

**Robert F. Wechsler**  
**Testimony to Municipal Ethics Task Force**  
**On Behalf of Connecticut Common Cause**  
**Regarding the State of Municipal Ethics Programs in Connecticut**  
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**Personal Information**

Board member of Connecticut Common Cause (2006-2007) and volunteer since 2004, for which I researched and wrote a survey of the state's municipal ethics code (currently being updated) and wrote a model ethics code for Connecticut municipalities ([www.catbirdpress.com/ethics.html](http://www.catbirdpress.com/ethics.html))

Director of Research for City Ethics ([www.cityethics.org](http://www.cityethics.org)), a national, nonpartisan municipal ethics advisory group. Director of the Model Municipal Ethics Code Project and author of the only municipal ethics blog on the internet.

Administrator, New Haven Democracy Fund (<http://www.cityofnewhaven.com/Government/DemocracyFund.asp>), the public campaign financing program for the mayoral election.

**State of Connecticut Municipal Ethics Programs**

The Municipal Ethics Code Survey of 2004 ([www.catbirdpress.com/survey.pdf](http://www.catbirdpress.com/survey.pdf)) that I did for Connecticut Common Cause determined that ethics programs in Connecticut's towns and cities were abysmal. What do I mean by "abysmal"? I mean that municipal employees and officials are not receiving the necessary guidance or training concerning conflicts of interest, they cannot quickly get neutral advice from an experienced individual, and citizens do not have an independent ethics enforcement mechanism they can trust.

Since 2004, as far as I have been able to determine, seven municipalities have passed their first ethics codes, and six other municipalities have substantially improved theirs. Nine other municipalities have made minimal changes in their ethics codes. And yet the state of nearly all of Connecticut's municipal ethics programs still falls far short of meeting basic requirements.

There are four essential elements of a municipal ethics program, according to the nation's leading expert on the topic, Mark Davies, Executive Director of the New York City Conflicts of Interest Board:

1. Clear language and comprehensive provisions, providing clear guidance across the board. Just 60% of Connecticut towns have an ethics code at all, and most of the codes that do exist have vague, legalistic, sometimes contradictory language, and are far from comprehensive in their provisions. Without a clear code, how can government officials and employees know what they can or cannot do? And how can ethics boards advise them?
2. Three kinds of sensible disclosure of interests: an annual disclosure statement, disclosure when a conflict arises (transactional disclosure), and disclosure when someone seeks business with the town (applicant disclosure). Only 11 towns require any annual disclosure, only a little more than half of towns require disclosure when conflicts arise, and only Waterbury and, in some instances, Wethersfield require disclosure by those who seek business with the town, something required, for example, right next door in Rhode Island.
3. Effective administration, featuring an independent ethics board with teeth, which gives swift advisory opinions, which has a monopoly on interpreting and enforcing the code, which can give waivers for exceptions, and which provides training for all town officials and employees, as well as for those who do business with the town. Only 10 towns require ethics training, which most experts consider the most important part of any ethics program. Even ethics board members often receive no training, and few have more than minimal experience or knowledge of precedents.

Only 24 (29%) of the state's 84 independent ethics boards have teeth, defined very conservatively as being able to at least reprimand a violator of the ethics code. And most ethics boards are not seen as independent, because their members are selected by the town executive, which government ethics experts advise against. Few people bother bringing complaints to ethics boards that have no teeth and are not seen as independent.
4. Whistle-blower protection, so that town employees, those who know what's going on, feel safe coming forward with information. Only 16 Connecticut towns (up from 10 four years ago) have this protection, even though it is included in the 1995 Model Code and in most state ethics codes, including Rhode Island's.

So, although our state's municipal ethics codes contain all sorts of valuable provisions, in only 9 (up from 6 in 2004) Connecticut municipalities can a resident file an ethics complaint with an independent ethics board appointed by other than the town executive, and can that resident know either that the board can reprimand a violator or that the board's recommendations must be at least openly accepted or rejected by elected politicians. Why should any citizen, no matter the size of the town he or she lives in, expect less than this?

Note that the populations of the three new towns that have met this minimal test have populations of only 7,000, 13,000, and 17,000, respectively. Although many people insist that one size fits all is inappropriate, many smaller Connecticut towns have stronger ethics codes than many larger towns and cities. One size does fit all if the size is appropriate to small-to-medium towns, which has been true of all state-level proposals I have seen. Large towns and cities might be free to add more and stronger provisions.

For further information, see my Model Ethics Code for Connecticut Municipalities at [www.catbirdpress.com/ethics.html](http://www.catbirdpress.com/ethics.html). I would be happy to discuss these and other municipal ethics matters with any member. Feel free to contact me at 16 Windsor Road, North Haven, CT 06473-3015, 203-230-2548, [rwechsler@cityethics.org](mailto:rwechsler@cityethics.org).