

Proposed Amendments to 25-2536 - DRAFT CODE OF ETHICS AND ETHICS COMMISSION -ADMIN MTG-2025-09-10

Dear Town Councilors,

Please consider the following revisions to the current Code of Ethics draft:

25-2536 - DRAFT CODE OF ETHICS AND ETHICS COMMISSION-ADMIN MTG-2025-09-10

Key:

Black text remains unchanged

~~Red strikethrough text to delete~~

Blue text to add

Green text are comments only relevant to this letter

Sincerely,

David Schroeder Jr.

290 Whalehead Rd.

Section 2. Declaration of Policy and Purpose

Append to the end of the first paragraph:

Transparency regarding potential conflicts of interest is essential, so that they can be dealt with openly, while advancing the best interests of the town and the people. Even the appearance of impropriety can undermine public trust and effective government.

Section 3. Applicability

The Code of Ethics shall apply to all Town officials, including members of the Board of Education[,], ~~and~~ all Town and Board of Education employees[,], and to contractors performing outsourced administrative or executive functions, such as town attorney, engineer, or planner.

Section 4. Definitions

9. **Contractor.** Any business, proprietorship, firm, partnership, person in a representative or fiduciary capacity, association, venture, trust or corporation, whether paid or unpaid, including outsourced administrative or executive functions, such as town attorney, town planner, or town engineer.¹

¹ Norwich Code of Ethics - Ord. No. 909, Section 2-52 b

Section 5. Conflict of Interest Provisions

(All provisions need to be reviewed to include "Contractor", where applicable)

1. Add "or contractor" after "Town employee" to prohibit incompatible interests.
2. Add "or contractor" after "Town official" (covers contractors serving boards/commissions).
3. Add "or contractor" after "Town employee" (covers contractors with purchasing authority).
4. Leave as is.
5. Add "or contractor" to disclosure & voting restriction.
6. Add "or contractor" to bar accepting money, rebates, gifts from bidders.
7. Add "or contractors" to gift/employment incompatibility rule.
8. Add "or contractor" to disclosure of appearance.
9. Add "or contractor" to conflict voting bar.
10. Add "or contractor" to solicitation/acceptance of gifts.
11. Leave as is
12. Add "or contractor" to bar using confidential info.
13. - 15. Leave as is
16. Consider adding a new "16" if you want a cooling-off rule for former contractors

Section 7.1. Membership

The Ethics Commission shall be comprised of five (5) regular members and two (2-3) alternate members. All members of the Ethics Commission shall be electors of the Town.

- a. No more than two (2) Regular Members may be affiliated with any one political party. ~~Both~~ Alternate Members may not be affiliated with the same political party. At least one Regular ~~and one alternate~~ Member shall be registered as an unaffiliated.
- b. No regular member or alternate member of the Ethics Commission shall:
 - vi. Have any financial interest in matters before the Town or the Board of Education ~~unless disclosed to the ethics commission~~;

Section 7.2. Terms of Appointment

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

Section 7.3 Authority /Duties

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

- c. To review and act on filed complaints in accordance with the process defined herein. Committee members are expected to make impartial, fact-based decisions on behalf of the town and the people.

- d. To provide formal **advisory opinions**, upon request, to Town officials, Town employees, or other parties subject to this Code of Ethics, for the purpose of clarifying the application of the Code to specific situations.
- e. A continuing duty to monitor the adequacy of this ordinance and to advise the Town Council whenever it determines that amendments are necessary to enable the Commission to properly exercise its jurisdiction, including but not limited to receiving, reviewing, investigating, or adjudicating complaints; conducting hearings; issuing findings; or imposing penalties.

Section 7.4 Filing of Complaints

No complaint may be made under the Code of Ethics unless it is filed with the Ethics Commission within ~~three~~ **five** (3 5) years after the violation alleged in the complaint has been committed.

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

Section 7.5 Evaluation and Acknowledgement

- b. If the Ethics Commission makes a finding of probable cause which shall require ~~four~~ **three** (4 3) affirmative votes, it shall so advise both the complainant and the respondent within ten (10) business days of its finding and begin a formal investigation process.²

Section 7.7 Final Decisions

- a. Decisions by the Ethics Commission that a person is in violation of the Code of Ethics must result from the concurring vote of ~~four~~ **three** (4 3) of its members.
- d. 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~~ **Report of Recommendations** within ten (10) days after its decision. It will also advise the respondent of his or her right to appeal the decision pursuant to Section 4-183 of the Connecticut General Statutes.

² Norwich Code of Ethics - Ord. No. 909, Section 2-55 (c) 3

- e. **Report of recommendations.** When there has been a finding of a violation the commission shall report the finding and a recommendation for action to the town council. The commission shall also report to such other officer or board of the City with the power granted by the charter or state statute to remove the officer, official or employee found to have committed the violation, when such power of removal exists.³
- f. When the power of removal exists, the officer or board of the City with the power to remove the violator shall within sixty (60) days of receiving a report of violation, report back to the Ethics Commission the disposition of the matter. In all other cases, a report of disposition may be made by the council at their discretion.⁴

Section 7.9 Advisory Opinions

- a. **ADVISORY OPINIONS.** Any officer, official or employee may seek from the commission, upon written request, an advisory opinion as to the application of any provision of this article to a particular situation or as to an interpretation of any such provision. The commission shall act on a written request within sixty (60) days of receipt. Such action may be an affirmative vote to decline ruling on the matter. In the event the commission fails to achieve a majority vote for any proposal, such failure shall be construed as an affirmative vote to decline ruling on the matter. The city clerk shall maintain a file of advisory opinions.⁵

Section 9 Ethics Training

The Ethics Commission shall develop and maintain a simple training package with content consistent with this ordinance. The ethics training package shall be required to be reviewed and acknowledged by all officers, committee members, officials, and contractors governed by this ordinance within 90 days of appointment/hire and annually thereafter. The training package shall emphasize the importance of transparency and disclosing potential conflicts of interest to avoid even the appearance of impropriety, to maintain the public trust, and to enable effective government.

³ Norwich Code of Ethics - Ord. No. 909, Section 2-55 (c) 7

⁴ Norwich Code of Ethics - Ord. No. 909, Section 2-55 (c) 8

⁵ Norwich Code of Ethics - Ord. No. 909, Section 2-56