

Dear Town Councilors,

Below are the detailed justifications for each of the proposed amendments listed under **Agenda Section VI – Written Communications** for the September 24, 2025 Public Hearing (“*Schroeder – Citizen Proposed Amendments to Ledyard Code of Ethics Draft 2025-09-22*”).

This document explains why each change is necessary to ensure a properly functioning Code of Ethics and Ethics Commission, and why the current draft is not yet ready for adoption without them:

Section 2. Declaration of Policy

The addition emphasizes that transparency is not merely a procedural requirement but a foundational principle of ethical government—strengthening the purpose statement and reinforcing the Town’s commitment to accountability.

Section 3. Applicability — covering town attorneys and other outsourced functions.

As currently written, the Code does not **clearly cover contractors who perform key administrative or executive functions**—such as the town attorney, engineers, or planners. These individuals play a critical role in advising officials and shaping decisions, yet because they are contractors rather than employees, they would escape the Code’s conflict-of-interest provisions unless explicitly included.

This is not a technical oversight; it creates a **serious accountability gap**. Without this amendment, some of the most influential actors in town government would remain outside the very ethics rules meant to guide public decision-making.

The solution is simple: **add contractors to the Code’s scope**, as Norwich and other towns already do, ensuring that all who exercise significant authority are held to the same ethical standards as employees and officials.

Section 4. Definitions — clarity around “contractor”

This addition provides a clear, comprehensive **definition of “contractor”**, closing a potential gap in coverage. The language is adapted from Norwich’s long-standing Code of Ethics, which has successfully applied this definition for years.

Section 5. Conflict of Interest — adding “contractor”

Here, the intent of these simple proposed changes is to **add the term “contractor” into all relevant conflicts of interest** that apply.

Section 7.1. Membership

On increasing alternates from two to three:

Section 7.1(a) limits each political party to a maximum of two seats on a five-member Commission—a common and balanced approach.

However, with only two alternates, it becomes difficult to maintain this balanced composition whenever a regular member must recuse or step down. Adding a third alternate—one Republican, one Democrat, and one Unaffiliated—ensures that vacancies or recusals can be filled without upsetting the intended political balance.

This small adjustment provides flexibility and protects the Commission's integrity.

On disclosure of financial interests:

Section 7.1(b) is overly restrictive as drafted. It would bar any member or alternate from serving if they have any financial interest in matters before the Town or the Board of Education, even when the interest is minor or unrelated to their duties. A more reasonable standard is full disclosure: members may serve if they publicly disclose any relevant financial interest to the Commission.

Transparency—rather than blanket exclusion—upholds ethical standards while allowing the town to recruit qualified volunteers.

Section 7.2. Terms of Appointment

The proposed clause would arbitrarily limit inaugural members to a maximum of nine years of service, regardless of their effectiveness.

If a member is experienced, qualified, and willing to continue, the town benefits from their institutional knowledge and proven commitment. Nothing in the Code prevents regular turnover through the normal appointment process, so a fixed cap is unnecessary.

Removing this clause allows the Council to retain skilled members when the public interest is best served, while still leaving appointments subject to review and reapproval.

Section 7.3. Authority and Duties

As drafted, **Section 7.3 defines the Commission's role so narrowly that its core purpose is left unclear.**

It mentions consulting the Town Attorney and requesting opinions, but never expressly states that the Commission may **receive, investigate, and adjudicate ethics complaints**. Without that explicit authority, the ordinance risks creating a Commission that cannot actually enforce the Code.

The remedy is straightforward: clearly authorize the Commission to **review and act on complaints**.

In addition, the Commission should be empowered to **issue formal advisory opinions** when Town officials, employees, or others covered by the Code seek guidance. This proactive role promotes transparency and helps prevent violations before they occur.

Finally, no ordinance is perfect on first adoption. Norwich, for example, has amended its Code of Ethics several times since enactment—most recently in 2012—to maintain a stable, workable framework. Because the Commission will have direct, ongoing experience with the Code, it is **the logical body to advise the Town Council on needed amendments**, and it should be assigned that duty explicitly.

Section 7.4. Filing of Complaints.

On extending the filing deadline

A three-year limitation for filing a complaint is too short—especially when many elected positions under the Town Charter carry **four-year terms**. A violation could occur early in a term yet escape review before the next election.

Extending the limit to **five years** ensures that serious ethical breaches remain actionable for the full span of service and supports meaningful accountability.

On clarifying jurisdiction over employee management

The final paragraph of Section 7.4 could be read to **exclude all employee-management issues** from ethical review.

While day-to-day personnel matters properly belong to the Mayor or School Superintendent, allegations that involve a **violation of the public trust** must remain within the Commission's jurisdiction. Adding a single clarifying sentence makes this distinction clear: the Commission may review management-related matters **when they directly implicate the public trust**.

Section 7.5. Evaluation and Acknowledgement — establishing Probable Cause

Section 7.5 currently requires **four affirmative votes** to find probable cause.

On a five-member Commission where each political party may hold up to two seats, that threshold effectively gives **either party a built-in veto**. Two members acting together—regardless of evidence—could block any investigation of a politically sensitive complaint. This structure virtually guarantees deadlock and undermines public trust.

It also distorts due process. If four votes are needed both to establish probable cause and to find a violation, a respondent enters the investigation under a **presumption of guilt**, forced to convince at least one commissioner of their innocence just to avoid sanction. That is not a fair or functional standard.

The remedy is simple: require only a **simple majority (three votes)** to find probable cause. This mirrors Norwich's long-standing practice and ensures that legitimate complaints can be investigated while still requiring a high bar for final findings of violation.

Section 7.7. Final Decisions

On finding fault

If one adopts three votes for probable cause, one could argue for a higher threshold (e.g., four votes) for a final finding, to show fairness and avoid the appearance of partisanship. Because a final determination of violation carries reputational and practical consequences, it makes sense the Commission would **meet a higher standard**—to ensure broad agreement across party lines.

That said, three votes for both probable cause and final decisions is both consistent and practical. A simple majority is the standard decision rule in nearly all municipal bodies, including Norwich's Ethics Commission. Maintaining the same threshold for both probable cause and final findings avoids confusion, **prevents built-in partisan vetoes**, and keeps the process workable.

On aligning with the Town Charter

After an investigation, the Ethics Commission should issue **findings and recommendations only**, leaving discipline or removal to the Town Council, Mayor, School Superintendent or other authority as provided in the Town Charter.

The added paragraphs establish a clear, Charter-compliant process: the Commission issues a **Report of Recommendations** to the appropriate authority, and that authority reports back on the disposition of the matter. This mirrors Norwich's long-standing model, which has proven both clear and effective.

New Section 7.9. Advisory Opinions

This addition gives the Commission a **clear process for issuing advisory opinions**, so officials and employees can seek guidance before problems arise. Providing a defined timeline and procedure promotes **transparency and consistency**, helping to prevent violations rather than merely punishing them. The language is adapted from Norwich's long-standing Code of Ethics, where it has proven effective in giving practical, reliable guidance to those subject to the Code.

New Section 9 Ethics Training

The proposal adds in a paragraph stipulating training to ensure Ethics commissioners have an understanding of applying the Ethics Code and its rules and procedures consistent with this ordinance.

Closing

At its core, an ethics code is about protecting public trust. People need to know their government operates impartially, that public office isn't being used for personal gain, and that the rules apply equally to everyone — elected officials, employees and contractors alike.

The current draft as written does not achieve that. However, the above simple changes- which all fall within the basic scope of the draft- should largely rectify this.

The citizens of Ledyard deserve an Ethics Code and Ethics Commission that is fair, workable and promotes transparency and accountability. There is no reason- and no need- to accept anything less.

Thank you.

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P.S. The reason why Norwich's ordinance language was chosen to be cited, is because Norwich has a **functioning, proven** Code of Ethics that has both evolved and stood for decades while **demonstrably** fulfilling its intended role. (<https://www.norwichct.gov/140/Ethics-Commission>)