Ledyard Town Council
Administration Committee

8/6/2025

Good Evening Councellors,

Before I begin, I would like to be very clear: my comments are not intended as a personal critique of Attorney Avena. I sincerely appreciate the time and expertise he has contributed in editing the draft document. His insights are clearly thoughtful, grounded in legal reasoning, and I recognize that I'm speaking without the benefit of having heard his full explanation for the revisions that have been made.

That said, in the interest of keeping this discussion focused on the content rather than individuals, I'll refer to the proposed revisions simply as "the attorney edits" or "the edits."

As someone who is not legally trained, I understand that some of these edits may be intended to streamline the language—removing redundant definitions or simplifying structure. Where that's the case, I fully support those changes. Clarity and simplicity serve everyone.

However, there are other edits that I find more difficult to understand—and, in some cases, entire sections of the draft have been eliminated. I worry that these edits may substantially alter the intent or effectiveness of the ethics code itself.

Did the state not provide model templates or example language to help municipalities establish effective codes of ethics and ethics commissions? After more than a year of effort, it's worth asking: have we simply recreated what already existed, or have we truly improved upon it? Was it really this challenging to arrive at a workable ethics code with clear enforcement mechanisms, and have we even managed to do that?

It would be helpful to understand how this edited draft compares to those already adopted by neighboring towns—many of which have relied on more standardized, broadly accepted language.

Given the time and energy invested in this process, one would hope this Committee has produced a document that not only reflects best practices, but sets a high standard. Otherwise, we risk ending up with a code that appears substantial but ultimately lacks the scope, authority, and enforceability needed to be truly effective. And if it's not effective, the town would have been better served with the model template(s) and generic language.

Thank You,
Dave Schroeder Jr.
290 Whatlehead Rd

Comment on Section 1

For example, in Section 1, the phrase "...there is hereby established a Town of Ledyard Code of Ethics" originally included the additional words "and Ethics Commission," which have been struck in the edits. Yet, in the revised Section 6—titled "Ethics Commission"—a commission is clearly established, with defined membership, terms of appointment, duties, and procedures. This raises a question: if the Ethics Commission is no longer explicitly established in Section 1, does that omission undermine or potentially nullify the authority outlined later in Section 6?

Comment on Section 4 Definitions

I assume the defined terms that were struck from the draft are legally unnecessary? Does this mean that they're defined already in some other statute or that their definition is not relevant to this ordinance?

Comment on Section 5 – Conflict of Interest Provisions:

Thank you for the clarification between officials and employees—that's a helpful improvement.

However, I'm concerned about the removal of the original language in **Subsection 5.1** that prohibited any interest—direct or indirect—that could compromise a person's independent judgment. This language addressed a broad spectrum of ethical concerns, including non-financial conflicts of interest, and provided a vital safeguard for maintaining public trust.

By narrowing the focus only to financial interests in contracts or purchases, the revised language may unintentionally weaken the scope of the ethics code. Ethical conflicts don't always come down to money—they can involve personal relationships, affiliations, or outside obligations that impair objectivity.

I would recommend reinstating or adapting the original "independent judgment" clause to preserve its broader intent, while still benefiting from the added clarity and structure introduced in the new draft.

Subsection 5.3 "Personal beneficial interest" and "directly or indirectly" have been removed. These terms were important for covering non-obvious or indirect benefits (like a benefit to a friend, business associate, or shell company), not just direct financial gain. Their removal could narrow the definition of a conflict.

Removal of draft Subsection(s) 5.3 A-N, replacing them with new Subsection(s) 5.4-5.9
While the edits for subsections 5.4-5.9 are well written, important and acceptable, I'm concerned that most of the original provisions that were deleted—covering things like disclosure of conflicts, recusals, misuse of position, and protection against even the appearance of impropriety—have been removed.

It is important that together these clauses should form a broad framework of ethical protections. Without addressing them all, we risk leaving the Town vulnerable to real or perceived ethical violations. I'd urge the Council to carefully consider the new clauses, and reinstating or restoring any of the protections that seem to be missing in this section.

Comment of Section 6

Section 6.1.B I recommend that no more than one (1) Regular Member be affiliated with any single political party. Additionally, at least three (3) Regular Members and one Alternate Member should be registered as unaffiliated. This structure helps prevent the two major parties from colluding to block ethical complaints when it serves their interests.
Section 6.4.A I suggest that the identity of the person filing a complaint not be made public. While the complainant should not remain anonymous, their name should be kept confidential to protect them from potential retaliation by individuals in positions of authority. At the same time, it is important to ensure that the complaint process is not exploited through frivolous filings, which should neither be tolerated nor encouraged.

I was only able to review about half of the revised draft document. I apologize for not having more feedback to offer at this time, as there are still numerous edits and deletions I was unable to address.

Thank you for your dedication and effort in helping to create the best ethical code possible for the town.