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**TOWN OF NEW CANAAN  
NOTICE OF PASSAGE**

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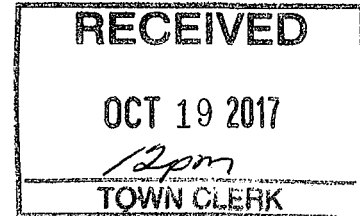
TOWN OF NEW CANAAN

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## INTRODUCTION

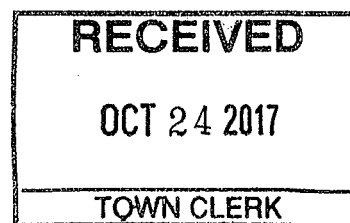
This Code of Ethics, adopted by ordinance on October 18, 2017 with an effective date of [Month Day, 2017], supersedes the Town Code of Bylaws and Ordinances Chapter 33 (formerly Chapter 17), Code of Ethics, adopted January 4, 1964 and subsequently supplemented and amended by ordinances dated March 14, 1990 and June 12, 1996. It also supersedes the Town of New Canaan Ethics Board ordinance Chapter 17A, which is the Town Council's July 20, 2016 enabling ordinance (the "July 20, 2016 Ordinance") that established the Town of New Canaan Ethics Board and certain operating procedures.

The Declaration of Policy and the Responsibilities of Public Office contained in the original Code of Ethics provided as follows:

"The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, there is hereby established in the Town of New Canaan a Code of Ethics setting forth standards of ethical conduct for all town officials, including all members of boards and commissions, whether such officials and members are elected or appointed, and all employees of the town and of the Board of Education, whether paid or unpaid, as prescribed by the Town Charter."

"Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this state and to carry out impartially the laws of the nation, state and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern."

The following revision and update to the Town's Code of Ethics continues the Town's long standing commitment to the ethical behavior of its elected and appointed officials, volunteers and employees.



**THE CODE OF ETHICS  
OF THE TOWN OF NEW CANAAN**

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## A. PREAMBLE

The goal of this Code is to establish clear standards of ethical conduct for all who serve the Town of New Canaan whether in a paid or volunteer capacity, without discouraging participation in Town government by the talented and committed individuals on whose service the Town relies.

Specifically, this Code seeks to (i) encourage independent and impartial service to the public, (ii) discourage improprieties and the appearance of improprieties (iii) deter conduct that is incompatible with the proper discharge of duties in the public interest or that would impair independence of judgment or action in the performance of those duties, and (iv) establish procedures for determining whether such conduct has occurred or would occur.

## B. STANDARDS OF CONDUCT

### 1. *Definitions*

**Town** – the Town of New Canaan

**Board** – any board, committee, commission, council, authority, agency or other body of Town government, including the Board of Selectmen, the Board of Education and the Ethics Board;

**Ethics Board** – the Town of New Canaan Ethics Board

**Official** – any elected or appointed person serving on any Board, including the Board of Education, whether paid or unpaid and whether full or part-time;

**Employee** – any person employed full or part-time by the Town or by any Board, including the Board of Education;

**Entity** – any business organization, venture or operation, including non-profits.

**Relative** – any person related to an Official or Employee by blood, adoption, or marriage;

**Business** – any business organization, venture or operation of which an Official, Employee or a Relative is an owner, director, officer, partner, employee, compensated agent, or holder of five percent or more of the outstanding stock of any class;

**Financial Interest** – any interest representing an actual or potential economic gain or loss, which is neither de minimis nor shared by the general public, that has accrued or may accrue to an Official, Employee, Relative, or Business:

**Personal Interest** – any interest representing an actual or potential non-economic benefit or detriment, which is neither de minimis nor shared by the general public, that has accrued or may accrue to an Official, Employee, Relative, or Business.

2. **Key Provisions**

a) *Conflict of Interest*

1. No Official or Employee shall participate in any Town or Board matter in which he or she has a Financial Interest or a Personal Interest. The minutes or records of the relevant Town or Board proceedings shall reflect the fact that the conflicted Official or Employee disclosed his or her conflict and did not participate in the matter.

2. A violation of this conflict of interest rule shall occur when: (1) the Official or Employee had a Financial Interest or a Personal Interest in a matter; (2) the Official or Employee had the authority, either individually or collectively with others, to deliberate, decide or act for the Town or Board, or to influence decision or action by the Town or Board, with respect to the matter; and (3) the Official or Employee failed to disclose such Financial or Personal interest and did not recuse himself or herself from participation in the matter.

b) *Disclosure and Recusal*

(i) Whenever a matter arises with respect to which an Official or Employee may have a conflict of interest, the Official or Employee shall disclose it in writing to his or her Board or supervisor and shall abstain from participating in any deliberation, decision-making and action with respect to the matter unless and until he or she procures an advisory opinion under this Code that provides otherwise.

(ii) Candidates for Town or Board elective or appointive office or for Town or Board employment are encouraged to familiarize themselves with this Code and to disclose during the process of election, appointment or employment any conflict of interest that might impair their ability to perform in the office or position that they seek or for which they are being considered.

c) *Disclosures of Financial Interest in Transactions*

Every Official or Employee shall file with the Town Clerk, on forms provided for such purpose, a signed statement disclosing any known transaction with the Town involving the procurement of property, equipment, goods or services in which such Official, Employee, Relative or Business has a Financial Interest. A statement required pursuant to this section shall be filed no later than 30 days after entering into any such transaction. Such a statement shall thereafter be available for public inspection and shall include the following information as to each such transaction: the nature of the interest held and the nature, date and total value of the transaction. For the purposes of this section, a bid shall be deemed a transaction. No disclosure pursuant to this section shall be required in the case of a transaction consisting solely of the furnishing of services to the Town as an Official or Employee thereof or in the case of a transaction involving less than \$500.

d) *Disclosure of Financial or Personal Interest in Legislation.* Any Official or Employee who has a Financial or Personal Interest in rules, ordinances, or other legislation being considered by the Town or any Board and who plans to participate in discussions about or render an official opinion to the Town or Board regarding such rules, ordinance or legislation shall disclose to the Town or Board the nature and extent of such Interest, prior to participating in such discussions or giving any opinion.

e) *Gifts and Preferential Treatment*

1. No Official, Employee, Relative, or Business shall solicit or accept anything of value, including, without limitation, a gift, loan, service, reward, or promise of employment, that could reasonably be expected to influence the action or judgment of the Official or Employee in any Town or Board matter.

2. The gift exceptions enumerated in (i) Connecticut General Statutes Chapter 10, § 1-79(5), as duly amended from time to time, (ii) the New Canaan Police Department's July 18, 2008 Acceptance of Gifts Memorandum (as edited through September 23, 2009), as duly amended from time to time, and (iii) the New Canaan Public Schools Gift Policies, P1313(a) and P1313(b), as duly amended from time to time, shall be recognized and given full force and effect unless the Ethics Board expressly finds that the otherwise excepted gift has actually influenced the action or judgment of the Official or Employee in his or her handling of any Town or Board matter. Copies of the aforementioned exceptions are available on the Ethics Board web page and in the Town Clerk's office.

3. No Official or Employee shall, in the discharge of his or her duties, grant (i) preferential treatment to any person or Entity beyond that which is available to all other persons or Entities, or (ii) any favor, service or thing of value except when such favors, services or things of value are made available to the general public.

4. No Official or Employee shall, by reason of his or her status or position, accept or endeavor to obtain a preferential treatment from any Entity or person, including another Official or Employee.

f) *Use of Town Property*

No Official or Employee shall use, or permit the use of, Town property of any nature, including vehicles, equipment, resources, supplies or real property, for the benefit of himself or herself, except when such (i) is provided as municipal policy for the use of such Official or Employee in furtherance of the Official's or Employee's conduct of official business, or (ii) is made available to the general public and then on terms and conditions not more favorable than those available to the general public.

g) *Representation of Private Interests*

No Official shall appear or act in any material capacity on behalf of any person or Entity before any Board on which he or she serves, or represent any such persons or Entities in litigation involving an action of that Board. Disclosure and recusal will not suffice to cure a violation of this provision. This prohibition shall continue for six months after the termination of the Official's service to the Town or Board. Nothing contained herein shall prevent an Official from appearing on his or her own behalf in a matter before the Town or a Board provided he or she abstains from deliberating, deciding or acting with respect to the matter.

h) *Use of Town Position*

No Official or Employee shall use his or her position, or knowledge acquired through that position which is not available to the general public, for the purpose of obtaining or furthering a Financial Interest or a Personal Interest.

i) *Confidential Information*

No Official or Employee shall, without legal authorization, disclose to others confidential information about the Town, any of its Boards or their respective plans, initiatives, governance, or affairs.

j) *Political Activity and Nepotism*

1. No Official or Employee shall use Town or Board resources to solicit any contribution to any political party, and no Official or Employee shall compel or induce a subordinate Official or Employee to make any political contribution.

2. No Official or Employee shall promise an appointment to any Town or Board position as a reward for any political activity.

3. No Official or Employee shall participate in any decision to appoint, hire, promote, discipline or discharge a Relative for any Town or Board position.

**C. ORGANIZATION AND ADMINISTRATION**

a. *Appointment and Composition of Ethics Board*

The Ethics Board shall consist of five electors of the Town who shall serve without compensation. No more than three shall be registered in the same political party. No member shall serve on any Board other than the Ethics Board or as an Employee during his or her term of service on the Ethics Board. Members shall be appointed to the Ethics Board by the Board of Selectmen subject to confirmation by the affirmative vote of seven members of the Town Council. Vacancies on the Ethics Board shall be filled by the Board of Selectmen within sixty days of such vacancies subject to confirmation by an affirmative vote of seven members of the Town Council.



b. *Terms of Service*

Except as otherwise provided in this paragraph and except for the staggered terms of those members initially appointed to the first Ethics Board pursuant to the July 20, 2016 Ordinance, members shall serve for terms of three years. Service shall be limited to two successive terms. After a lapse of one year, a former member shall again be eligible for appointment. Terms shall commence on December 1. Members shall serve until their successors take office. Any term that would otherwise expire during the pendency of an Ethics Board proceeding shall automatically be extended to the end of that proceeding.

c. *Election of Officers*

The Ethics Board shall elect annually a Chair and a Secretary.

d. *Frequency of Meetings, Quorum, and Duties of Officers*

Meetings shall be held as needed and in any event, at least semi-annually. A majority shall constitute a quorum for the conduct of business except as provided elsewhere in this Code. The Chair shall call and preside over meetings; the Secretary shall preside over meetings in the absence of the Chair. The Secretary shall keep minutes of meetings and shall file agendas and minutes with the Town Clerk.

e. *Purpose; powers and duties of Ethics Board*

The Ethics Board shall operate in accordance with the Town's Code of Ethics, and pursuant to Section 7-148h of the Connecticut General Statutes. The Ethics Board has the following general authority, powers and duties:

1. To periodically review, and recommend for adoption by the Town Council, modifications to the Town's Code of Ethics and any related ordinances.
2. To receive, review, investigate, and address, in accordance with the Town's Ethics ordinances, the Ethics Board's own rules and regulations, and Section 7-148h of the Connecticut General Statutes, written complaints of alleged violations of the Town Code of Ethics by an Official or Employee.
3. To render, for Officials and Employees, advisory opinions and interpretations as to conflicts of interest or other issues arising under the Town's Code of Ethics.
4. To oversee, working in collaboration with the Board of Selectmen, the Human Resources Department and related Town bodies, the promulgation of the Town's Code of Ethics, the Town's Employee Whistle Blower Policy, and the administration of the Town's program for the training of Officials and Employees about the Town's Code of Ethics and its Whistle Blower Policy. A copy of the Town's Whistle Blower Policy is available on the Ethics Board web page and in the Town Clerk's office.

5. To oversee the implementation and administration of a reporting process for the receipt of complaints, tips or written or telephonic reports made pursuant to the Town Employee Whistle Blower Policy, of alleged wrongdoing by Officials or Employees.

6. To hear appeals of complaints from any Employee aggrieved as to his or her status or condition of employment, excluding Employees governed by the Board of Education and collective bargaining agreements, after such Employee follows the Grievance Procedure provided by the Town of New Canaan Employee Handbook.

f. *No Inquiry on Own Initiative*

The Ethics Board shall have no authority to present matters for inquiry or investigation on its own initiative.

g. *Access to Town Records and Personnel*

In furtherance of its duties, the Ethics Board shall have access to Town records and personnel as permitted by law. The Ethics Board may request assistance from any Official or Employee and retain others to aid it in pursuing any investigation. The Ethics Board may also request any Official, Employee, or the Town's legal counsel, internal auditors, independent auditors and consultants, upon reasonable notice, to attend meetings or hearings of the Ethics Board.

h. *Access to Legal Counsel*

The Ethics Board shall have access to Town Counsel and to special legal counsel of the Ethics Board's choosing if Town Counsel is conflicted or disqualified from assisting the Ethics Board, or if the Ethics Board deems it inadvisable to proceed with advice from Town Counsel in the circumstances. If special counsel is retained, the Town's Chief Financial Officer or his or her deputy shall negotiate terms of engagement for special counsel.

i. *Maintenance of Ethics Board Records*

The Ethics Board records shall be stored in Town Hall. Those records that are designated as confidential by the Ethics Board shall be stored accordingly and shall not be available for public review except as required by law.

j. *Delivery of this Code to each Official and Employee*

Within thirty days following the adoption of this Code, a copy shall be furnished by the Town to each Official and Employee. Persons subsequently elected, appointed or employed shall receive a copy of this Code at the time their service commences. Each recipient shall acknowledge in a writing deposited with the Town Clerk his or her receipt of a copy of this Code and his or her agreement to abide by its terms.

k. *Annual Report*

The Ethics Board shall prepare and send an annual report of its activities to the Board of Selectman, the Town Council and the Board of Education within ninety days after the end of each calendar year. Subject to adherence to all matters deemed confidential under state or federal law, the annual report shall be comprehensive in respect of findings, opinions and recommendations issued; shall record or identify by clear reference all advisory opinions rendered during the year; and shall contain any observations or recommendations which the Board may wish to express concerning the better fulfillment of the stated intent of the Town Code of Ethics.

l. *Amendment; Adoption of Rules*

The Ethics Board may recommend to the Board of Selectmen, the Town Council and the Board of Education amendments to the Town's Code of Ethics and any enabling ordinances and may also adopt internal rules in furtherance of, and not inconsistent with, the Code and such ordinances. In the event amendments are proposed, the Ethics Board shall submit the proposed amendments to the Board of Selectmen, Town Council and Board of Education for review and comment and a public hearing on such amendments shall be held. Such amendments shall be adopted only upon approval by the Town Council.

**D. PROCEDURE: REQUESTS BY OFFICIAL OR EMPLOYEE FOR AN ADVISORY OPINION CONCERNING HIS OR HER OWN POSITION**

**Making a Request**

1. An Official or Employee or a candidate for Town office or employment may request an advisory opinion concerning the requirements of the Town's Code of Ethics as applied to him or her.
2. The request shall be made in a writing that is mailed to Chair, Town of New Canaan Ethics Board, P.O. Box 583, New Canaan, CT 06840 in a sealed envelope. The request shall state the name and address of the person making the request and all facts relevant to the matter in question. The form to be used for making such requests is available on the Ethics Board web page and in the Town Clerk's office.

**Urgent Requests**

3. In the event an Official or Employee has an urgent need for an Ethics Board advisory opinion, the request may be emailed to the Chair and Secretary of the Ethics Board with a statement explaining the need for urgency, and, if the Chair or Secretary finds that expedited treatment is warranted, the Ethics Board will promptly convene to consider the matter and render an advisory opinion on an expedited basis.

### **Issuance of Advisory Opinion**

4. The Ethics Board may request further information from the person making the request. It shall issue its advisory opinion by majority vote of the full Ethics Board and shall do so as soon as practicable. The opinion shall be in writing and shall be mailed to the person making the request. Advisory opinions shall be available to the public except as prohibited by law.

### **Reliance**

5. A person requesting an advisory opinion may rely on that opinion provided the person has disclosed all relevant facts and acts in good faith consistent with those facts.

### **Indemnification**

6. Any opinion or advice expressed in good faith by the Ethics Board shall be advisory only and the Town shall indemnify any member of the Board from any personal liability on claims arising from actions taken in good faith in exercise of honest judgment and not maliciously or wantonly or in abuse of reasonable discretion.

## **E. PROCEDURE: COMPLAINTS FOR ALLEGED VIOLATIONS OF THE TOWN'S CODE OF ETHICS AND CONFLICTS OF INTEREST RULES**

### ***Definitions***

**Complaint** – a written request for determination made by a person, Entity or a Board regarding an alleged violation of the Code of Ethics by an Official or Employee;

**Complainant** – the filer of a Complaint;

**Respondent** – the person against whom a Complaint is filed;

**Response** – the Respondent's written answer to the Complaint;

**Hearing** – a public proceeding before the Ethics Board following a finding of probable cause where testimony may be taken and documents may be received;

**Determination** – a written final decision by the Ethics Board with respect to a Complaint.

## **Procedure**

### **Filing of a Complaint**

1. A Complaint may be made by any person, Entity or Board. It shall be made in a writing, signed under oath before a notary and shall state the name and address of the Complainant, the identity of the Official, Employee, Relative or Business involved in the Complaint, the conduct that allegedly violates the Code, and a summary of the relevant facts. The form to be used for making such Complaints is available on the Ethics Board web page and in the Town Clerk's office.
2. A Complaint must be filed within one year after the matter in question has allegedly occurred.
3. The Complaint must be mailed in a sealed envelope, marked confidential, and addressed to Chair, Town of New Canaan Ethics Board, P.O. Box 583, New Canaan, CT 06840. The postmarked date on the envelope shall constitute the date of filing.
4. The Chair of the Ethics Board shall, within five business days after receipt, notify the Respondent of the filing and date of the Complaint and shall deliver copies of the Complaint and this Code to the Respondent. The Respondent shall be advised that the Complaint will be treated confidentially unless the Respondent waives such confidentiality in writing.
5. Once the Complainant has performed the function of raising a possible violation of this Code, the Ethics Board shall decide, in the circumstances of the individual case, what further role, if any, the Complainant should have in the matter.

### **Probable Cause and Confidentiality**

6. The Ethics Board shall review the Complaint to determine whether probable cause exists for further proceedings and may conduct an investigation for this purpose. Any investigation conducted prior to a probable cause finding shall be confidential unless confidentiality is waived in writing by the Respondent. Respondent may submit a preliminary written reply to the Ethics Board within thirty days after the filing of the Complaint and before a probable cause finding issues. If the Respondent has not waived confidentiality, any allegations supplied to or received by the Ethics Board shall not be disclosed to any third party by a Complainant, Respondent, witness or Ethics Board member except to the extent necessary for the Ethics Board to conduct its probable cause investigation.
7. If the Ethics Board decides by majority vote of members eligible to vote that the Complaint does not warrant further investigation because of its insufficiency, its untimeliness, its lack of factual basis, its de minimis nature, or otherwise, including, without limitation, the Complainant's failure to maintain the confidentiality of his or her Complaint, the Ethics Board shall issue a finding of no probable cause dismissing the Complaint. The finding and the Complaint shall remain confidential unless confidentiality is waived in writing by the

Respondent. A finding of no probable cause shall be final. The Ethics Board shall forward copies of the finding to Complainant and Respondent within three business days thereafter.

8. If, by majority vote of members eligible to vote or by tie vote, the Ethics Board finds probable cause, the Ethics Board shall forward copies of the finding to Complainant and Respondent within three business days thereafter. Upon a finding of probable cause, the Complaint, the finding, and the information gathered during the investigation, if any, shall be made available to the public, and all filings and proceedings that follow shall be public except as required by law, provided, however, that deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act.

### **Response**

9. Respondent shall have thirty days after his or her notification of a finding of probable cause to file a Response with the Ethics Board. The Ethics Board may, upon reasonable grounds, extend this deadline.

### **Hearing**

10. The Ethics Board shall hold a Hearing on any Complaint as to which it has found probable cause unless Respondent waives a Hearing in writing and the Ethics Board decides not to hold one. The Hearing shall be held on written notice of no less than thirty days to Complainant and Respondent. The Ethics Board may, upon reasonable grounds, extend the date of the Hearing.

11. If a Hearing is held, Respondent shall have the opportunity to be represented by legal counsel, to present evidence, and to examine and cross-examine witnesses including the Complainant. For purposes of its investigation and at the Hearing, the Ethics Board is empowered to administer oaths or affirmations and may compel the attendance of witnesses by issuance of subpoenas. It may also require the production of documents, whether in hard copy or electronic format, by issuance of subpoenas for their production. The Ethics Board shall give effect to the rules of privilege recognized by law and will be guided by Connecticut State rules of evidence. The Ethics Board may examine any witness who appears before it, including Complainant and Respondent. The Ethics Board may limit the number of witnesses and the scope of testimony to matters it believes relevant, material, not unduly repetitious, and necessary to reach a reasoned determination. A taped or stenographic record shall be made of all proceedings in the Hearing.

## **Determination**

12. Following the Hearing, the Ethics Board shall issue a Determination as soon as practicable and file it with the Town Clerk and mail copies to Complainant and Respondent within three business days thereafter. No member may vote on a Determination unless he or she has attended the entire Hearing, if any, and participated in all deliberations. Deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act. A Determination of violation requires a majority vote of members eligible to vote. In the event of a tie vote, the Determination shall be that there is no violation.

13. A Determination of no violation of this Code shall be final.

14. If a violation is found, the Ethics Board's Determination may recommend sanctions which may include, but need not be limited to, censure, required recusal, disclosure of conflicts, and removal from appointive office or employment. Any sanctions recommended under this Code shall be separate from, and not in limitation of, any other actions that may be taken against Respondent in any proceedings outside this Code.

## **Submission of Determination of Violation**

15. A Determination of violation of this Code shall be submitted by the Town Clerk within three business days to the Board of Selectmen for such action as it deems appropriate, provided, however, that if the Respondent is an Official or Employee of the Board of Education, the submission by the Town Clerk shall be to the Board of Education for such action as it deems appropriate.

## **No Retaliation**

16. Any individual or organization that files a Complaint in good faith will not be threatened, harassed, penalized or discriminated against for reporting what was perceived to be wrongdoing. Retaliation of any kind by an Official or Employee toward any Complainant who in good faith perceived violations of the Town's Code of Ethics will not be tolerated and may constitute a cause for removal from office or employment or other disciplinary action by the body of which he or she is a member.

## **Record Retention/Proceedings**

17. All written records and proceedings of the Ethics Board will be subject to the applicable Connecticut State laws on record retention and confidentiality.

## **F. EFFECTIVE DATE**

The effective date of this ordinance shall be November 3, 2017. This ordinance supersedes the Town Code of Ethics dated January 4, 1964, as supplemented and amended by ordinances dated March 14, 1990 and June 12, 1996, in its entirety; it also supersedes the Ethics Board Ordinance Chapter 17A passed by the Town Council on July 20, 2016.