an alleged violation of this Code, the Commission shall have the authority to administer oaths, examine witnesses, and receive oral and documentary evidence. The Commission shall have the authority to issue subpoenas or subpoenas duces tecum enforceable upon application of the Superior Court for the State of Connecticut, to compel attendance of persons at hearings and the production of books, documents, records and papers, as specified by 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 that will aid the Commission in its determination.

G. Finding/Sanctions. No finding of violation of this Code shall be made except upon a majority vote of the members of the Commission. Within thirty days after the conclusion of the hearing, the Chairperson shall render the finding of the Commission. A copy of the finding shall be sent to the complainant(s), respondent(s), and the First Selectman by verified written or electronic communication. Upon finding a violation of any provision of the Code, the Commission will refer the matter to the First Selectman. The Board of Selectmen will report, within thirty days, to the Commission on any action taken. In cases where the respondent(s) is/are a member or members of the Board of Selectmen, the final authority will lie with a Town Meeting.

H. Appeals. Any person aggrieved by any final decision may appeal such decision as specified by Section 4-183 of the Connecticut General Statutes. If successful, reasonable legal fees, as determined by the court, may be awarded to the appellant.

Section 7. WHISTLEBLOWER PROTECTION. No Town officer shall take or threaten to take official or personal action, directly or indirectly, against any person (or related person), including but not limited to discharge, discipline, personal attack, harassment, intimidation, or

change in job, salary, or responsibilities, because that person, or a person acting on their behalf, files a complaint with the Ethics Commission.

*Section 8. **ENFORCEMENT MECHANISM.*** Any disciplinary action that the Ethics Commission recommends to the Board of Selectmen shall be appropriate to the findings of fact, the position of the offender, and the gravity of the offense. The Ethics Commission may recommend any lawfully permitted action, including but not limited to any one or a combination of the following:

Public admonition or reprimand

Suspension or demotion

Forfeiture or removal from an appointed office

Termination of employment, subject to and consistent with the provisions of any relevant collective bargaining agreement or Town Employee Manual or Rules.

Cease and desist orders, which must be enforced by a court of competent jurisdiction

A fine up to the maximum amount permitted by law

Restitution of any pecuniary benefits received because of the violation committed

The Board of Selectmen may apply penalties for violation of the Code of Ethics. In the case of a violation by a member of the Board of Selectmen, the Town Meeting will prescribe the appropriate penalty, and its decision will be binding.

*Section 9. **DISTRIBUTION OF CODE.*** The Code of Ethics will be available on the Town website, and all current Town officers will be notified of it by written or electronic communication. Town officers are expected to review the Code.

*Section 10. **RECORDS RETENTION.*** All records pertaining to ethics complaints will be retained for at least two (2) years after resolution, in accordance with the State of Connecticut General Records Retention Schedules for Municipalities, General Administration Records M1-055, or for the length of time required by the affected agency/agencies, whichever is later.

*Section 11. **REVIEW AND UPDATES.*** The Ethics Commission may conduct a periodic review and, to the extent necessary, propose updates to the Code for the Town's consideration.

*Section 12. **NO ADVISORY OPINIONS.*** The Ethics Commission shall not issue advisory opinions. Opinions of individual members of the Ethics Commission should not be relied upon for advice or counsel.