

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

December 18, 2018

7:00 p.m. – Common Council Chamber

Norwalk City Hall-125 East Avenue

Norwalk, CT

AGENDA

- 1. ROLL CALL**
- 2. PUBLIC HEARING (possible action on):**
 - Proposed revisions to Chapter 74 – Recreation & Parks, Article 1
 - Use of Carryout Bags by Retail Establishment (Plastic Bags)
- 3. PUBLIC HEARING DISCUSSION**
- 4. PUBLIC COMMENT**
- 5. ACCEPTANCE OF MINUTES:**
 - November 20, 2018 - ordinance committee regular meeting
 - November 28, 2018 - ordinance committee special meeting
- 6. OLD BUSINESS:**
 - Innovation District (Tabled until January 15, 2019 meeting)
- 7. NEW BUSINESS:**
 - Code of Ethics and Citizen's Guide to the Code of Ethics
- 8. DISCUSSION ITEM:**
- 9. ADJOURNMENT**

**Revisions To Chapter 74 -
Recreation and Parks,
Article 1**

Chapter 74. Parks and Recreation

Article I. Calf Pasture Beach, Transfer Station, Debris Yard Waste Site, and Other City Parks

§ 74-1. Free admission for residents and real property owners with resident pass.

[Amended 7-9-1996]

All vehicles of residents and real property owners of the city shall be entitled to free admission with resident pass to the Norwalk public park system and the transfer station/yard waste disposal site, except as otherwise provided herein.

§ 74-2. Season ticket sticker for residents and property owners of certain landlocked towns.

[Amended 5-10-1977; 7-14-1981, effective 11-1-1981]

All vehicles of residents and property owners of the Towns of New Canaan, Wilton, Weston, Redding and Ridgefield shall be entitled to a season parking privilege sticker ticket to Calf Pasture Park from May 23 April 15 to October 15 in each year for a sum to be set pursuant to § 74-24 of the Code of the City of Norwalk.

§ 74-3. Parking fees.

[Amended 6-12-1973; 6-8-1976; 5-10-1977; 7-14-1981, effective 11-1-1981]

A.

For all vehicles of persons other than those provided for in the two preceding sections, a parking fee of a sum to be set pursuant to § 74-24 of the Code of the City of Norwalk shall be charged from January 1 to December 31 in each year.

[Amended 7-13-1982]

B.

Notwithstanding the foregoing, the Common Council may from time to time, by resolution, change the parking fees set out herein or may waive their imposition during short periods of time for special occasions or events.

§ 74-4. Stickers-Resident pass for certain residents and real property owners.

[Amended 7-13-1982; 2-22-1983; 7-9-1996; 4-8-2003; 2-22-2005]

A.

The City will provide a different color sticker resident pass for each of the following:

(1)

Residents and real property owners of the City.

- A. The City of Norwalk Resident Pass is used by Norwalk residents and real property owners for access to the Norwalk Transfer Station and Yard Waste Site, with non-commercial cars, SUVs, and/or minivans. The pass must be displayed on the driver's side dashboard during use of both facilities.
- B. Special Permits are required for non-commercial pick-up trucks, vans and/or trailers that use either the Norwalk Transfer Station or Yard Waste Site. These special permits are issued by the Department of Public Works.
- C. Commercial Permits are required for all commercial vehicles that use either the Norwalk Transfer Station or Yard Waste Site. These special permits are issued by the Department of Public Works.

(2)

Residents of the surrounding towns named in § 74-2 of this Code will be supplied a sticker.

B.

The sticker and resident pass shall be prominently and permanently displayed as required by the Recreation and Parks Department and shall be nontransferable. Failure to display said sticker or pass in a prominent and permanent manner as required by the Recreation and Parks Department shall be grounds for refusal into Calf Pasture Park, unless the nonresident fee is paid.

C.

No fee shall be charged to Norwalk residents or real property owners for a park sticker resident pass.

§ 74-5. Waterfront parking.

No vehicles other than those owned by residents or real property owners of the City shall park in the parking place along the waterfront.

[1]

Editor's Note: For parking provisions in general, see Ch. 98, Vehicles and Traffic.

§ 74-6. Fee for use of picnic tables in Shady Beach.

A fee of \$0.50 per day to be set pursuant to s74-24 of the Code of the City of Norwalk shall be charged for use of each picnic table in the area known as "Shady Beach" on Saturdays, Sundays and holidays during the beach season.

§ 74-7. Unlawful parking in Shady Beach.

No vehicle other than those owned by residents or real property owners of the City shall be allowed to park in the area known as "Shady Beach."

§ 74-8. Playing ball; exchanging flying objects; kicking objects; dogs; fires.

[Amended 7-14-1981]

A.

No person while at Calf Pasture Beach shall play hardball or softball, throw or otherwise exchange any flying object or projectile, kick or hit any ball or other object on the beach proper or in the water within 300 feet of the shore.

B.

No animals ~~dogs~~ shall be allowed on the beach, except seeing-eye dogs an ADA service animal.

C.

No fires shall be lit in city parks except in designated areas.

§ 74-9. Unlawful changing to bathing apparel.

No person shall change into or out of bathing apparel at the park in any place but in a bathinghouse.

§ 74-10. (Reserved)

[1]

Editor's Note: Former § 74-10, Clamming, was repealed 5-28-1991.

§ 74-11. Power boats; unlawful operation.

No power boat shall be operated within a point from the breakwater north to the end of the park line within 300 feet of the shore.

§ 74-12. Glass containers prohibited; throwing of debris prohibited.

[Amended 7-14-1981]

A.

No person shall bring or carry any glass beverage container into or use same within the premises of any city beach, park, boat basin or marina or other property comprising the facility, except that souvenir glass beverage containers may be sold in conjunction with events approved by the Common Council and licensed by the City Clerk, pursuant to Chapter 14 of the Code.

[Amended 8-23-1983]

B.

There shall be no throwing of any debris on the beach or in any part of any park.

§ 74-12.1. Sale of goods and solicitation restricted.

[Amended 7-14-1981]

The exposure or display for sale of any food or beverage and goods or wares, solicitation of any contribution or display of any advertising for commercial purposes, except upon specific written authority of the Recreation and Parks Commission, is prohibited within the premises of any city beach, park, boat basin or marina.

§ 74-13. Curfew.

[Added 7-14-1981;[1] amended 8-23-1988]

Hours for use of the city parks by the public shall be established and may be amended from time to time by the Director of Parks and Recreation, subject to the approval of the Common Council. The Director shall submit the proposed schedule of hours to the Parks and Recreation Committee. The Committee shall hold a public hearing thereon which hearing shall conform to the requirements of § 1-191.1. Following the public hearing, the Committee shall forward the proposed schedule of hours to the Common Council for approval.

[1]

Editor's Note: This ordinance also repealed former § 74-13, Enforcement.

§ 74-13.1. Violations and penalties.

[Added 7-14-1981[1]]

Any person violating any provision of Chapter 74, Article I, shall be subject to a fine not to exceed \$100 for each offense. Each violation of a separate section of this ordinance shall be considered a separate offense and shall not merge with a violation of any other section of this ordinance. Each violation continuing more than one day shall constitute a separate offense for each day said violation continues.

[1]

Editor's Note: This ordinance provided for the numbering of this added section as § 74-14 but was renumbered as § 74-13.1 so as not to duplicate existing numbering.

Chapter 74. Recreation and Parks

Article I. Calf Pasture Beach, Transfer Station, Yard Waste Site, and Other City Parks

§ 74-1. Free admission for residents and real property owners with resident pass.

[Amended 7-9-1996]

All vehicles of residents and real property owners of the city shall be entitled to free admission with resident pass to the Norwalk public park system and the transfer station/yard waste site, except as otherwise provided herein.

§ 74-2. Season sticker for residents and property owners of certain landlocked towns.

[Amended 5-10-1977; 7-14-1981, effective 11-1-1981]

All vehicles of residents and property owners of the Towns of New Canaan, Wilton, Weston, Redding and Ridgefield shall be entitled to a season parking privilege sticker to Calf Pasture Park from April 15 to October 15 in each year for a sum to be set pursuant to § 74-24 of the Code of the City of Norwalk.

§ 74-3. Parking fees.

[Amended 6-12-1973; 6-8-1976; 5-10-1977; 7-14-1981, effective 11-1-1981]

A.

For all vehicles of persons other than those provided for in the two preceding sections, a parking fee of a sum to be set pursuant to § 74-24 of the Code of the City of Norwalk shall be charged from January 1 to December 31 in each year.

[Amended 7-13-1982]

B.

Notwithstanding the foregoing, the Common Council may from time to time, by resolution, change the parking fees set out herein or may waive their imposition during short periods of time for special occasions or events.

§ 74-4. Resident pass for certain residents and real property owners.

[Amended 7-13-1982; 2-22-1983; 7-9-1996; 4-8-2003; 2-22-2005]

A.

The City will provide a resident pass for each of the following:

(1)

Residents and real property owners of the City.

- A. The City of Norwalk Resident Pass is used by Norwalk residents and real property owners for access to the Norwalk Transfer Station and Yard Waste Site, with non-commercial cars, SUVs, and/or minivans. The pass must be displayed on the driver's side dashboard during use of both facilities.
- B. Special Permits are required for non-commercial pick-up trucks, vans and/or trailers that use either the Norwalk Transfer Station or Yard Waste Site. These special permits are issued by the Department of Public Works.
- C. Commercial Permits are required for all commercial vehicles that use either the Norwalk Transfer Station or Yard Waste Site. These special permits are issued by the Department of Public Works.

(2)

Residents of the surrounding towns named in § 74-2 of this Code will be supplied a sticker.

B. The sticker shall be prominently and permanently displayed as required by the Recreation and Parks Department and shall be nontransferable. Failure to display said sticker in a prominent and permanent manner as required by the Recreation and Parks Department shall be grounds for refusal into Calf Pasture Park, unless the nonresident fee is paid.

C.

No fee shall be charged to Norwalk residents or real property owners for a resident pass.

§ 74-5. Waterfront parking.

No vehicles other than those owned by residents or real property owners of the City shall park in the parking place along the waterfront.

[1]

Editor's Note: For parking provisions in general, see Ch. 98, Vehicles and Traffic.

§ 74-6. Fee for use of picnic tables in Shady Beach.

A fee to be set pursuant to s74-24 of the Code of the City of Norwalk shall be charged for use of each picnic table in the area known as "Shady Beach" on Saturdays, Sundays and holidays during the beach season.

§ 74-7. Unlawful parking in Shady Beach.

No vehicle other than those owned by residents or real property owners of the City shall be allowed to park in the area known as "Shady Beach."

§ 74-8. Playing ball; exchanging flying objects; kicking objects; dogs; fires.

[Amended 7-14-1981]

A.

No person while at Calf Pasture Beach shall play hardball or softball, throw or otherwise exchange any flying object or projectile, kick or hit any ball or other object on the beach proper or in the water within 300 feet of the shore.

B.

No animals shall be allowed on the beach, except an ADA service animal.

C.

No fires shall be lit in city parks except in designated areas.

§ 74-9. Unlawful changing to bathing apparel.

No person shall change into or out of bathing apparel at the park in any place but in a bathinghouse.

§ 74-10. (Reserved)

[1]

Editor's Note: Former § 74-10, Clamming, was repealed 5-28-1991.

§ 74-11. Power boats; unlawful operation.

No power boat shall be operated within a point from the breakwater north to the end of the park line within 300 feet of the shore.

§ 74-12. Glass containers prohibited; throwing of debris prohibited.

[Amended 7-14-1981]

A.

No person shall bring or carry any glass beverage container into or use same within the premises of any city beach, park, boat basin or marina or other property comprising the facility, except that souvenir glass beverage containers may be sold in conjunction with events approved by the Common Council and licensed by the City Clerk, pursuant to Chapter 14 of the Code.

[Amended 8-23-1983]

B.

There shall be no throwing of any debris on the beach or in any part of any park.

§ 74-12.1. Sale of goods and solicitation restricted.

[Amended 7-14-1981]

The exposure or display for sale of any food or beverage and goods or wares, solicitation of any contribution or display of any advertising for commercial purposes, except upon specific written authority of the Recreation and Parks Commission, is prohibited within the premises of any city beach, park, boat basin or marina.

§ 74-13. Curfew.

[Added 7-14-1981;[1] amended 8-23-1988]

Hours for use of the city parks by the public shall be established and may be amended from time to time by the Director of Parks and Recreation, subject to the approval of the Common Council. The Director shall submit the proposed schedule of hours to the Parks and Recreation Committee. The Committee shall hold a public hearing thereon which hearing shall conform to the requirements of § 1-191.1. Following the public hearing, the Committee shall forward the proposed schedule of hours to the Common Council for approval.

[1]

Editor's Note: This ordinance also repealed former § 74-13, Enforcement.

§ 74-13.1. Violations and penalties.

[Added 7-14-1981[1]]

Any person violating any provision of Chapter 74, Article I, shall be subject to a fine not to exceed \$100 for each offense. Each violation of a separate section of this ordinance shall be considered a separate offense and shall not merge with a violation of any other section of this ordinance. Each violation continuing more than one day shall constitute a separate offense for each day said violation continues.

[1]

Editor's Note: This ordinance provided for the numbering of this added section as § 74-14 but was renumbered as § 74-13.1 so as not to duplicate existing numbering.

**Plastic Bag Ban Ordinance
(Non-Biodegradable)**

USE OF CARRYOUT BAGS BY RETAIL ESTABLISHMENTS

§ ____ -1. – Purpose.

The purpose of this article is to preserve and protect the environment in the City of Norwalk and encourage the use of Reusable Carryout Bags by reducing the use of Carryout Bags made of plastic and prohibiting the use of Carryout Bags made of non-recyclable paper.

§ ____ -2. – Definitions.

As used in this article, the following terms shall have the meanings indicated:

CARRYOUT BAG

A bag of any material, commonly plastic or kraft paper, that is provided to a consumer at the point of sale to carry purchases out of the establishment. The term shall not include:

- A. Bags used by consumers inside a Retail Establishment to:
 - 1. Package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items;
 - 2. Contain or wrap frozen foods, meat, or fish, whether prepackaged or not;
 - 3. Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
 - 4. Segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag; or
 - 5. Contain unwrapped prepared foods or bakery goods.
- B. Newspaper bags, door-hanger bags, or laundry-dry cleaning or garment bags.
- C. Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.
- D. Bags of any type that customers bring to a Retail Establishment for their own use.

RETAIL ESTABLISHMENT

Any person, corporation, partnership, business, or other organization or group, however organized, that transfers merchandise, goods, or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a consumer in exchange for payment. The term includes, by way of example and not limitation, any grocery store, grocery delivery service, department store, clothing store, hardware store, hospital, pharmacy, liquor store, restaurant,

delicatessen, convenience store, food truck, sidewalk vendor, farmers' market, flea market, and any other retail store or vendor. The term shall not include the sale of goods at yard sales, tag sales, or other sales by residents at their home.

REUSABLE CARRYOUT BAG

A bag with handles that is specifically designed and manufactured for multiple reuse that (1) is made of (a) cloth, fiber, or other machine washable fabric, or (b) durable plastic that is at least 12.0 mils (thousandths of an inch) thick, and (2) does not contain lead, cadmium, or any other toxic material, as defined by applicable state and federal standards and regulations for packaging or reusable bags.

§ ____ -3. – Restrictions on Carryout Bags.

- A. No Retail Establishment shall sell, provide, or distribute Carryout Bags made of plastic, other than Reusable Carryout Bags, in the City of Norwalk.
- B. No Retail Establishment shall sell, provide, or distribute Carryout Bags made of paper in the City of Norwalk, unless such bags:
 - 1. Are 100% recyclable;
 - 2. Contain a minimum of 40% post-consumer recycled content (except that an eight pound or smaller paper bag shall contain a minimum of 20% post-consumer recycled content); and
 - 3. Conspicuously display the phrase “Reusable” and “Recyclable” on the outside of the bag and the percentage of post-consumer recycled content.

§ ____ -4. – Charges for Carryout Bags.

- A. Any Retail Establishment that elects to provide Carryout Bags made of paper consistent with Section 3.B. of this article shall charge the consumer at the point of purchase \$.10 for each such bag.
- B. The charge imposed by a Retail Establishment as provided in Paragraph A of this Section shall be retained solely by the Retail Establishment.
- C. All Retail Establishments shall post signs at or near the point of purchase to notify consumers of the provisions of this article. Such signs shall be in both English and Spanish and shall read substantially as follows: “All paper carryout bags provided by this store to a consumer shall be subject to a fee of ten cents per bag. Carryout bags brought by consumers into this store to carry purchased goods from this store shall not be subject to a fee.”
- D. All Retail Establishments shall indicate on the consumer transaction receipt the number of Carryout Bags provided and the total amount of charge imposed. It

shall be a violation of this article for a Retail Establishment to fail to separately itemize the charge upon a consumer's purchase of such bag.

- ED. No Retail Establishment shall rebate or otherwise reimburse a customer for any portion of the charge provided in Paragraph A of this Section.
- FE. Nothing in this article shall prohibit a Retail Establishment from providing Reusable Carryout Bags for no or nominal cost or encouraging and providing incentives for the use of Reusable Carryout Bags, including credits or rebates for customers that bring their own Reusable Carryout Bags for the purpose of carrying purchases out of the Retail Establishment.
- GF. Nothing in this aArticle shall prohibit a consumer from using bags or containers of any type that they bring to a Retail Establishment or from carrying away goods that are not placed in bags.
- HG. It shall be presumed that all Carryout Bags sold or used by a Retail Establishment are subject to the charge provided in Paragraph A of this Section until the contrary is established. The burden of proving that such Carryout Bags are not subject to the charge hereunder shall be upon the Retail Establishment so claiming.

§ ____-5. – **Exceptions.**

- A. The charge reflected in Section 4 of this article shall not apply to the extent it would violate the laws of the United States or the State of Connecticut.
- B. The charge reflected in Section 4 of this article shall not apply to the use of Carryout Bags to carry items purchased pursuant to the Supplemental Nutritional Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), or a similar governmental food assistance program.

§ ____-6. – **Enforcement and penalties for violation.**

- A. This article shall be enforced by the {Health DepartmentDepartment of Public Works} or its designee.
- B. Upon determination that a violation has occurred, the Retail Establishment shall be liable for the following:
 - 1. Upon the initial violation, written warning notice that a violation has occurred shall be issued to the Retail Establishment. No penalty shall be imposed for the initial violation;
 - 2. For the second violation, a penalty of one hundred fifty dollars (\$150.00); and

3. For the third and each subsequent violation, a penalty of two hundred fifty dollars (\$250.00).
- C. No more than one penalty shall be imposed upon a Retail Establishment in one 24 hour period.
- {D. No penalty shall be imposed upon a Retail Establishment for a violation of Paragraph C of Section 4 of this article.}

§ ____-7. – **Severability.**

If any section, clause, sentence or provision of this article shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable, such adjudication shall not affect the validity or enforceability of any other provision hereof, and the applicability thereof to other persons or circumstances shall not be affected thereby.

§ ____-8. – **Effective date.**

This article shall become effective six months following its adoption by the Common Council in order to allow Retail Establishments time to dispose of their existing inventory of Carryout Bags made of plastic and convert to alternative packaging materials compliant with this article.

USE OF CARRYOUT BAGS BY RETAIL ESTABLISHMENTS

§_____-1. – Purpose.

The purpose of this article is to preserve and protect the environment in the City of Norwalk and encourage the use of Reusable Carryout Bags by reducing the use of Carryout Bags made of plastic and prohibiting the use of Carryout Bags made of non-recyclable paper.

§_____-2. – Definitions.

As used in this article, the following terms shall have the meanings indicated:

CARRYOUT BAG

A bag of any material, commonly plastic or kraft paper, that is provided to a consumer at the point of sale to carry purchases out of the establishment. The term shall not include:

- A. Bags used by consumers inside a Retail Establishment to:
 - 1. Package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items;
 - 2. Contain or wrap frozen foods, meat, or fish, whether prepackaged or not;
 - 3. Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
 - 4. Segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag; or
 - 5. Contain unwrapped prepared foods or bakery goods.
- B. Newspaper bags, door-hanger bags, or laundry-dry cleaning or garment bags.
- C. Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.
- D. Bags of any type that customers bring to a Retail Establishment for their own use.

RETAIL ESTABLISHMENT

Any person, corporation, partnership, business, or other organization or group, however organized, that transfers merchandise, goods, or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a consumer in exchange for payment. The term includes, by way of example and not limitation, any grocery store, grocery delivery service, department store, clothing store, hardware store, hospital, pharmacy, liquor store, restaurant,

delicatessen, convenience store, food truck, sidewalk vendor, farmers' market, flea market, and any other retail store or vendor. The term shall not include the sale of goods at yard sales, tag sales, or other sales by residents at their home.

REUSABLE CARRYOUT BAG

A bag with handles that is specifically designed and manufactured for multiple reuse that (1) is made of (a) cloth, fiber, or other machine washable fabric, or (b) durable plastic that is at least 12.0 mils (thousandths of an inch) thick, and (2) does not contain lead, cadmium, or any other toxic material, as defined by applicable state and federal standards and regulations for packaging or reusable bags.

§ ____-3. – Restrictions on Carryout Bags.

- A. No Retail Establishment shall sell, provide, or distribute Carryout Bags made of plastic, other than Reusable Carryout Bags, in the City of Norwalk.
- B. No Retail Establishment shall sell, provide, or distribute Carryout Bags made of paper in the City of Norwalk, unless such bags:
 - 1. Are 100% recyclable;
 - 2. Contain a minimum of 40% post-consumer recycled content (except that an eight pound or smaller paper bag shall contain a minimum of 20% post-consumer recycled content); and
 - 3. Conspicuously display the phrase “Reusable” and “Recyclable” on the outside of the bag and the percentage of post-consumer recycled content.

§ ____-4. – Charges for Carryout Bags.

- A. Any Retail Establishment that elects to provide Carryout Bags made of paper consistent with Section 3.B. of this article shall charge the consumer at the point of purchase \$.10 for each such bag.
- B. The charge imposed by a Retail Establishment as provided in Paragraph A of this Section shall be retained solely by the Retail Establishment.
- C. All Retail Establishments shall post signs at or near the point of purchase to notify consumers of the provisions of this article. Such signs shall be in both English and Spanish and shall read substantially as follows: “All paper carryout bags provided by this store to a consumer shall be subject to a fee of ten cents per bag. Carryout bags brought by consumers into this store to carry purchased goods from this store shall not be subject to a fee.”
- D. All Retail Establishments shall indicate on the consumer transaction receipt the number of Carryout Bags provided and the total amount of charge imposed. It

shall be a violation of this article for a Retail Establishment to fail to separately itemize the charge upon a consumer's purchase of such bag.

- E. No Retail Establishment shall rebate or otherwise reimburse a customer for any portion of the charge provided in Paragraph A of this Section.
- F. Nothing in this article shall prohibit a Retail Establishment from providing Reusable Carryout Bags for no or nominal cost or encouraging and providing incentives for the use of Reusable Carryout Bags, including credits or rebates for customers that bring their own Reusable Carryout Bags for the purpose of carrying purchases out of the Retail Establishment.
- G. Nothing in this article shall prohibit a consumer from using bags or containers of any type that they bring to a Retail Establishment or from carrying away goods that are not placed in bags.
- H. It shall be presumed that all Carryout Bags sold or used by a Retail Establishment are subject to the charge provided in Paragraph A of this Section until the contrary is established. The burden of proving that such Carryout Bags are not subject to the charge hereunder shall be upon the Retail Establishment so claiming.

§ ____-5. – **Exceptions.**

- A. The charge reflected in Section 4 of this article shall not apply to the extent it would violate the laws of the United States or the State of Connecticut.
- B. The charge reflected in Section 4 of this article shall not apply to the use of Carryout Bags to carry items purchased pursuant to the Supplemental Nutritional Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), or a similar governmental food assistance program.

§ ____-6. – **Enforcement and penalties for violation.**

- A. This article shall be enforced by the Health Department or its designee.
- B. Upon determination that a violation has occurred, the Retail Establishment shall be liable for the following:
 - 1. Upon the initial violation, written warning notice that a violation has occurred shall be issued to the Retail Establishment. No penalty shall be imposed for the initial violation;
 - 2. For the second violation, a penalty of one hundred fifty dollars (\$150.00); and
 - 3. For the third and each subsequent violation, a penalty of two hundred fifty dollars (\$250.00).

- C. No more than one penalty shall be imposed upon a Retail Establishment in one 24 hour period.
- D. No penalty shall be imposed upon a Retail Establishment for a violation of Paragraph C of Section 4 of this article.

§ ____-7. – **Severability.**

If any section, clause, sentence or provision of this article shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable, such adjudication shall not affect the validity or enforceability of any other provision hereof, and the applicability thereof to other persons or circumstances shall not be affected thereby.

§ ____-8. – **Effective date.**

This article shall become effective six months following its adoption by the Common Council in order to allow Retail Establishments time to dispose of their existing inventory of Carryout Bags made of plastic and convert to alternative packaging materials compliant with this article.

**Draft Meeting Minutes from
the 11/20/2018 Ordinance
Committee Meeting and the
11/28/18 Ordinance Committee
Special Meeting**

**CITY OF NORWALK
ORDINANCE COMMITTEE
NOVEMBER 20, 2018**

ATTENDANCE: Eloisa Melendez, Chair; Tom Livingston; Doug Hempstead;
Michael Corsello (7:30); Chris Yerinides; Beth Siegelbaum; Doug
Stern

STAFF: Attorney Brian Candela, Corporation Counsel

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:05pm.

2. PUBLIC HEARING (possible action on):

There was no public hearing this evening.

3. PUBLIC HEARING DISCUSSION

There was no public hearing discussion this evening.

4. PUBLIC COMMENT

Diane Lauricella

Ms. Lauricella stated that she commended the committee on taking up the ordinance related to carry out bags and that she looks forward to making suggestions on other environmental factors in the future. She noted that for people who say they can't afford to pay for bags, that grocery stores will surely be willing to instate a recycling program. She said that encouragement and education will be important. In addressing enforcement, she believed that the waste management manager should be the point person, but in the future that it should fall under the purview of the Conservation Commission. She reiterated that the key to success would be rigorous education program via traditional and social media and said that it would be important to make the ordinance "user friendly" for the public.

Betty Ball— Norwalk Skip the Plastic.

Ms. Ball presented an additional petition with 1300 signatures. She noted that she was unsure what to expect when she went out to collect signatures, but when she told people that 30 million bags a year are not recyclable and 100,000 end up in the sound each year, people are eager to sign. She also noted that Skip the Plastic Norwalk is working with local foodbanks to replace plastic bags with recyclable.

Ms. Melendez closed the public comments at 7:15

5. ACCEPTANCE OF MINUTES

OCTOBER 16, 2018

Mr. Candela shared an email with a request that it be added to the minutes and part of the public record.

**** MR. LIVINGSTON MOVED TO APPROVE THE MINUTES AS AMENDED.**

**** THE MOTION PASSED UNANIMOUSLY**

6. OLD BUSINESS

a. Use of Carryout Bags by Retail Establishment (Plastic Bags)

Mr. Livingston noted the amendments to the ordinance language. In Section 4, adding a (c) about posting signs, in English and Spanish at or near the point of purchase. And added 6D that there would be no specific penalty noted for not posting, noting that the point of this ordinance is to educate and change patterns of behavior, not to penalize. He based both amendments on the New York City Ordinance.

Mr. Corsello arrived at 7:30.

Mr. Stern asked if behaviors will change if there are no consequences. Mr. Livingston said that the penalties are in place, but that his amendment took out the specific language in that section.

Mr. Yerinedes said that it seemed clear. There is still a penalty, but it isn't specified. clear.

Mr. Hempstead shared the ordinance from Suffolk County, New York where they had phased in the ordinance starting in January 2018. For the first six months there were no fines for noncompliance. That ordinance also calls for yearly study toward a goal of a 75% reduction in plastic in the Sound. He also noted that this slower introduction helped people of disparate income levels, it gave people time to change their habits toward solving a problem that everyone agrees on.

Mr. Stern asked how Suffolk County is executing on their study. Mr. Hempstead said he didn't get specifics, but assumed they asked retailers.

Mr. Candela addressed the issue of which department will enforce. Most other cities rely on Conservation Commissions, but Norwalk's is smaller. He spoke to police who suggested Weights and Measures, as did Bill Ireland.

Mr. Hempstead noted that the Health department is already in many of these establishments, so they could add it onto their checklist.

Mr. Livingston said he felt that the step of yearly reports was unnecessary, noting that taking a bag or two out of the Sound is a win.

Mr. Yerenides said he agreed, wouldn't want to miss the target by a bag or two and have the ordinance viewed as ineffective.

Mr. Hempstead said that it is impossible to know if the ordinance is working without yearly reporting. He noted that people are concentrating on grocery stores, but not on stores like the two Walmarts in the City. He said he didn't know how to set a goal, but that it was a different and interesting approach.

Mr. Stern said that he disagreed on phasing in because the goal is to protect the environment and make lives better.

Mr. Yerenides also said that it doesn't need a long phase in, no longer than six months, noting that there will be pushback no matter what.

Mr. Hempstead clarified that Suffolk County didn't phase in, they charged immediately, they had a six-month lag in penalties.

Mr. Livingston said that Stamford law will be in effect first, and that City Officials can use that time to start the education process and said that he'd like to move to a public

hearing. He noted that the language in paragraph 6A from "Department of Public Works" to "Department of Health".

****MR. LIVINGSTON MOVED TO AMEND THE ORDINANCE, CHANGING PARAGRAPH 6A FROM DEPARTMENT OF PUBLIC WORKS TO DEPARTMENT OF HEALTH; AND PARAGRAPH 6B TO REMOVE BRACKETS.**

**** MOTION PASSED UNANIMOUSLY**

****MR. LIVINGSTON MOVED TO SET A PUBLIC HEARING FOR THE NEXT MEETING**

**** MOTION PASSED UNANIMOUSLY**

b. Innovation District (Tabled until December 18, 2018)

7. NEW BUSINESS

Revisions to Chapter 74 - Recreation and Parks, Article 1

Chairman Melendez noted that the majority of changes were to clean up outdated language.

Mr. Ken Hughes from Recreation and Parks Department said that Section 74-1 now calls for "free admission for residents". He noted that it used to say, "property owners", but people who rent office space and pay minimal taxes were gaining access to parks and transfer statements. He noted that they had seen an increase in people doing this.

Ms. Siegelbaum noted that in paragraph 74-2, the heading says, "Season Sticker", but in the body it says "ticket", and that should be changed for continuity.

Ms. Siegelbaum also noted that vans are included in 74-4 A and B. Mr. Hughes said he would get clarification.

Ms. Siegelbaum noted that in 74-8B, change dogs and animal, that should be plural. Mr. Hughes explained that it was singular on purpose, to avoid people bringing multiple dogs.

****MR. HEMPSTEAD MOVED TO EXTEND THE RECREATION AND PARKS REVISIONS TO PUBLIC HEARING AT THE NEXT MEETING.**

****MOTION PASSED UNANIMOUSLY**

8. DISCUSSION ITEM

There was no discussion this evening.

9. ADJOURNMENT

**** MR. LIVINGSTON MOVED TO ADJOURN**
**** THE MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 8:45PM

Respectfully submitted,

L. Grassilli
Telesco Secretarial Services

CITY OF NORWALK

ORDINANCE COMMITTEE

NOVEMBER 28, 2018

ATTENDANCE: Eloisa Melendez, Chair; Tom Livingston; Doug Hempstead; Michael Corsello; Chris Yerinides; Beth Siegelbaum; Doug Stern

STAFF: Attorney Brian Candela, Corporation Counsel; Eric Zwirling, noise consultant (via speakerphone)

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:05pm, introducing the committee members as well as members of the Common Counsel who were there to hear public comment on the noise ordinance. Those members were Mr. Burnett, Ms. Smyth, and Mr. Tsiranides they were joined later by Mr. Dumas.

Attorney Candela read a statement, noting that the committee had been made aware of tech issue which lead to the agenda not being on the City website. It had been there as recently as November 27th. He said that he anticipated that there will be more public meetings in the future, and that any public participation is open and can continue at upcoming meetings.

2. PUBLIC HEARING (possible action on):

There was no public hearing.

3. PUBLIC HEARING DISCUSSION

There was no discussion.

4. PUBLIC COMMENT

Mr. Candela dialed in noise consultant Eric Zwirling at 7:05.

Ms. Mendoza opened the public comment, noting that people have three minutes to address toe committee, with a thirty-second notice to wrap their comments.

Paul Braschi 12 Split Rock Road

Mr. Braschi said that he lived across the mars from City Carting and other industrial companies, and that there is a lot of noise. He noted two parts of the draft ordinance that would well server the residence of Village Creek. First, the ordinance calls for ambient noise construction equipment, but he would like to see the ordinance call for white noise equipment, so that he and his neighbors aren't disturbed. Secondly, he addressed the timing exemption currently in place noting that currently there can be 25-30 vehicles running at the same time. The removal of this exemption will increase the quality of life in Village Creek.

Luigi DiMeglio

Mr. DiMeglio said he was happy to hear about the revisions to the ordinance draft. He noted that his former neighbor, Premier Firewood, sometimes logged decibels of 83 at 9:30 in the morning. He noted that the white noise requirement will help. He also said that in the future businesses should not be allowed to move into residential neighborhoods, citing pollutants, dust, odors, etc.

He acknowledged that the businesses were zoned 100 years ago, but that things have changed, and he and his neighbors have called police and have seen no change.

Sylvia Hall—14 Lubrano Place

Ms. Hall stated that she lives next to City Carting and understood that there was a rule in place that they could not run trucks until 7am, but she has seen them running at 3:30am. She noted that she has double paned windows, but is awoken to diesel trucks running, and it is affecting her sleep. She also said it is affecting her neighbors.

Leonard Braman—Attorney with Watts and Rosen

Mr. Braman said he represents Our House restaurant at 112 Washington street. He thanked the committee for tackling the noise issue, noting that there was much good in the draft ordinance, and that he had suggestions for improvement.

Mr. Braman said that the draft ordinance correction recognizes that Washington street is a regional draw and an economic engine that makes the city a good place to work and visit. So, he suggested that the limits for sound levels on Washington street need clear guidance, and that the first two of three columns in the table make sense, but that the third novel category is redundant, and that it penalizes the bars for neighbors who may have inadequate insulation. He also suggested the floor immediately above the bars should be zoned for business. He noted that Thursday night is a big night, with people starting their weekends, so would like to see the enforcement hours pushed from 10pm-11pm.

Isaac Camoro—owner, Our House Restaurant

Mr. Camoro, the owner of Our House restaurant said that they are trying to be part of the community and bring money into Norwalk. He said that the noise level in the draft ordinance was the same noise level as in a library. He noted that young people are moving to Norwalk for the life here. He said he wants to be part of the community and that he is here to stay.

Vernon Howard — 110 Washington St.

Mr. Howard thanked the committee for its work. He said that Table Three as it is is doable. He noted a noise study from the business below him and that noise levels were at or below the proposed levels. He further said that the enforcement time change for weekends makes sense, but that Thursday night is a work night and he wouldn't like to see that changed.

Diane Lauricella — Environmental Consultant

Ms. Lauricella thanked the committee for looking at noise, noting that it was a long time coming. She said she agreed with many of the speakers who came before her and had some suggestions. She

suggested confirming that there would be a mechanism for record keeping for the people tasked with enforcement. She also noted that with many neighborhoods having suffered for years, she would like to see this finished quickly.

She said she would like to see the Fire or Zoning departments trained in using the instrumentation, asking that the committee confirm there is funding now for Mr. Zwirling to train them. She also said that there should be an education program in place. And final, she would like the committee to eventually consider dumpsters and dumpster pickup, some of which is grandfathered and happens at 3am which is detrimental to health.

Gato Iceman – restaurant owner on Washington Street.

Mr. Iceman said that he and his staff do their best to comply with current regulations. He suggested that the floors immediately above bars be zoned commercial, so the noise doesn't disturb residents.

Hector Correa – owner, Saltwater Restaurant

Mr. Correa stated that Saltwater has lots of events, and that they need events in the winter to maintain their business. He said the business owners need clear guidance. They want their patrons to have fun but don't want to make the neighbors unhappy.

Teresa Peterson – 32 Dock Road

Ms. Peterson stated that she lives in Village Creek in close proximity to industrial areas. She said the community is happy with many of the proposed changes and that they will help with quality of life in the community. She noted that she would like the committee to explore white noise backup. The white noise instead of back up beepers makes a difference. She also noted that enforcement is an issue, since many times they call about infractions it is during a police shift change and it is difficult for police to get to them.

Ed Camacho – North Main St at the corner of Washington

Mr. Camacho said that his apartment is right across the street from the train tracks, and that the owner of his building installed soundproof windows which changed the quality of his life. He said that while he hasn't read the ordinance, he believes landlords on Washington street could be incentivized to install the soundproof windows.

Point of order: Ms. Lauricella asked how to get in touch with Mr. Zwirling with other comments.

Attorney Candela said that he would pass on all comments sent through his office.

Broderick Sawyer – Fire Marshall

Fire Marshall Sawyer said that the kind of decibel testing described in the ordinance is not what the department usually do. He said that they generally test indoors, in a controlled circumstance. He also addressed the question of whether establishments on Washington Street should add more soundproofing, citing the fire at the Station Nightclub, which was caused by soundproofing.

He does not believe the Fire Department is the right department to enforce the ordinance.

Mr. Corsello asked if the department would run into manpower issues if they were tasked with enforcement.

Marshall Sawyer said that if a call came in at night, he'd have to send an engine and four firefighters, which would make noise. And if there were a fire call, they'd have to leave the scene immediately.

Tom Kulhawik – Chief of Police

Chief Kulhawik told the committee that the proposed changes will make it easier to enforce noise regulations, and that the Police Department expects to be the enforcing body.

He addressed the public comment on the lack of response to noise complaints during shift changes, noting that it could be an issue, and that the department will have to look into that.

Ms. Melendez asked about the meters needed for enforcement and asked if there was an investment necessary.

Chief Kulhawik said that Mr. Zwirling recommended equipment and will offer training. He noted that the ordinance was based on complaints, not random testing. He said that giving the bar owners educational sound readings and the opportunity to amend the problem would be a good change to the ordinance.

Mr. Hempstead asked about the scope of budget for equipment, training and manpower.

Chief Kulhawik said they would train supervisors first, and that the police department would draw up a proposed budget, noting that about 20 supervisors would be trained to begin with.

Michael Wrinn, Assistant Director, Planning and Zoning

Mr. Wrinn noted that this ordinance removes some of the issues that the zoning governs now, like open v. closed windows, and that that is acceptable to the department as long as the levels in the ordinance are met.

Mr. Hempstead asked if there was anything that would prohibit zoning from a two-tiered system for permitting, e.g., live entertainment v. not live entertainment. Mr. Wrinn noted that is a building code issue.

Mr. Wrinn noted that there are residents, businesses and landlords involved and that it is unfair to put all the burden for noise control on just one of them. He said that everyone should do a little.

Mr. Yerinedes noted that if businesses are doing the right thing, but the insulation isn't there, the residents are going to be affected. And Ms. Melendez noted that if they continue to have mixed use zones, they are going to need to address this issue.

In regard to the zoning department enforcing, it would take away from zoning inspections.

Bill Ireland – Chief Building official

Mr. Ireland stated that state code dictates what buildings can do, and state needs to approve modifications to code. He noted that some of the older buildings in South Norwalk were grandfathered when they were approved for restaurants and that they don't get the same complaints on the newer buildings.

He said that you can't enforce adding soundproofing unless an establishment has altered the ceiling. Then they've changed it and will need to insulate. He also noted that currently there are not differentiating permits. They are all for 'assembly'

Deanna D'Amore--Health Department

Ms. D'Amore stated that the Board of Health support of this proposed ordinance, noting that it is a health issue. She said that most research is on hearing lost, but sleep, stress, hypertension, can also be caused by excessive noise.

She noted that the proposed ordinance calls for a "Director of Board of Health", and that position doesn't exist. She said that currently when the Health Department gets complaints, they route them to the appropriate entity.

If the Health Department needs to be more involved in enforcement, it would call for additional budget and staff.

5. ACCEPTANCE OF MINUTES

There was no review of minutes.

6. OLD BUSINESS

Chapter 68, Noise Ordinance

Mr. Zwirling, who is the director of the Rutgers University Noise Center, has trained 8-10,000 noise officers through his career. He has also drafted noise ordinances for several municipalities around the country.

At Mr. Livingston's request, Mr. Zwirling talked the committee through the current iteration of the ordinance.

Mr. Zwirling said that this ordinance is an amalgam of many jurisdictions that he's worked on but is written to the specific needs of Norwalk. He based his requirements on regulation 22A of the Connecticut Environmental Protection Code, which has fairly stringent standards. Mr. Zwirling made two visits to Norwalk where he recorded noise levels. On April 20 and July 28, 2018, he took measurements through the night, up and down Washington Street, in bars, in residences. He also toured the city and recorded sound levels.

He said that sound decibel measurements were all based on the level or within the property of affected person, unless otherwise specified. It is only measured at the time of complaint.

Mr. Zwirling highlighted the difference between continuous v. impulsive sound, noting that they should be regulated differently. He defined extraneous sound at the sound of something large clattering to the ground. If it happens more than five times, it is continuous.

He also explained the categories of buildings, including multi-dwelling and multiuse properties.

Mr. Zwirling noted that the proposed ordinance retained the definition of noise sensitive zones, and while he was not sure it was necessary, he noted that the Board of Health could identify those protected zones.

He reiterated that the City can change the draft ordinance as it sees fit and must identify which department becomes the noise control administrator.

Mr. Livingston suggested that in the interest of time, they take the discussion off line, and let Mr. Zwirling answer issues from public comment. Mr. Corsello agreed, and said he would like to be part of that conversation.

Mr. Zwirling said, in reference to construction equipment noise that the exemption has been removed but noted that construction sites need to be specified within the ordinance. He also said there is a prohibition against nighttime construction and noted that white noise backup beepers (called broadband) make a difference.

In reference to the interior sound measurement (table three, column three) measurements were taken meticulously at various sites in front of and above bars. The measurement of 35 decibels represents the sound between songs, and it is up to the City to decide if that is the goal.

In regard to the call for extended exemption hours on Thursday night, Mr. Zwirling said it was up to the City.

Ms. Melendez asked if other cities Mr. Zwirling has worked with have included Thursday nights, and he promised to look into it.

Regarding training, he said he would provide a proposal. It is usually a three-day training, for people to get comfortable with the technology, technique and strategy.

Mr. Corsello asked how long testing takes on site after a complaint, and Mr. Zwirling said it can take 15-20 minutes if the sound is consistent. He noted that there is calibration and other work that needs to be done to get appropriate measurements.

Mr. Tsiranides asked if people can train others once they've been trained. Mr. Zwirling said that because of the nuance he doesn't recommend it immediately. He also noted that people should be retrained every two years.

Mr. Barnett asked if the measurement was anonymous. Mr. Zwirling noted that he tried to be as anonymous as possible, but that he stood out with his equipment. He noted that the levels are based on what the levels were those two nights, as the bars themselves chose.

Mr. Zwirling also said that he took levels on Washington Street and that there were people on the street. He tried to get ambient sound in front of a closed restaurant.

He said that owners can take the course as well and get the equipment and can become compliant on their own.

Mr. Hempstead said that there has been concentration on SoNo and asked about levels at industrial areas.

Mr. Zwirling said he toured the sites and saw the proximity to homes. He noted that berms, barrier walls, and white noise equipment can help. He said it is up to the City to decide how to regulate, because the levels in the ordinance are protective of residents and could significantly alter how businesses work.

Mr. Hempstead noted that it is concerning because it affects either on person's right or another's. He asked for examples of what other jurisdictions have done.

7. NEW BUSINESS

There was no new business.

8. DISCUSSION ITEM

There were no discussion items.

9. ADJOURNMENT

****MR. YERINEDES MOVED TO CLOSE THE MEETING**

**** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 9:30pm.

Respectfully submitted,

L. Grassilli

Telesco Secretarial Services

Innovation District

Innovation District Tax Agreements

§99-1. Concept

It is hereby found and declared that the establishment of a Norwalk Innovation District (the "District") in the Wall Street and West Avenue area as defined in _____ will assist in the revitalization of that area and diversify its economy as it relates to advanced health, science, design and technology. The District shall serve as an economic development tool by which partnerships between public and private institutions, businesses, and government will fuel future job growth. The District's concept is that collaboration and productivity result from proximity, and therefore job creation and innovation can be fostered through the intentional clustering of businesses, institutions, ideas and people.

§99-2. Objectives

The District's objectives include; leveraging area advantages, improving local industry research, growing, attracting and retaining new technology companies, securing a sufficient workforce and ensuring that those who work in the district can live in the district.

§ 99-3. Definitions

- (a) Office Use: A location, usually a building or portion of a building, where a company conducts its business.
- (b) Mixed Use: A development that blends two or more permitted uses including residential, commercial, cultural, and/or industrial uses.
- (c) Retail Use: Business or firms engaged in offering goods and services directly to consumers at that particular location.
- (d) Manufacturing: Any business that uses components, parts or raw materials to make a finished good. These finished goods can be sold directly to consumers or to other manufacturing businesses that use them for making a different product.
- (e) Light Manufacturing: Product production that is characterized by less capital-intensive and more labor-intensive operations. Products tend to be targeted toward end consumers rather than other businesses.
- (f) Information Technology: All forms of technology used to create, store, exchange and utilize information in its various forms including business data, conversations, still images, motion pictures and multimedia presentations.
- (g) Residential Use: All uses identified in Chapter 118, Article 30 of the City of Norwalk Zoning Regulations.
- (h) Commercial Use: All uses identified in the City of Norwalk Zoning Regulations including, but not limited to, the accommodation of for-profit businesses.
- (i) Cultural Use: All uses identified in the City of Norwalk Zoning Regulations to accommodate the visual and performing arts, including, but not limited to, art galleries, art studios, theaters, auditoriums, television and recording studios, as well as art, dance and music schools.

- (j) Industrial Use: All uses identified in Chapter 118, Article 70 of the City of Norwalk Zoning Regulations.
- (k) Applicant: Any person or entity that has filed an application under this ordinance.
- (l) Related Entity: Any corporation, limited liability company, shell company, partnership, sole proprietorship, joint venture, trust, estate, foundation, association, business, company or other organization, whether or not operated for profit, with respect to which an Applicant, or a relative of the same, has, directly or indirectly, an ownership interest in, is employed by, is an agent for or otherwise represents in any legal capacity.

§99-4. Eligible Projects

Consideration of a potential negotiated tax agreement is extended to the following project types provided they evidence the project's furtherance of technology, science, health or design within the District:

- (a) Office Use
- (b) Mixed Use
- (c) Retail Use
- (d) Manufacturing Use
- (e) Information Technology
- (f) Light Manufacturing

§99-5. Eligibility Requirements

From time to time eligibility requirements may be amended by the Common Council.

- a. Any project located within the District that has previously obtained a foundation permit, building permit, or zoning approval prior to the adoption of this ~~the~~ Ordinance is not eligible.
- b. Any Applicant or Related Entity that has debt, or has had outstanding debt for an extended period of time, owed to the City of Norwalk, including, without limitation, real or personal property taxes, parking fees or penalties, or permit fees or penalties is not eligible.
- c. Any Applicant or Related Entity that is not compliant with Norwalk City Code or has had a violation within the past twelve (12) months preceding the filing of an application is not eligible.

§99-6. Review Process

- a. Applications for tax incentive agreements under this Ordinance shall be submitted to the staff to the Planning Committee of the Common Council (the "Staff") ~~Norwalk Redevelopment Agency~~ with an estimated application processing fee on a form approved by the Common Council. Except for applications that the assessor has

determined involve potential improvements of not more than one million dollars (\$1,000,000), the Staff shall retain a qualified independent third party to conduct an economic feasibility and innovation capacity assessment of all applications, which assessment shall include an assessment of the impact of the proposed project on the City's infrastructure and schools. No application shall be forwarded to the Common Council for approval unless such third party (or the Staff, in case of applications involving the potential improvements of not more than one million dollars (\$1,000,000)) determines that (1) the proposed project meets the Guidelines established by the Planning Committee, (2) but for the tax incentive agreement, the proposed project would not be economically feasible, and (3) the proposed project and incentive comply with the provisions of this Ordinance and Connecticut General Statutes §§ 12-65b and 12-65h. In addition, the proposed project shall be consistent with the Plan of Conservation and Development.

- a. Upon completion of its review, the Staff ~~The Redevelopment Agency's~~ shall simultaneously forward ~~review of the application shall be forwarded to the Planning Committee of the Common Council and . The Planning Committee shall advance the application materials to the Board of Estimate and Taxation (the "BET").~~ The BET shall review the forwarded materials and provide its comments to the Planning Committee within forty-five (45) days. If the BET does not provide comments within forty five (45) days, the application shall be deemed approved advance for review by the Planning Committee without comment. ~~Following the such review or advancement by the BET, the Planning Committee shall review all application materials and determine whether the application should be advanced advancement to the Common Council for final action consistent with the limitations of subsections 99-5b and 99-5c.~~
- b. ~~The decision to grant, reject or re-structure any tax agreement shall be within the sole and exclusive discretion of the Common Council. The Common Council is under no obligation to~~ shall not approve any tax agreement application, nor will any application be granted that does not comply with this Ordinance or C.G.S. Connecticut General Statutes §§ 12-65b and 12-65h.
- c. If the tax agreement application is approved, the fixed assessment period shall commence the first fiscal year following the issuance of a Certificate of Occupancy for the ~~real property or air space which~~ that is the subject of the approved tax agreement (the "Agreement").
- d. Approved Projects are required to commence construction within six (6) months and shall be completed within thirty (30) months of execution of the Agreement. Failure to comply with this schedule may result in termination of the Agreement by the Common Council.

§ 99-7. Post-Award Compliance

If a successful Applicant during the term of the Agreement: (a) relocates its business from Norwalk; (b) becomes non-compliant with subsections 99-5b or 99-5c; (c) declares bankruptcy; (d) substantially reduces its operations on the subject property

~~during the time of the Agreement~~, with substantially reduced "operations" meaning for purposes of this Ordinance, among other things, a reduction in square feet occupied within the facility by more than 20%, a reduction in workforce by more than 20%, a failure to construct upon additional phases of construction, and/or sale or lease of some or all of the property subject to the Agreement; and/or in any other way falls to comply with the Agreement, this Ordinance and/or ~~C.G.S. §~~ Connecticut General Statutes §§ 12-65b and 12-65h, the Agreement shall be deemed breached and the Common Council may terminate the Agreement and any tax incentive or other benefit granted to the successful Applicant under this program, ~~the Agreement shall be deemed breached, and in which case the successful Applicant~~ shall be required to pay all assessments and fees that ~~which~~ were abated under the Agreement.

The City of Norwalk, Connecticut

INNOVATION DISTRICT HYPOTHETICAL TAX INCENTIVE

September 4, 2018

District 1	Current	Improvement	Proposed Taxes Yrs 1-7	Proposed Taxes Yrs 8 and beyond
Full 100% Value	\$ 2,910,186	\$5,000,000		
Land	\$ 865,070			
Building	\$ 1,172,060	\$3,500,000		
70% Assessed Value	\$ 2,037,130	\$ 3,500,000		
Mills	2,037.13	3,500.00		
Mill Rate	26.605	26.605		
Gross Real Estate Taxes	\$ 54,198	\$ 93,117		\$ 147,315
Incentive		50%		
Net Real Estate Taxes	\$ 54,198	\$ 46,559	\$ 100,757	\$ 147,315

CODE OF ETHICS

MEMORANDUM TO FILE

Date: December 12, 2018

From: Brian Candela

RE: Code of Ethics & Citizen's Guide to Code of Ethics

Attached as Exhibit 1 please find the current Code of Ethics and the revisions to the Code of Ethics that was approved by the Board of Ethics in March 2018.

Attached as Exhibit 2 please find the current Citizen's Guide to the Code of Ethics and the revisions to the Citizen's Guide to the Code of Ethics that was approved by the Board of Ethics in March 2018.

Exhibit 1

City of Norwalk, CT
Wednesday, December 12, 2018

Chapter 32. Code of Ethics

[HISTORY: Adopted by the City of Norwalk Common Council 6-26-2007.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Administration — See Ch. 9.

[1] *Editor's Note: This ordinance also superseded former Ch. 32, Code of Ethics, adopted 9-12-1967, effective 9-30-1967.*

§ 32-1. Title; administration.

This chapter shall be known and referred to as "the Norwalk Code of Ethics." The Common Council of the City of Norwalk shall be charged with the administration of the Norwalk Code of Ethics. Accordingly, there shall be established an independent committee of five members and two alternates to be known as the "Board of Ethics." The Board of Ethics (the Board) shall be appointed by the Common Council and comprised as provided for in § 32-12 of this chapter.

§ 32-2. Declaration of policy.

- A. Public service is a public trust, and the proper operation of the City of Norwalk requires that all City officers and employees, whether elected or appointed, paid or unpaid, be impartial and responsible to the public. Public office and employment must not be used for unfair personal or financial advantage. The public needs and deserves to have confidence in the integrity of the municipal government of our City.
- B. Officers and employees of the City of Norwalk must refrain from personal, business, and financial activities that adversely affect the individual's fidelity and impartiality, having regard for the nature and scope of their official responsibilities.
- C. In recognition of the aforementioned principles, there is hereby established a Code of Ethics which shall apply for all City officers and employees.

§ 32-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENCY

A board, agency, commission, department or other entity of the City, including the Common Council, Board of Education and the Norwalk Public School System.

CLEAR AND CONVINCING EVIDENCE

Sufficient evidence to support the allegation that the respondent has violated the Code of Ethics, when such evidence is considered fairly and impartially, and induces a reasonable belief in the minds of the ethics hearing board members that the allegations are true. Such evidence must

indicate to the ethics hearing board members that the probability that the respondent has committed the alleged violation is substantially greater than the probability he or she has not.

EMPLOYEE

An individual employed by the City or any of its agencies, whether as a classified employee, unclassified, permanent or temporary, full-time or part-time employee or individual employed by contract on a continuing basis, and all employees of the Norwalk Public School System.

HEARING BOARD

Shall be comprised of three members of the Board of Ethics or, in the event of a conflict or vacancy, one or more of the alternates to the Board of Ethics who shall be appointed by a majority vote of the Board of Ethics. In the event the Board of Ethics members have a conflict or an interest in the complaint at issue, the Common Council, by majority vote, may appoint one or more City officials, who are electors of the City of Norwalk, to serve on a hearing board for that particular complaint. Once impaneled, the hearing board shall continue to serve until it completes the hearing process specified in this Code of Ethics. No more than two members of a hearing board shall be registered members of the same political party. The hearing board shall be permitted to hold a public hearing(s) and to determine whether there is clear and convincing evidence that the respondent has violated the Code of Ethics.

IMMEDIATE FAMILY

Includes, but is not limited to, a spouse, child, grandchild, brother, sister, in-law, parent or grandparent, stepparents and stepchildren, or persons who reside in the same household.

INDIVIDUAL

A natural person.

INVESTIGATING PANEL

Shall consist of three individual electors, from the City of Norwalk, each of who shall be appointed by the Board of Ethics to investigate an ethics complaint and to determine whether there is probable cause to proceed to a public hearing on such a complaint. No two members of an investigating panel shall be registered members of the same political party and at least one member of the investigating panel shall be an unaffiliated voter.

OFFICER

An individual elected or appointed to a City office by the Mayor and/or Common Council, including, but not limited to, ad hoc committee members and members of the Board of Education.

PERSON

Includes associations, firms, partnerships and bodies politic and corporate, as well as individuals.

PROBABLE CAUSE

A state of facts constituting more than mere suspicion and establishing that a state of facts is more likely than not. To establish probable cause there must be facts and circumstances within the investigating panel members' knowledge, based upon trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of Ethics has occurred. The investigating panel shall be guided by established law in the State of Connecticut in making a determination of what constitutes probable cause.

§ 32-4. Conflicts of interests; interference with duties; prohibited interests; exceptions.

- A. Officers and employees of the City should avoid engaging in any business or transaction and should refrain from having an interest, directly or indirectly, which is materially in conflict with or materially incompatible with the proper discharge of his or her official duties for the City or might otherwise influence or impair his or her independence of judgment and action in the performance of

said duties for the City. In the event an officer or employee of the City has a known conflict, he or she shall disclose it in writing to the City Clerk, and if such conflict is material, he or she shall recuse himself or herself from taking any action, with regard to the City, related to the conflicting transaction, business or interest, except as otherwise provided for herein.

- B. Unless otherwise provided by law, an officer or employee of the City shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if such individual or any member of his or her immediate family has any interest in the matter or would be likely to gain or lose any benefit that is not common to the general interest of the public as a result of the decision or action before that agency. Nothing herein shall prohibit any of the City's ordinance list employees from representing the City's interests in any municipal labor contract negotiation or grievance procedure, merely because he or she is an ordinance list employee.
- C. An officer or employee, in performing in his or her office or position of employment with the City, shall not grant any special consideration, treatment or advantage to any person beyond that which is generally available to the public.
- D. An officer or employee shall not by virtue of his or her office or position of employment with the City receive any special consideration, treatment or advantage in any activity or business transaction beyond that which is generally available to the public or officers and employees of the City generally.
- E. Subsections **A**, **B**, **C**, and **D** of this section do not prohibit the following:
 - (1) The employment of an officer or employee by a person who has or who may enter into a contract with the City that is available to members of the general public through open bidding or other process, if the preparation, procurement or performance of the contract is not before the officer's or employee's agency or the officer or employee is not responsible for any aspect of the transaction underlying the contract, and the employee's or officer's relationship is disclosed in writing to the City Clerk.
 - (2) A purchase, sale, foreclosure or condemnation of property or any interest therein involving the City and an officer or employee of the City, if the transaction is conducted according to applicable public procedures. The officer or employee must take no part in the transaction on behalf of the City and an independent officer or agency must approve the terms of the transaction, in writing. Where appropriate and in accordance with this Code of Ethics, the officer or employee should make written disclosure of the transaction to the City Clerk.
 - (3) A contract or transaction between an officer or employee and the City, which contract or transaction does not involve his or her agency and is available to the general public through open bidding or other process.
 - (4) Performance of a contract involving the City and an officer or employee or a member of his or her immediate family, which was executed or entered prior to the date of hire of such officer or employee by the City, when written disclosure of the terms of such contract is filed in accordance with this Code of Ethics with the City Clerk.
 - (5) Employment of an officer or employee by a newspaper that publishes a public notice, resolution, ordinance or other document, the publication of which is required by law.
 - (6) Employment of an officer or employee by a public utility regulated by the Public Utilities Commission.
 - (7) Nothing herein shall preclude an officer or employee of the City from serving on the board of charitable or nonprofit entities or agencies, provided the officer or employee makes written disclosure of the relationship to the City Clerk and the officer or employee shall take no action with regard to the City related to such charitable or nonprofit entity or agency.

- (8) Nothing herein shall preclude an officer or employee of the City from serving on the board of an entity or agency as a designated representative of the City and in such capacity his or her actions as a representative of the City shall not of itself constitute a conflict of interest under this Code of Ethics.
- (9) An officer or employee participating in any program offered by the City to employees and officers generally, including such programs as discount purchase programs, health and education programs, and recreational events.

§ 32-5. Prohibited representation.

- A. No officer or employee shall represent a person or entity, other than the City, before or on behalf of any agency of which he or she is a member, by which he or she is employed, or which is under his or her supervisory authority. This provision shall not preclude an officer or employee of the City from representing constituents in the course of his or her responsibilities for the City, provided that the officer or employee may accept no compensation or gift for such representation.
- B. An officer or employee who or whose immediate family member is employed or under retainer by a person having a matter pending before the agency of which the officer or employee is an officer or employee shall disclose that fact in writing to the agency and the City Clerk and shall abstain from participation in any deliberation, discussion, vote or other action relating to the matter.

§ 32-6. Prohibited use of City property and facilities.

No officer or employee shall use or authorize others to use City-owned property, including vehicles and facilities, for any purpose other than the conduct of City business, except as follows:

- A. For purposes and on terms generally available to members of the public or other officers and employees of the City generally;
- B. In accordance with such officer's or employee's work or employment with the City in which the use of such property by such officer or employee is an element of his or her compensation, term of employment, or performance for the City;
- C. A minor or incidental use for personal purposes that is without cost to the City or a minor or nonincidental use for personal purposes that is authorized by the City; or
- D. For charitable, professional or volunteer work, provided the use is authorized by the City.

§ 32-7. Prohibited use of influence and information.

- A. An officer or employee shall not attempt to influence any other officer, employee or agency concerning the handling of any matter or transaction of any business in which such officer or employee, or his or her immediate family, has an interest, or from which he or she would be likely to gain or lose any material benefit that is not shared in common with the general public. This subsection does not prohibit an officer or employee from communicating with other officers, employees or agencies about a matter in which he or she has a financial or other legally protected interest, if such contact does not have as its goal the exertion of undue influence over the outcome and if the communication conforms to the following:
 - (1) It is limited to communications with an officer, employee or agency responsible for the matter on behalf of the City; and
 - (2) It is reasonable and necessary in terms of the customary conduct of the matter and is limited to lawful means and terms available to members of the public generally in similar circumstances.

- B. Unless otherwise required by federal, state or local law, an officer or employee shall not disclose confidential City information, other than in accordance with established City procedure or with appropriate authorization from the City.
- C. An officer or employee shall not use to his or her advantage any confidential City information for the purpose of advancing his or her financial or personal interest or the interest of a member of his or her immediate family.
- D. No officer or employee shall be required to participate in political campaigns for candidates, parties, political organizations or public issues. Nothing in this Code of Ethics shall preclude an officer or employee from seeking elective office and campaigning in connection therewith or in voluntarily participating in any political campaigns, parties, political organizations or public issues.

§ 32-8. Prohibited gifts.

- A. An officer or employee in the course of his or her work for the City shall not personally solicit or accept any gift, form of service, compensation or any item of property of a value exceeding \$50. Notwithstanding the foregoing, this subsection does not prohibit the following:
 - (1) Gifts or social courtesies related to a family relationship or established personal friendship between an officer or employee and the donor, which are not designed to influence the judgment or action of the officer or employee within the scope of his or her official responsibility and/or authority.
 - (2) Attendance at events of a charitable, public, governmental, informational or business nature where refreshments may be served and small souvenirs of the event, of a minor monetary value, (not exceeding \$50 in value) may be distributed or made available to all attendees, and which are not designed to influence the proper judgment or action of the officer or employee within the scope of his or her official responsibility and/or authority.
 - (3) Political contributions received in compliance with applicable laws and regulations.
 - (4) Loans obtained according to prevailing commercial practices at the prevailing public rates of interest.
 - (5) Customary performance and merit awards or honorariums, bestowed in compliance with applicable City practices.
 - (6) Awards, gifts or other items of value given to employees as part of an official employee recognition/incentive program.
 - (7) Meals and refreshments (not exceeding \$50 in value) provided to an officer or employee, which are not designed to influence the proper judgment or action of the officer or employee in a matter within his or her authority, at any meeting at which the officer or employee attends within the scope of his or her official responsibility and/or authority.
 - (8) Goods or services provide to the City.
 - (9) Meals and refreshments served in an individual's personal home.
 - (10) A rebate or discount on the price of anything sold for value made in the ordinary course of business without regard to the person's status as an officer or employee of the City.
 - (11) Printed or recorded information, photographs, and maps germane to governmental action or functions.
 - (12) Certificates, plaques or other ceremonial awards having a value of not more than \$200.

- B. The monetary exceptions listed herein shall be adjusted annually based on the Consumer Price Index for the proceeding year commencing on January 15, 2009.

§ 32-9. Specific violations.

- A. Ordinances. It shall be a violation of the Code of Ethics for any officer or employee to willfully violate any provisions of the Code of the City of Norwalk concerning the purchasing of supplies, materials, equipment and services.
- B. Removal of original records. It shall be a violation of the Code of Ethics for any officer or employee or former officer or employee to take for personal or other non-City use any original records, files or documents belonging to the City. With appropriate authorization, officers and employees may take copies of nonconfidential documents to the same extent such documents would be available to the public.
- C. Access to information by Board of Ethics. It shall be a violation of the Code of Ethics for any officer or employee to intentionally deny access to information requested by the Board of Ethics or a duly appointed investigating panel in the course of an investigation or a public hearing, except to the extent that such information is exempt from disclosure or otherwise privileged under relevant federal, state or local law.
- D. Whistle blower protection. It shall be a violation of the Code of Ethics for any officer, employee, or agency to retaliate against an individual in employment, benefits or contracting as result of that individual making an ethics complaint or providing truthful information as part of any investigation of or hearing on an ethics complaint.
- E. Violation of confidentiality. It shall be a violation of the Ethics Code for any officer, employee or agency to intentionally violate any confidentially requirement provided for under the Ethics Code.
- F. Additional specific violations. The Common Council may, from time to time, pass ordinances with the specific intent that said ordinances are to be incorporated into and enforced through the ethics process.
- G. Examples only. Violations of the Code of Ethics are not limited to the specific examples listed herein and may include other circumstances and actions that contravene the purpose and Intent of the Code.

§ 32-10. Negotiation of future employment.

An officer or employee shall not solicit future employment with any person who has a substantial matter pending before the agency for which the officer serves or by whom the employee is employed. A matter is "substantial" if it involves a financial value of \$1,000 or more or involves a question of significant public policy for the City.

§ 32-11. Subsequent employment.

- A. An individual who has served as an officer or employee shall not within one year after termination of his or her service, assist any person, other than the City, for monetary or other valuable compensation, before the agency for which the officer or employee served or was employed, in any matter in which said officer or employee participated personally and substantially during his or her service with the City.
- B. No agency shall employ any individual who has served as an officer of the agency during the preceding 18 months or any immediate family member of an individual who has served as an

officer of the agency during the preceding 18 months. No officer of an agency or any immediate family member of an officer of an agency shall apply for or accept employment by that agency during the time that said officer is serving for the agency and for a period of 18 months after said officer ceases to serve in the agency.

§ 32-12. Board of Ethics.

- A. Appointment of members. The Board of Ethics shall be comprised of five full members and two alternate members, each of whom shall be electors of the City of Norwalk. No more than two of the members of the Board and one of the alternates shall be registered members of the same political party, and no member of the Board of Ethics shall be an employee or officer of the City. Except for the original appointments, replacement members shall be appointed each year after the effective date of the enactment of this chapter to serve for terms of three years. At the origination of the Board of Ethics after the first effective date of this amendment to Chapter 32, the Common Council shall appoint: two members and one alternate for three-year terms, two members for two-year terms and one member and one alternate for one-year terms. All council appointments to the Board of Ethics shall require the affirmative vote of 11 members of the Common Council.
- B. Organization. The Board of Ethics shall elect a Chairperson. The Board shall keep minutes of its meetings, which shall be filed in the office of the City Clerk, and the Board shall hold meetings at the call of one member of the Board and at such times as a majority of the Board may determine. Four members present, including sitting alternates, shall constitute a quorum in order for the Board of Ethics to conduct official business. An alternate serving in place of an absent member of the Board shall have all of the powers and responsibilities as a full member during the meeting at which such alternate member shall sit.
- C. Powers and duties.
- (1) Advisory opinions. The Board, when requested to do so in writing by any officer, employee, agency, or member of the public, or upon its own motion, may render advisory opinions concerning officers and employees and other issues with respect to this Code of Ethics. Such advisory opinion shall be binding on the Board, until amended or revoked, and reliance on a controlling advisory opinion in good faith is an absolute defense in any action or proceedings brought under the provisions of this Code of Ethics. The Board shall file said advisory opinion with the office of the City Clerk, and such advisory opinions shall be available to the public. The advisory opinion so filed may contain such deletions as may be necessary to prevent disclosure of the identity of the officer or employee involved, if agreed to by both the individual involved and the Board.
 - (2) Probable cause hearings and subsequent procedures.
 - (a) Filing of the complaint; notification and amendment.
 - [1] Any person, including a member of the Board of Ethics, may submit a written complaint, in a form prescribed by the Board of Ethics and signed under penalty of false statement, alleging a violation of this Code of Ethics by an officer or employee or an individual who was an officer or employee within the preceding year. The complaint shall contain the specific act or acts which allegedly constitute the violation.
 - [2] Upon receipt of said complaint by the Board of Ethics members, an investigating panel will be appointed, within 21 days, consisting of three individuals who are electors of the City of Norwalk. The members of the investigating panel shall not be officers or employees from the agency at which the individual(s) alleged to be involved in the facts of the complaint currently serves or formally served within one year as officers or employees. The investigating panel members may delete, defer or reject any part of a complaint that does not conform to the requirements specified by the Board of Ethics. If any member of the Board of Ethics initiates or is involved in a

complaint, he or she will recuse himself or herself from the Board of Ethics for the purposes of that complaint, including the appointment of the investigating panel and any hearing board, and an alternate of the Board shall serve in his or her place as to all further proceedings on that complaint.

- [3] The Board of Ethics shall notify, by registered or certified mail, or by personal service by a sheriff, constable or indifferent person, any respondent against whom a complaint is filed not later than 10 business days after the investigating panel is formed. A copy of such complaint, the name of the complainant(s) and any subsequent changes to the complaint shall accompany such notice. The Board shall also notify the complainant in writing of its receipt of such complaint not later than 10 business days after the investigating panel is formed.
 - [4] Subsequent to the filing of the original complaint, the investigating panel or the Board of Ethics may, at its discretion, supplement any complaint filed with the Board of Ethics to include other violations which it reasonably suspects to have occurred, based on allegations in the original complaint. Any such supplementation shall be in writing, and a copy shall be sent by registered or certified mail, or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within seven days of such amendment.
- (b) Investigation of probable cause. The investigating panel members shall investigate the complaint and any supplement thereto. For this purpose, hearings and meetings may be held to determine whether or not there is probable cause to believe that the respondent has violated the Code of Ethics. Any investigation and probable cause hearing, if held, shall be confidential and shall not be open to the public unless the respondent requests that such investigation and hearing be open. Pending the outcome of the probable cause hearing, no member of the Board of Ethics or investigating panel shall disclose his or her knowledge of the probable cause investigation to a third party. The respondent shall have the right to appear and be heard and to offer any information by way of answer or denial of the allegations. The respondent may be represented by counsel of his or her choice in the probable cause hearings before the investigating panel. The investigating panel may, in its discretion, hear testimony or take written statements from the complainant and any other witnesses it deems necessary to its investigation. The investigating panel may retain counsel or investigators to assist it in the probable cause hearing process.
- (c) Finding of probable cause and hearings before an ethics hearing board.
- [1] A decision regarding probable cause shall be made by the investigating panel within 60 days after the date that the Board of Ethics served notice of the formation of the investigating panel to the respondent and complainant. A finding that probable cause to believe that the respondent has violated the Code of Ethics exists shall require two concurring votes from the members of the investigating panel.
 - [2] If the investigating panel fails to determine that there is probable cause that the respondent has violated the Code of Ethics, the investigating panel shall dismiss the complaint for the Board of Ethics and shall report such dismissal to the Board of Ethics, and copy of the report of dismissal shall be sent by registered or certified mail or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within seven days of its receipt by the Ethics Board.
 - [3] If the investigating panel determines that there is probable cause that the respondent has violated the Code of Ethics, it shall submit a written report to the Board of Ethics stating the basis for the finding of probable cause. Upon receipt of the report of the investigating panel finding probable cause, the Board of Ethics shall appoint a hearing board, which shall initiate a public hearing process within 30 days, to determine whether the respondent(s) committed a violation of the Code of Ethics. In any public hearing held to determine a violation of the Code of Ethics, the investigating panel

members shall have the responsibility of gathering and presenting evidence to the hearing board.

- [4] The hearing board shall give notice of any report of probable cause made by the investigating panel in writing, and a copy of the report shall be sent by registered or certified mail or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within 10 business days of its receipt by the hearing board.
- [5] The hearing board shall hold hearings in accordance with its regulations and procedures adopted under this Ethics Code and shall call such witnesses and admit such evidence as the hearing board determines to be appropriate. The investigating panel and the respondent shall each have the right to present evidence and witnesses subject to the rules and regulations adopted by the Board of Ethics under this Ethics Code.
- [6] The hearing board shall determine whether a violation of the Code of Ethics has been proven by clear and convincing evidence. In conducting such hearings the investigating panel shall have the burden of proving the claim. A finding of a violation of the Code of Ethics shall require the affirmative vote of two of the three hearing board members that there is clear and convincing evidence that the respondent has violated the Code of Ethics.
- [7] Upon completion of the hearings before the hearing board, the complainant and respondent shall be notified in writing of the decision of the hearing board not later than 10 business days after such decision has been made. Such notification shall be either by registered or certified mail, or personal service by a sheriff, constable or indifferent person. If the hearing board determines a violation of the Code of Ethics has been proven by clear and convincing evidence, the hearing board shall state its findings of fact and conclusions of law in writing and shall specify the Code section violated. The Hearing Board shall file its memorandum of decision with the Mayor, City Clerk, Corporation Counsel, and any other public office it deems appropriate.
- [8] Extension of time.
 - [a] For good cause, the hearing board may grant extensions of time to any of the time limitations specified herein upon an affirmative vote of a majority of the hearing board. However, in no event shall the total extended time period, i.e., the original time period plus the extension(s), exceed double the original time periods prescribed by this chapter.
 - [b] The hearing board shall give written notice of any extension(s) of time to the respondent and the complainant.
 - [c] Notwithstanding the foregoing:
 - [i] No extensions may be given for time periods required for notification(s).
 - [ii] No extensions may be given for the time limitation for ruling on actions unless otherwise specified herein.
- [9] Rules and procedure for public hearings.
 - [a] Public hearings shall be conducted under the rules and regulations adopted by the Board of Ethics, which shall include the following: or all evidence shall be taken under oath; documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; and upon request, parties and the hearing board shall be given the opportunity to compare the copy to the original.

- [b] Rights of panel and respondent.
 - [i] The investigating panel and respondent shall have the right in any such hearing before the hearing board:
 - [A] To be represented by counsel.
 - [B] To present oral or written documentary evidence which is not irrelevant, immaterial or unduly repetitious.
 - [C] To examine and cross-examine witnesses required for a full and true disclosure of the facts.
 - [ii] All decisions regarding the introduction and admissibility of evidence not hereinbefore specified and which is to be introduced or precluded, is to be determined by a majority of the hearing board.
- [c] The Board of Ethics shall have the power to adopt and amend rules of procedure for hearings conducted pursuant to the Code of Ethics, provided such rules are approved by a majority vote of the entire Common Council, after publication of the text of the proposed rules of procedure or amendments thereto in a newspaper having a general circulation in the City. Any rules of procedure or amendments thereto shall become effective 30 days after adoption, and the full text of the rules for procedure, adopted in accordance with this section, shall be published and maintained as part of the Code of the City of Norwalk.
- [d] All Board of Ethics hearings shall be conducted in such a manner as to provide the respondent(s) with all due process that is required by federal, state and local law.
- [e] Upon the request of the complainant, the respondent, the investigating panel or a member of the ethics hearing board, the ethics hearing board shall cause the hearings to be recorded and a transcription to be made thereof. If either the respondent or complainant requests a copy of the transcript, the requesting party shall bear the costs for the same.
- [f] The hearing board may subpoena witnesses to testify and may compel production of documents and other effects as evidence, and such subpoena may be enforced as provided under the Code of the City of Norwalk and state law.
- [g] In order to insure the public's right of access to the proceedings held in accordance with the provisions of this chapter, the Board of Ethics in conducting hearings before the hearing board shall follow the requirements of the Connecticut Freedom of Information Act.^[1]
 - [1] *Editor's Note: See C.G.S. § 1-200 et seq.*
- [h] On or before June 1 of each year, the Board of Ethics shall submit to the members of the Common Council, the Mayor, and the Corporation Counsel a written report, which shall include, but not be limited to, a summary of its activities and recommendations for improvements in the Code of Ethics.
- [i] The Board of Ethics shall hold or sponsor at least one educational program for the City and its employees, officers and agencies before March 31 of each year.
- [j] The Board of Ethics may create and maintain a handbook to be distributed, together with this chapter, to all officers and employees. If created, a copy of the handbook shall be kept at the City Clerk's office and shall be available for inspection by the public.

[10] At any time after an ethics complaint has been made, the Board of Ethics or a duly constituted hearing board may accept stipulated findings and/or a settlement from a respondent.

§ 32-13. Effect of violation.

A. A violation of this Code of Ethics:

- (1) By an elected officer shall be considered dereliction of official duty, and therefore a cause for censure, impeachment or removal from office under the Code of the City of Norwalk.
- (2) By an officer of an appointed board or commission shall be considered misconduct in the performance of duties and therefore a ground for censure or removal under the Code of the City of Norwalk.
- (3) By a employee of an agency shall be considered misconduct and therefore a ground for censure or discipline, including demotion in rank or grade, termination of a contract or discharge under the Code of the City of Norwalk and any applicable labor agreement.

B. Any individual who is found in violation of this chapter may be subject to a civil action by the City to recover damages, if any that are incurred by the City as a result of said individual's unethical conduct. The costs of the hearing process under this Code of Ethics shall not be included in the aforementioned damages and shall not be recoverable under the provisions of this subsection.

C. Any officer or employee who is determined to have violated the provisions of this chapter shall have a copy of said decision placed in his or her official personnel file.

D. The effect of a violation of this Code of Ethics on the validity of a decision or action in connection with which the violation occurred shall be determined by general principles of law.

E. Any officer or employee who is determined to have violated the provisions of this chapter may be subject to a fine in an amount up to \$250 per violation, and such fine may be in addition to any other discipline imposed under this chapter.

§ 32-14. Time limits on complaints.

A. Except as provided in Subsection **B** of this section, no allegation in a complaint of a violation of the Code of Ethics shall be ruled upon by the Board of Ethics if six months or more has passed between the time of the alleged violation and the filing of the complaint. In the event that multiple violations have been alleged, only those violations alleged in the complaint which have occurred within six months of the filing of the complaint to the Board of Ethics may be the subject of a hearing.

B. In the event that a violation or evidence of a violation of this Code of Ethics has been actively concealed, such action shall have the effect of tolling the period of limitation during said period of concealment until such alleged violation is discovered.

C. If an officer or employee under investigation leaves office or employment, the Board of Ethics, by a majority vote, shall have the power to continue the investigation.

§ 32-15. Proposed revisions.

The Board of Ethics may propose revisions to the Code of Ethics to the Common Council to assure its continuing effectiveness, and to hold public hearings, in its discretion, on matters pertaining to the

administration of the Code of Ethics.

§ 32-16. Incurring of costs by Board of Ethics; staff.

- A. The Board of Ethics shall be authorized to incur costs in investigating and prosecuting any alleged ethics violation and in responding to requests for advisory opinions, subject to the City's annual budget process. The Board of Ethics shall seek an annual appropriation to be used to cover its costs during the year and may seek such further or increased appropriations as may be necessary to carry out the terms of this Code of Ethics.
- B. The Law Department shall assist the Board of Ethics in implementing its responsibilities under this Code and shall serve as staff to the Board of Ethics and any hearing board appointed under this Code. The Board of Ethics in appropriate circumstances, as it shall determine, may retain independent counsel to represent the Board, any investigating panel or any hearing board.

§ 32-17. Representation of respondents by City.

It is contemplated by this Code, that persons making complaints and respondents to any ethics complaint made under the Code shall not be represented by counsel appointed by or paid for by the City. In appropriate circumstances when a respondent has not been found in violation of this Code, the Board of Ethics may recommend to the Common Council that a respondent be reimbursed for any and all expenses incurred in defending an ethics complaint including the costs of the respondent's counsel. The Council may authorize such reimbursement subject to the availability of funding by the City.

§ 32-18. Effective date.

This Code of Ethics shall be effective as of Tuesday, November 27, 2007.

Board of Ethics Revisions through 3-23-18 5/2/2017

Chapter 32. Code of Ethics

[HISTORY: Adopted by the City of Norwalk Common Council 6-26-2007.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Administration — See Ch. 9.

[1] Editor's Note: This ordinance also superseded former Ch. 32, Code of Ethics, adopted 9-12-1967, effective 9-30-1967.

§ 32-1. Title; administration.

This chapter shall be known and referred to as "the Norwalk Code of Ethics." The Common Council of the City of Norwalk shall be charged with the administration of the Norwalk Code of Ethics. Accordingly, there shall be established an independent committee of five members and two alternates to be known as the "Board of Ethics." The Board of Ethics (the Board) shall be appointed by the Common Council and comprised as provided for in § 32-12 of this chapter.

§ 32-2. Declaration of policy.

- A. Public service is a public trust, and the proper operation of the City of Norwalk requires that all City Officers ~~officers-and-~~ Employees ~~employees~~, whether elected or appointed, paid or unpaid, be impartial and responsible to the public. Public office and employment must not be used for unfair personal or financial advantage. The public needs and deserves to have confidence in the integrity of the municipal government of our City.
- B. Officers and Employees ~~employees~~ of the City of Norwalk must refrain from personal, business, and financial activities that adversely affect the individual's fidelity and impartiality, having regard for the nature and scope of their official responsibilities.
- C. In recognition of the aforementioned principles, there is hereby established a Code of Ethics which shall apply for all City Officers ~~officers-and~~ ~~employees~~ Employees.

§ 32-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENCY

A board, agency, commission, department or other entity of the City, including but not limited to the Common Council, Board of Education and the Norwalk Public School System.

CLEAR AND CONVINCING EVIDENCE

Sufficient evidence to support the allegation that the Respondent ~~respondent~~ has violated the Code of Ethics, when such evidence is considered fairly and impartially, and induces a reasonable belief in the minds of the ethics- ~~hearing board~~ Hearing Board -members that the allegations are true. Such evidence must indicate to the ethics- ~~hearing board~~ Hearing Board -members that the probability that the Respondent ~~respondent~~ has committed the alleged violation is substantially greater than the probability he or she has not.

EMPLOYEE

An individual employed by the City or any of its agencies, whether as a classified ~~employee~~ Employee, unclassified, permanent or temporary, full-time or part-time ~~employee~~ Employee or individual employed by contract on a continuing basis, and all ~~employee~~ Employees of the Norwalk Public School System.

FINANCIAL BENEFIT

Shall mean the receipt of an improper ~~financial benefit~~ compensation, which may include including but is not limited to, financial compensation, tangible and intangible ~~Employee~~ benefits, or the award of a municipal contract or grant to a third party or independent contractor, who is an Immediate Family member benefits and/or compensation to an Employee's or Officer's Immediate Family.

HEARING BOARD

Shall be comprised of three members of the Board of Ethics or, in the event of a conflict or vacancy, one or more of the alternates to the Board of Ethics who shall be appointed by a majority vote of the Board of Ethics. In the event the Board of Ethics members have a conflict or an interest in the complaint at issue, the Common Council, by majority vote, may appoint one or more City officials, who are electors of the City of Norwalk, to serve on a ~~hearing board~~ Hearing Board -for that particular complaint. Once impaneled, the ~~hearing board~~ Hearing Board -shall continue to serve until it completes the hearing process specified in this Code of Ethics. No more than two members of a ~~hearing board~~ Hearing Board -shall be registered members of the same political party. The ~~hearing board~~ Hearing Board -shall be permitted to hold a public hearing(s) and to determine whether there is eClear aAnd eConvincing eEvidence that the Respondent ~~respondent~~ has violated the Code of Ethics.

IMMEDIATE FAMILY

~~Includes, but is not limited to,~~ A pPerson having legal residence or living in an Officer's or Employee's place of residence ("household member") or, in addition to any other definition, any pPerson who is related to an Officer or Employee, whether by blood, marriage or adoption, including but not limited to, a spouse, child, grandchild, brother, sister, in-law, parent or grandparent, stepparents and stepchildren, or pPersons who reside in the same household. ^[KM1]

INDIVIDUAL

A natural person.

INVESTIGATING PANEL

Shall consist of ~~three individual electors~~^[KM2], from the City of Norwalk, each of who shall be appointed by the Board of Ethics to investigate an ethics complaint and to determine whether there is ~~probable cause~~ to proceed to a public hearing on such a complaint. No two members of an Investigating Panel ~~investigating panel~~ shall be registered members of the same political party, and ~~at least one member of the Investigating Panel investigating panel~~ shall include an unaffiliated voter.

OFFICER

An individual elected or appointed to a City office by the Mayor and/or Common Council, including, but not limited to, ad hoc committee members and members of the Board of Education.

ORDINANCE LIST EMPLOYEE

~~_____~~ ^[Corporation Counsel's office to provide definition]^[HW3] Non-union Employees, including management and confidential Employees.

PERSON

Includes associations, firms, partnerships and bodies politic and corporate, as well as individuals.

PROBABLE CAUSE

A state of facts, which constitutes ~~constituting~~ more than a mere suspicion and establishing that a state of facts is more likely than not to have occurred. To establish ~~probable cause~~ there must be facts and circumstances within the ~~investigating panel~~ Investigating Panel members' knowledge, based upon trustworthy information, sufficient to justify the belief of a reasonable ~~person~~ that a violation of the Code of Ethics has occurred. The Investigating Panel ~~investigating panel~~ shall be guided by established law in the State of Connecticut in making a determination of what constitutes ~~probable cause~~.

YEAR

Year shall mean the municipal fiscal year as established by the Connecticut General Statutes.^[KM4]

§ 32-4. Conflicts of interests; interference with duties; prohibited interests; exceptions.

A. ~~A~~ Prohibited Actions and Transactions

A Municipal Employee or Officer shall:

~~A Municipal Employee or Officer shall:~~

- (1) (i) —Not take any action, directly or indirectly, to coerce, command or require a Municipal Employee, Officer or Agency to appoint an Immediate Family member to a municipal position, whether paid or unpaid;
- (2) (ii) —Not have a role, directly or indirectly, in obtaining a Financial Benefit, hiring, promoting, demoting, disciplining, or taking other personnel action involving an Immediate Family member;
- (3) (iii) —Not take any action, directly or indirectly, to coerce, command or require a Municipal Employee, Officer or Agency to refrain from hiring, promoting, demoting, disciplining, or taking other personnel action involving an Immediate Family member;
- (4) (iv) —Not provide a Financial Benefit to a third party business or independent contractor, which is owned, operated, and/or controlled by an Immediate Family member;

-
- (5) (v) —~~Officer and employee of the City should avoid~~ Avoid engaging in any business or transaction and should refrain from having an interest, directly or indirectly, which is materially in conflict with or materially incompatible with the proper discharge of his or her official duties for the City or might otherwise influence or impair his or her independence of judgment and action in the performance of said duties for the City; Avoid engaging in any business or transaction or having a personal, Immediate Family or business interest, directly or indirectly, which is in material conflict with or incompatible with the proper discharge of his or her official duties or that by creating a divided loyalty might influence or impair his or her independence of judgment and action in the performance of said duties. A conflict of interest exists whenever an Officer or Employee will more likely than not benefit, disproportionately from other citizens of the city, directly or indirectly, from a decision over which they have influence.
 - (6) (vi) —[KM5] —Not deliberate or participate in a decision or action by the Agency of which the Individual is a member or is employed if such Individual or any member of his or her Immediate Family has any interest in the matter or would be likely to gain or lose any benefit that is not common to the general interest of the public as a result of the decision or action before that aAgency, unless otherwise provided by law. Nothing herein shall prohibit any of the City's eOrdinance lList Employees from representing the City's interests in any municipal labor contract negotiation or grievance procedure, merely because he or she is an eOrdinance lList Employee;
 - (7) (vii) —[KM6] —Not, by virtue of his or her office or position of employment with the City, grant any special consideration, treatment or advantage to any pPerson beyond that which is generally available to the public;
 - (8) (viii) —[KM7] —Not, by virtue of his or her office or position of employment with the City, receive any special consideration, treatment or advantage in any activity or business

transaction beyond that which is generally available to the public or Officers and Employees of the City. generalgeneral

B. Conflicts of Interest^[KM8]:

y

B. Conflicts of Interest^[KM9]:

In the event an officer~~Officer~~ or employee~~Employee~~ of the City has a known conflict of interest, he or she shall disclose it in writing to their supervisor, and the supervisor shall file the written disclosure statement with the City Clerk. ~~and if~~ If such conflict is material, the Officer or Employee with the declared conflict ~~he or she shall~~ recuse himself or herself from taking any action, with regard to the City, related to the conflicting transaction, business or interest, including but not limited to, participating in discussions, meetings, or votes involving the conflicting interest, except as otherwise provided for herein.

C. Exceptions: Subsections A, and B of this section do not prohibit the following:

B.

~~Unless otherwise provided by law, an officer or employee of the City shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if such individual or any member of his or her immediate family has any interest in the matter or would be likely to gain or lose any benefit that is not common to the general interest of the public as a result of the decision or action before that agency. Nothing herein shall prohibit any of the City's ordinance list employees from representing the City's interests in any municipal labor contract negotiation or grievance procedure, merely because he or she is an ordinance list employee.~~

C.

~~An officer or employee, in performing in his or her office or position of employment with the City, shall not grant any special consideration, treatment or advantage to any person beyond that which is generally available to the public.~~

D.

~~An officer or employee shall not by virtue of his or her office or position of employment with the City receive any special consideration, treatment or advantage in any activity or business transaction beyond that which is generally available to the public or officers and employees of the City generally.~~

^[KM10]**CE. Exceptions**

~~— Subsections A, and B, C, and D of this section do not prohibit the following:~~

~~— (1)~~

~~— The employment of an officer~~Officer or ~~employee~~Employee by a ~~p~~Person who has or who may enter into a contract with the City that is available to members of the general public through open bidding or other process, if the preparation, procurement or performance of the contract is not before the ~~officer~~Officer's or ~~employee~~Employee's ~~a~~Agency or the ~~officer~~Officer or ~~employee~~Employee is not responsible for any aspect of the transaction underlying the contract, and the ~~employee~~Employee's or ~~officer~~Officer's relationship is disclosed in writing to the City Clerk.

(1)

~~— (2)~~

~~— A purchase, sale, foreclosure or condemnation of property or any interest therein involving the City and an officer~~Officer or ~~employee~~Employee of the City, if the transaction is conducted according to applicable public procedures. The ~~officer~~Officer or ~~employee~~Employee must take no part in the transaction on behalf of the City and an independent ~~officer~~Officer or ~~a~~Agency must approve the terms of the transaction, in writing. Where appropriate and in accordance with this Code of Ethics, the ~~officer~~Officer or ~~employee~~Employee should make written disclosure of the transaction to the City Clerk.

(2)

~~— (3)~~

(3) A contract or transaction between an ~~officer~~Officer or ~~employee~~Employee and the City, which contract or transaction does not involve his or her ~~a~~Agency and is available to the general public through open bidding or other process.

~~— (4)~~

(4) Performance of a contract involving the City and an ~~officer~~Officer or ~~employee~~Employee or a member of his or her ~~immediate family~~Immediate Family, which was executed or entered prior to the date of hire of such ~~officer~~Officer or ~~employee~~Employee by the City, when written disclosure of the terms of such contract is filed in accordance with this Code of Ethics with the City Clerk.

~~— (5)~~

(5) Employment of an ~~officer~~Officer or ~~employee~~Employee by a newspaper that publishes a public notice, resolution, ordinance or other document, the publication of which is required by law.

—

—(6)—

(6) Employment of an ~~officer~~Officer or ~~employee~~Employee by a public utility regulated by the ~~Public~~the Public Utilities Regulatory Authority. ~~Public Utilities Commission.~~

—

—(7)—

(7) ~~Unless otherwise prohibited by law, nothing~~ ^[KM11]~~Nothing~~ herein shall preclude an ~~officer~~Officer or ~~employee~~Employee of the City from serving on the board of charitable or nonprofit entities or agencies, provided the ~~officer~~Officer or ~~employee~~Employee makes written disclosure of the relationship to the City Clerk and the ~~officer~~Officer or ~~employee~~Employee shall take no action with regard to the City related to such charitable or nonprofit entity or ~~a~~Agency.

—

—(8)—

(8) ~~Unless otherwise prohibited by law, nothing~~ ^[KM12]~~Nothing~~ herein shall preclude an ~~officer~~Officer or ~~employee~~Employee of the City from serving on the board of an entity or ~~a~~Agency as a designated representative of the City and in such capacity his or her actions as a representative of the City shall not of itself constitute a conflict of interest under this Code of Ethics.

—

—(9)—

(9) An ~~officer~~Officer or ~~employee~~Employee participating in any program offered by the City to ~~employee~~Employees and ~~officer~~Officers generally, including such programs as discount purchase programs, health and education programs, and recreational events.

§ 32-5. Prohibited representation.

—A.—

A. No ~~officer~~Officer or ~~employee~~Employee shall represent a ~~p~~Person or entity, other than the City, before or on behalf of any ~~a~~Agency of which he or she is a member, by which he or she is employed, or which is under his or her supervisory authority. This provision shall not preclude

an ~~officer~~Officer or ~~employee~~Employee of the City from representing constituents in the course of his or her responsibilities for the City, provided that the ~~officer~~Officer or ~~employee~~Employee may accept no compensation or gift for such representation.

~~—B.~~

- B. An ~~officer~~Officer or ~~employee~~Employee who or whose Immediate Family ~~immediate family~~member is employed or under retainer by a ~~p~~Person having a matter pending before the ~~a~~Agency of which the ~~officer~~Officer or ~~employee~~Employee is an ~~officer~~Officer or ~~employee~~Employee shall disclose that fact in writing to the ~~a~~Agency and the City Clerk and shall abstain from participation in any deliberation, discussion, vote or other action relating to the matter.^[KM13]

§ 32-6. Prohibited use of City property and facilities.

No ~~officer~~Officer or ~~employee~~Employee shall use or authorize others to use City-owned property, including vehicles and facilities, for any purpose other than the conduct of City business, except as follows:

~~—A.~~

- A. For purposes and on terms generally available to members of the public or other ~~officer~~Officers and ~~employee~~Employees of the City generally;

~~—B.~~

- B. In accordance with such ~~officer~~Officer's or ~~employee~~Employee's work or employment with the City in which the use of such property by such ~~officer~~Officer or ~~employee~~Employee is an element of his or her compensation, term of employment, or performance for the City;

~~—C.~~

- C. A minor or incidental use for personal purposes that is without cost to the City or a minor or nonincidental use for personal purposes that is authorized by the City; or

~~—D.~~

- D. For charitable, professional or volunteer work, provided the use is authorized by the City.

§ 32-7. Prohibited use of influence and information.

~~—A.~~

- A. An ~~officer~~Officer or ~~employee~~Employee shall not attempt to influence any other ~~officer~~Officer, ~~employee~~Employee or ~~a~~Agency concerning the handling of any matter or transaction of any business in which such ~~officer~~Officer or ~~employee~~Employee, or his or her ~~immediate family~~Immediate Family, has an interest, or from which he or she would be likely to gain or lose

any material benefit that is not shared in common with the general public. This subsection does not prohibit an ~~officer~~Officer or ~~employee~~Employee from communicating with other ~~officer~~Officers, ~~employee~~Employees or agencies about a matter in which he or she has a financial or other legally protected interest, if such contact does not have as its goal the exertion of undue influence over the outcome and if the communication conforms to the following:

~~—(1)—~~

(1) It is limited to communications with an ~~officer~~Officer, ~~employee~~Employee or ~~a~~Agency responsible for the matter on behalf of the City; and

~~—(2)—~~

(2) It is reasonable and necessary in terms of the customary conduct of the matter and is limited to lawful means and terms available to members of the public generally in similar circumstances.

~~—B.—~~

B. ~~Unless otherwise required by federal, state or local law, an officer~~Officer or ~~employee~~Employee shall not disclose confidential City information, other than in accordance with established City procedure or with appropriate authorization from the City. Unless otherwise required by federal, state or local law, an Officer or Employee shall not disclose confidential City information other than in accordance with established City procedures or with appropriate authorization from the City.

~~—C.—~~

C. An ~~officer~~Officer or ~~employee~~Employee shall not use to his or her advantage, any confidential City information for the purpose of advancing his or her financial or personal interest, or the interest of their employer (if they are not an Employee of the City), or the interest of a member of his or her- Immediate Family-immediate family.

~~—D.—~~

D. No ~~officer~~Officer or ~~employee~~Employee shall be required to participate in political campaigns for candidates, parties, political organizations or public issues. Nothing in this Code of Ethics shall preclude an ~~officer~~Officer or ~~employee~~Employee from seeking elective office and campaigning in connection therewith or in voluntarily participating in any political campaigns, parties, political organizations or public issues.

§ 32-8. Prohibited gifts.

- A. An Officer or Employee in the course of his or her work for the City shall not, directly or indirectly, solicit or accept any gift, form of service, compensation or any item of property of a value exceeding \$150400 in aggregate over the period of one yYear, from anyone or any institution, including but not limited to an Immediate Family member covered by this code.
- B. No Officer or Employee shall knowingly or unknowingly, give, directly or indirectly, any gift in violation of this subsection.

~~A.~~

~~An Officer or Employee officer or employee in the course of his or her work for the City shall not, directly or indirectly, personally solicit or accept any gift, form of service, compensation or any item of property of a value exceeding \$50 \$100 in aggregate over the period of one year, from anyone or any institution, including but not limited to an Immediate Family member covered by this code.~~

~~B. No Officer or Employee shall knowingly or unknowingly, give, directly or indirectly, any gift in violation of this subsection.~~

- C. ~~C.~~ Notwithstanding the foregoing, this subsection does not prohibit the following:

~~(1)~~

- (1) Gifts or social courtesies related to a family relationship or established personal friendship between an ~~officer~~Officer or ~~employee~~Employee and the donor, which are not designed to influence the judgment or action of the ~~officer~~Officer or ~~employee~~Employee within the scope of his or her official responsibility and/or authority.

~~(2)~~

- (2) Attendance at events of a charitable, public, governmental, informational or business nature where refreshments may be served and small souvenirs of the event, of a minor monetary value, (not exceeding \$150 400 \$50 in value per yYear) may be distributed or made available to all attendees, and which are not designed to influence the proper judgment or action of the ~~officer~~Officer or ~~employee~~Employee within the scope of his or her official responsibility and/or authority.

~~(3)~~

- (3) Political contributions received in compliance with applicable laws and regulations.

~~(4)~~

(4) Loans obtained according to prevailing commercial practices at the prevailing public rates of interest.

~~—(5)—~~

(5) Customary performance and merit awards or honorariums, bestowed in compliance with applicable City practices.

~~—(6)—~~

(6) Awards, gifts or other items of value given to ~~employee~~Employees as part of an official ~~employee~~Employee recognition/incentive program.

~~—(7)—~~

(7) Meals and refreshments (not exceeding \$150~~400~~\$50-in value per yYear) provided to an ~~officer~~Officer or ~~employee~~Employee, which are not designed to influence the proper judgment or action of the ~~officer~~Officer or ~~employee~~Employee in a matter within his or her authority, at any meeting at which the ~~officer~~Officer or ~~employee~~Employee attends within the scope of his or her official responsibility and/or authority.

~~—(8)—~~

(8) Goods or services provide to the City.

~~—(9)—~~

(9) Meals and refreshments served in an iIndividual's personal home.

~~—(10)—~~

(10) A rebate or discount on the price of anything sold for value made in the ordinary course of business without regard to the pPerson's status as an ~~officer~~Officer or ~~employee~~Employee of the City.

(11) ~~(11)~~Printed or recorded information, photographs, and maps germane to governmental action or functions.

~~—~~

~~—Printed or recorded information, photographs, and maps germane to governmental action or functions.~~

~~—(12)—~~

(12) Certificates, plaques or other ceremonial awards having a value of not more than \$200 as well as any -other things of value given to Employees as part of an official Employee Recognition/Incentive Program.

- (13) Gifts or social courtesies, given to celebrate major life events such as weddings, births, religious milestones or major holidays, given to the Officer or Employee, or to the Officer's or Employee's Immediate Family, from donors, who are: (a) other relatives that are not "Immediate Family" as defined in Section 32-3 above, or (b) close personal friends. Gifts made under this Section with a monetary value in excess of \$500.00 must be disclosed in writing within ninety (90) days to the Board of Ethics. In the event of a complaint of a violation of this Section, the Officer or Employee shall have the burden of proving that the gift is a bona fide gift or social courtesy customarily made for the occasion. Political contributions should not be construed to be a gift and are not subject to this section.

B.

~~The monetary exceptions listed herein shall be adjusted annually based on the Consumer Price Index for the proceeding year commencing on January 15, 2009.~~

- D. ~~D.~~ The Board of Ethics is encouraged to periodically review the ~~monetary~~ monetary exceptions listed herein (Section 32-8) to determine if the amount should be adjusted, and submit any recommendation for change to the Common Council.

§ 32-9. Specific violations.

A.

- A. Ordinances. It shall be a violation of the Code of Ethics for any ~~officer~~ Officer or ~~employee~~ Employee to willfully violate any provisions of the Code of the City of Norwalk concerning the purchasing of supplies, materials, equipment and services.

B.

- B. Removal of original records. It shall be a violation of the Code of Ethics for any ~~officer~~ Officer or ~~employee~~ Employee or former ~~officer~~ Officer or ~~employee~~ Employee to take for personal or other non-City use any original records, files or documents belonging to the City. With appropriate authorization, ~~officer~~ Officers and ~~employee~~ Employees may take copies of nonconfidential documents to the same extent such documents would be available to the public.

C.

- C. Access to information by Board of Ethics. It shall be a violation of the Code of Ethics for any ~~officer~~ Officer or ~~employee~~ Employee to intentionally deny access to information requested by the Board of Ethics or a duly appointed ~~investigating panel~~ Investigating Panel in the course of an investigation or a public hearing, except to the extent that such information is exempt from disclosure or otherwise privileged under relevant federal, state or local law.

D.

D. Whistle blower protection. It shall be a violation of the Code of Ethics for any ~~officer~~Officer, ~~employee~~Employee, or ~~a~~Agency to threaten or retaliate or take any actions against an individual, including in areas of ~~in~~-employment, career advancement opportunities, benefits or contracting, as result of that individual making an ethics complaint or providing truthful information as part of any investigation of or hearing on an ethics complaint.

E.

E. Violation of confidentiality. It shall be a violation of the Ethics Code for any ~~officer~~Officer, ~~employee~~Employee or ~~a~~Agency to intentionally violate any confidentiality ~~confidentially~~ requirement provided for under the Ethics Code.

F.

F. Additional specific violations. The Common Council may, from time to time, pass ordinances with the specific intent that said ordinances are to be incorporated into and enforced through the ethics process.

G.

G. Examples only. Violations of the Code of Ethics are not limited to the specific examples listed herein and may include other circumstances and actions that contravene the purpose and Intent of the Code.

§ 32-10. Negotiation of future employment.

An ~~officer~~Officer or ~~employee~~Employee shall not solicit ~~future~~-employment with any ~~p~~Person or company who has a substantial matter pending before the ~~a~~Agency for which the ~~officer~~Officer serves or by whom the ~~employee~~Employee is employed. A matter is "substantial" if it involves a financial value of \$1,000 or more or involves a question of significant public policy for the City.

§ 32-11. Subsequent employment.

A.

A. An individual who has served as an ~~officer~~Officer or ~~employee~~Employee shall not within one year after termination of his or her service, assist any ~~p~~Person, other than the City, for monetary or other valuable compensation, before the ~~a~~Agency for which the ~~officer~~Officer or ~~employee~~Employee served or was employed, in any matter in which said ~~officer~~Officer or ~~employee~~Employee participated personally and substantially during his or her service with the City; or appear before the Agency in which he or she was a member or employed. For example, an Officer or Employee of the Zoning Commission could not appear before the Zoning Commission within one year after termination, but could appear before any other City agency immediately after terminating his or her service from the Zoning Commission.

B.

- B. No ~~a~~Agency shall employ any ~~i~~Individual who has served as an ~~officer~~Officer of the ~~a~~Agency during the preceding 18 months or any ~~immediate family~~Immediate Family member of an ~~i~~Individual who has served as an ~~officer~~Officer of the ~~a~~Agency during the preceding 18 months. No ~~officer~~Officer of an ~~a~~Agency or any ~~immediate family~~Immediate Family member of an ~~officer~~Officer of an ~~a~~Agency shall apply for or accept employment by that ~~a~~Agency during the time that said ~~officer~~Officer is serving for the ~~a~~Agency and for a period of 18 months after said ~~officer~~Officer ceases to serve in the ~~a~~Agency.

§ 32-12. Board of Ethics.

A.

- A. Appointment of members. The Board of Ethics shall be comprised of five full members and two alternate members, each of whom shall be electors of the City of Norwalk. No more than two of the members of the Board and one of the alternates shall be registered members of the same political party, and no member of the Board of Ethics shall be an ~~employee~~Employee or ~~officer~~Officer of the City. Except for the original appointments, replacement members shall be appointed each year after the effective date of the enactment of this chapter to serve for terms of three years. At the origination of the Board of Ethics after the first effective date of this amendment to Chapter 32, the Common Council shall appoint: two members and one alternate for three-year terms, two members for two-year terms and one member and one alternate for one-year terms. All council appointments to the Board of Ethics shall require the affirmative vote of 11 members of the Common Council.^[KM14]

B.

- B. Organization. The Board of Ethics shall elect a Chairperson. The Board shall keep minutes of its meetings, which shall be filed in the office of the City Clerk, and the Board shall hold meetings at the call of one member of the Board and at such times as a majority of the Board may determine. Four members present, including sitting alternates, shall constitute a quorum in order for the Board of Ethics to conduct official business. An alternate serving in place of an absent member of the Board shall have all of the powers and responsibilities as a full member during the meeting at which such alternate member shall sit.

C.

- C. Powers and duties. The powers and duties of the Board of Ethics shall include rendering advisory opinions, investigation of complaints, hearings on complaints, notification ~~of~~ to the Mayor, City Clerk, Corporation Counsel and any other public Officer as it deems appropriate of its memorandum of decision on any complaint, annual reports to the Mayor, Common Council, and Corporation Counsel on its activities and recommendations, and annual educational programs on the Code of Ethics for municipal Officers, Employees, and agencies ~~on the Code of Ethics.~~ ^[KM15] Further, the Board of Ethics shall promote a public culture and operating environment of high ethical standards throughout the City of Norwalk, by education, and informing and encouraging City officials, Employees, residents and vendors of the City of Norwalk to become aware of the Code of Ethics, and to ensure that their public actions and activities are in compliance with the Norwalk Code of Ethics. ~~and high ethical standards.~~^[KM16]

~~Further, the Board of Ethics shall promote a public culture and operating environment of high ethical standards throughout the City of Norwalk, by education, and informing and encouraging City officials, Employees, residents and vendors of the City of Norwalk to become aware of the Code of Ethics, and to ensure that their public actions and activities are in compliance with the Norwalk Code of Ethics, and high ethical standards.~~ [KM17]

~~D. (1)~~ [KM18]

D. Advisory opinions. The Board, when requested to do so in writing by any ~~officer~~ Officer, ~~employee~~ Employee, ~~a~~ Agency, or member of the public, or upon its own motion, may render advisory opinions concerning ~~officer~~ Officers and ~~employee~~ Employees and other issues with respect to this Code of Ethics. Such advisory opinion shall be binding on the Board, until amended or revoked, and reliance on a controlling advisory opinion in good faith is an absolute defense in any action or proceedings brought under the provisions of this Code of Ethics. Within 120 days of valid receipt of the request, the Board shall render its advisory opinion, or act not to consider such request, and shall file such opinion or action ~~The Board shall file said advisory opinion with the office of the City Clerk, and such advisory opinions shall be available to the public. The advisory opinion so filed may contain such deletions as may be necessary to prevent disclosure of the identity of the officer or employee involved, if agreed to by both the individual involved and the Board.~~

~~E. (2)~~ [KM19]

E. Probable cause hearings and subsequent procedures.

~~(1) (a)~~ [KM20]

(1) Filing of the complaint; notification and amendment.

~~(a) (1)~~ [KM21]

— Any ~~p~~ Person, including a member of the Board of Ethics, may submit a written complaint, in a form prescribed by the Board of Ethics and signed under penalty of false statement, alleging a violation of this Code of Ethics by an ~~officer~~ Officer or ~~employee~~ Employee or an ~~i~~ Individual who was an ~~officer~~ Officer or ~~employee~~ Employee within the preceding year. The complaint shall contain the specific act or acts which allegedly constitute the violation.

(a)

~~(2) (b)~~ [KM22]

— Upon receipt of said complaint by the Board of Ethics members, an Investigating Panel ~~investigating panel~~ will be appointed, within 21 days, consisting of three ~~i~~ Individuals who are electors of the City of Norwalk. The members of the Investigating Panel ~~investigating panel~~ shall not be ~~officer~~ Officers or ~~employee~~ Employees from the ~~a~~ Agency at which the ~~i~~ Individual(s) alleged to be involved in the facts of the complaint currently serves or formally served within one year as ~~officer~~ Officers or ~~employee~~ Employees. The Investigating Panel ~~investigating panel~~ members may delete, defer or reject any part of a complaint that does not conform to the requirements specified by the Board of Ethics. If any member of the Board of Ethics initiates or is involved in a complaint, he or she will recuse himself or herself from the Board of Ethics for the purposes of that complaint, including the appointment of the Investigating Panel ~~investigating panel~~ and any ~~hearing board~~ Hearing Board, and an alternate of the Board shall serve in his or her place as to all further proceedings on that complaint.

(b)

~~[3]~~ (2) ~~[KM24]~~ Investigation of Complaint, Notification of Parties, Investigating Panel
(2)

- (a) ~~(a)~~ Notification of Parties. The Board of Ethics shall notify, by registered or certified mail, or by personal service by a ~~State~~ State Marshal ~~sheriff~~, constable or indifferent ~~p~~Person, any Respondent(s) ~~respondent~~ against whom a complaint is filed not later than 10 business days after the Investigating Panel ~~investigating panel~~ is formed. A copy of such complaint, the name of the Complainant(s) ~~complainant(s)~~ and any subsequent changes to the complaint shall accompany such notice. The Board shall also notify the complainant in writing of its receipt of such complaint not later than 10 business days after the Investigating Panel ~~investigating panel~~ is formed.

~~[4]~~ ~~[KM25]~~

- (b) ~~(b)~~ Supplementation Expansion of Complaint by Investigating Panel. Subsequent to the filing of the original complaint, the Investigating Panel ~~investigating panel~~ or the Board of Ethics may, at its discretion, ~~supplement~~ expand any complaint filed with the Board of Ethics to include other violations which it reasonably suspects to have occurred, based on allegations in the original complaint. Any such ~~supplementation~~ expansion shall be in writing, and a copy shall be sent by registered or certified mail, or by personal service by a ~~State~~ Marshal ~~sheriff~~, constable or indifferent ~~p~~Person to the ~~respondent~~ Respondent(s) and Complainant(s) ~~complainant~~ within seven days of such amendment.

~~(b)~~ ~~(c)~~ ~~[KM26]~~

- (c) Investigation of ~~p~~Probable ~~e~~Cause; Confidentiality of Initial Proceedings. The Investigating Panel ~~investigating panel~~ members shall investigate the complaint and any expansion ~~supplement~~ thereto. For this purpose, hearings and meetings may be held to determine whether or not there is ~~p~~Probable ~~e~~Cause to believe that the respondent has violated the Code of Ethics. Any investigation and ~~p~~Probable ~~e~~Cause hearing, if held, shall be confidential and shall not be open to the public unless the Respondent ~~respondent~~ requests that such investigation and hearing be open. Request by the Respondent for a public hearing shall waive the confidentiality requirement of the investigation and hearing. Pending the outcome of the ~~p~~Probable ~~e~~Cause hearing, no member of the Board of Ethics or Investigating Panel ~~investigating panel~~ shall disclose his or her knowledge of the ~~p~~Probable ~~e~~Cause investigation to a third party. By filing a complaint with the Board of Ethics, the Complainant shall be bound by the requirement of confidentiality in the investigation phase. A violation of the requirement of confidentiality by the Complainant, whether direct or indirect, shall be grounds, at the discretion of the Board of Ethics, to dismiss the complaint. ; A violation of the requirement of confidentiality by the Complainant, whether direct or indirect may be grounds to to permanently ban the Complainant from filing complaints in the future. The Respondent ~~respondent~~ shall have the right to appear and be heard and to offer any information by way of answer or denial of the allegations. The Respondent ~~respondent~~ may be represented by counsel of his or her choice in the ~~p~~Probable ~~e~~Cause hearings before the ~~Investigating~~ the Investigating Panel ~~investigating panel~~. The Investigating Panel ~~investigating panel~~ may, in its discretion, hear testimony or take written statements from the Complainant ~~complainant~~ and any other witnesses it deems

necessary to its investigation. The Investigating Panel ~~investigating panel~~ may retain counsel or investigators to assist it in the pProbable eCause hearing process.

Finding of Probable Cause, Written Report, Hearing Before

(d)

~~—(i) Finding of Probable Cause. (e) [KM27]~~

~~—Finding of probable cause and hearings before an ethics hearing board.~~

~~—(d)[1] Finding of Probable Cause, Written Report, Hearing Before~~

(i)

~~—(i) Finding of Probable Cause.~~ A decision regarding pProbable eCause shall be made by the Investigating Panel ~~investigating panel~~ within 60 days after the date that the Board of Ethics served notice of the formation of the Investigating Panel ~~investigating panel~~ to the Respondent ~~respondent~~ and ~~Complainant complainant~~. A finding that pProbable eCause to believe that the Respondent ~~respondent~~ has violated the Code of Ethics exists shall require two concurring votes from the members of the Investigating Panel ~~investigating panel~~.

(ii)

(iii) ~~(ii) Written Report of Investigating Panel; Public Hearing Before Hearing Board.~~ If the ~~Investigating Panel~~ determines that there is pProbable eCause that the Respondent ~~respondent~~ has violated the Code of Ethics, it shall submit a written report to the Board of Ethics stating the basis for the finding of pProbable eCause. Upon receipt of the report of the Investigating Panel ~~finding probable cause~~, the Board of Ethics shall appoint a Hearing Board, which shall initiate a public hearing process within 30 days, to determine whether the Respondent(s) ~~respondent(s)~~ committed a violation of the Code of Ethics. In any public hearing held to determine a violation of the Code of Ethics, the Investigating Panel members shall have the responsibility of gathering and presenting evidence to the Hearing Board. ~~[KM28]~~

~~—[KM29] Finding of No Probable Cause.~~ If the Investigating Panel fails to determine that there is pProbable eCause that the Respondent has violated the Code of Ethics, the Investigating Panel shall dismiss the complaint for the Board of Ethics and shall report such dismissal to the Board of Ethics, and copy of the report of dismissal shall be sent by registered or certified mail or by personal service by a State Marshal, constable or indifferent pPerson to the Respondent and Complainant within seven days of its receipt by the Ethics Board.

(e)

~~—(e) [21] [KM30]~~

~~—Finding of No Probable Cause.~~ If the Investigating Panel ~~investigating panel~~ fails to determine that there is probable cause that the Respondent ~~respondent~~ has violated the Code of Ethics, the Investigating Panel ~~investigating panel~~ shall dismiss the complaint for the Board of Ethics and shall report such dismissal to the Board of Ethics, and copy of the report of dismissal shall be sent by registered or certified mail or by personal service by a State Marshal ~~sheriff~~, constable or indifferent person to the Respondent ~~respondent~~ and Complainant ~~complainant~~ within seven days of its receipt by the Ethics Board.

~~—[31] [KM31]~~

~~If the investigating panel determines that there is probable cause that the respondent has violated the Code of Ethics, it shall submit a written report to the Board of Ethics stating the basis for the finding of probable cause. Upon receipt of the report of the investigating panel finding probable cause, the Board of Ethics shall appoint a hearing board, which shall initiate a public hearing process within 30 days, to determine whether the respondent(s) committed a violation of the Code of Ethics. In any public hearing held to determine a violation of the Code of Ethics, the investigating panel members shall have the responsibility of gathering and presenting evidence to the hearing board.~~

(3) 3. Report to the Hearing Board; Hearings; Extensions of Time ^[KM32]

~~(a) [4] Notice of Probable Cause Finding to Complainant and Respondent~~

(a) The ~~hearing board~~Hearing Board shall give notice of any report of pProbable eCause made by the Investigating Panel ~~investigating panel~~in writing, and a copy of the report shall be sent by registered or certified mail or by personal service by a ~~sheriff~~State Marshal, constable or indifferent pPerson to the Respondent ~~respondent~~ and Complainant ~~complainant~~ within 10 business days of its receipt by the ~~hearing board~~Hearing Board.

~~(b) [5] Hearings~~

(b) The ~~hearing board~~Hearing Board shall hold hearings in accordance with its regulations and procedures adopted under this Ethics Code and shall call such witnesses and admit such evidence as the ~~hearing board~~Hearing Board determines to be appropriate. ~~The investigating panel~~Investigating Panel and the Respondent ~~respondent~~ shall each have the right to present evidence and witnesses subject to the rules and regulations adopted by the Board of Ethics under this Ethics Code. ^[KM33]

~~(c) [6] Evidence; Burden of Proof.~~

(c) The ~~hearing board~~Hearing Board shall determine whether a violation of the Code of Ethics has been proven by eClear aAnd eConvincing eEvidence. In conducting such hearings the Investigating Panel ~~investigating panel~~shall have the burden of proving the claim ^[KM34]. A finding of a violation of the Code of Ethics shall require the affirmative vote of two of the three ~~hearing board~~Hearing Board members that there is eClear aAnd eConvincing eEvidence that the Respondent ~~respondent~~ has violated the Code of Ethics.

~~(d) [7] Written Decision of the Hearing Board.~~

(d) Upon completion of the hearings before the ~~hearing board~~Hearing Board, the Complainant ~~complainant~~ and Respondent ~~respondent~~ shall be notified in writing of the decision of the ~~hearing board~~Hearing Board not later than ~~then~~ 10 business days after such decision has been made. Such notification shall be either by registered or certified mail, or personal service by a ~~State Marshal~~ sheriff, constable or indifferent pPerson. If the ~~hearing board~~Hearing Board determinesBoard determines a violation of the Code of Ethics has been proven by eClear aAnd eConvincing eEvidence, the ~~hearing board~~Hearing Board shallBoard shall state its findings of fact and conclusions of law in writing and shall specify the Code section violated. The ~~Hearing Board~~Hearing Board shall file its memorandum of decision with the Mayor, City Clerk, Corporation Counsel, and any other public officeOfficer it deems appropriate. The memorandum of decision shall be filed with the Mayor, City Clerk, Corporation Counsel, and any

other appropriate public Officer contemporaneously with delivery of the memorandum of decision to the Complainant and Respondent.

—(e) ~~[8]~~

(e) Extension of time.

—[i] ~~[a]~~

(i) For good cause, the ~~hearing board~~Hearing Board may grant extensions of time to any of the time limitations specified herein upon an affirmative vote of a majority of the ~~hearing board~~Hearing Board. However, in no event shall the total extended time period, i.e., the original time period plus the extension(s), exceed double the original time periods prescribed by this chapter.

—[ii] ~~[b]~~

(ii) The ~~hearing board~~Hearing Board shall give written notice of any extension(s) of time to the Respondent ~~respondent~~ and to the Complainant ~~the Complainant-complainant~~.

—[iii] ~~[c]~~

(iii) Notwithstanding the foregoing: No extensions of time may be given for time periods required for notification(s), and no extensions may be given for the time limitation for ruling on actions unless otherwise specified herein.

—~~[i]~~

—~~No extensions may be given for time periods required for notification(s).~~

—~~[ii]~~

—~~No extensions may be given for the time limitation for ruling on actions unless otherwise specified herein.~~

—~~4. [9]~~ ^[KM35]

(4) Rules and procedure for public hearings.

—(a) ~~[a]~~

(a) Public hearings shall be conducted under the rules and regulations adopted by the Board of Ethics, which shall include the following: oral ~~or all~~ evidence shall be taken under oath; documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; and upon request, parties and the ~~hearing board~~Hearing Board shall be given the opportunity to compare the copy to the original.

—(b) ~~[b]~~

(b) Rights of Investigating Panel ~~panel~~ and Respondent ~~Respondent~~respondent.

~~[i]~~

The Investigating Panel ~~investigating panel~~ and Respondent ~~respondent~~ shall have the right in any such hearing before the ~~hearing board~~Hearing Board. ^[KM36]

—[i] ~~[A]~~

(i) To be represented by counsel.

—[ii] ~~[B]~~

(ii) To present oral or written documentary evidence which is not irrelevant, immaterial or unduly repetitious.

—[iii] ~~[C]~~

(iii) To examine and cross-examine witnesses required for a full and true disclosure of the facts.

—(e) ~~[(iii)]~~ Evidentiary rules.

(c) All decisions regarding the introduction and admissibility of evidence not previously ~~hereinbefore~~-specified and which is to be introduced or precluded, is to be determined by a majority of the ~~hearing board~~Hearing Board.

(d) ~~(d) [(e)]~~ Rules of Procedure

The Board of Ethics shall have the power to adopt and amend rules of procedure for hearings conducted pursuant to the Code of Ethics, provided such rules are approved by a majority vote of the entire Common Council, after publication of the text of the proposed rules of procedure or amendments thereto in a newspaper having a general circulation in the City. Any rules of procedure or amendments thereto shall become effective 30 days after adoption, and the full text of the rules for procedure, adopted in accordance with this section, shall be published and maintained as part of Chapter 32 of the Code of the City of Norwalk.^[KM37]

(a) Due Process

(e) All Board of Ethics hearings shall be conducted in such a manner as to provide the Complainant and Respondent(s) ~~respondent(s)~~ with all due process that is required by federal, state and local law.

(b) Recording and transcription of hearings.

(f) Upon the request of the ~~Complainant complainant~~, the ~~Respondent respondent~~, the Investigating Panel ~~investigating panel~~ or a member of the ~~ethics hearing board~~Hearing Board, the ~~ethics hearing board~~Hearing Board shall cause the hearings to be recorded and a transcription to be made thereof. If either the Respondent ~~respondent~~ or ~~complainant~~ Complainant requests a copy of the transcript, the requesting party shall bear the costs for the same.

(c) Witnesses; Issuance of Subpoenas

(g) The ~~hearing board~~Hearing Board may subpoena witnesses to testify and may compel production of documents and other effects as evidence, and such subpoena may be enforced as provided under Chapter 32 of the Code of the City of Norwalk and state law.

(d) ~~[(g)]~~

(h) In order to insure the public's right of access to the proceedings held in accordance with the provisions of this chapter, the Board of Ethics in conducting hearings before the ~~hearing board~~Hearing Board shall follow the requirements of the Connecticut Freedom of Information Act.^[1]

[1] *Editor's Note: See C.G.S. § 1-200 et seq.*

(2)(5) Stipulations of Parties and Settlement^[KM38] At any time after an ethics complaint has been made, the Board of Ethics or a duly constituted ~~may~~ accept stipulated findings and/or a settlement from a Respondent.

F. Annual Report^[KM39] On or before June 1 of each year, the Board of Ethics shall submit to the members of the Common Council, the Mayor, and the Corporation Counsel a written report,

which shall include, but not be limited to, a summary of its activities and recommendations for improvements in the Code of Ethics.

G. Educational Programs and Materials ^[KM40]

(1) ~~(a)~~ The Board of Ethics shall hold or sponsor at least one educational program for the City and its ~~employee~~Employees, ~~officer~~Officers annually~~and agencies before March 31 of each year.~~

~~(1) (i)~~

(2) The Board of Ethics may create and maintain a handbook, ~~to~~ which should be distributed, together with this chapter, to all ~~officer~~Officers and ~~employee~~Employees. If created, a copy of the handbook shall be kept at the City Clerk's office and shall be available for inspection by the public.

~~[10]~~

~~At any time after an ethics complaint has been made, the Board of Ethics or a duly constituted hearing boardHearing Board may accept stipulated findings and/or a settlement from a respondent.~~ ^[KM41]

§ 32-13. Effect of violation.

~~—A.~~

A. A violation of this Code of Ethics:

~~—(1)~~

(1) By an elected ~~officer~~Officer may ~~shall~~ be considered dereliction of official duty, and therefore a cause for censure, impeachment or removal from office under the Code of the City of Norwalk.

~~—(2)~~

(2) By an ~~officer~~Officer of an appointed board or commission may ~~shall~~ be considered misconduct in the performance of duties and therefore a ground for censure or removal under the Code of the City of Norwalk.

~~—(3)~~

(3) By an ~~employee~~Employee of an ~~a~~Agency may ~~shall~~ be considered misconduct and therefore a ground for censure or discipline, including demotion in rank or grade, termination of a contract or discharge under the Code of the City of Norwalk and any applicable labor agreement.

~~—B.~~

B. Any ~~i~~Individual who is found in violation of this chapter may be subject to a civil action by the City to recover damages, if any that are incurred by the City as a result of said ~~i~~Individual's unethical conduct. The costs of the hearing process under this Code of Ethics shall not be

included in the aforementioned damages and shall not be recoverable under the provisions of this subsection.

—C.

- C. Any ~~officer~~Officer or ~~employee~~Employee who is determined to have violated the provisions of this chapter shall have a copy of said decision placed in his or her official personnel file.

—D.

- D. [The effect of a violation of this Code of Ethics on the validity of a decision or action in connection with which the violation occurred shall be determined by general principles of law.]^[KM42]

—E.

- E. [Any ~~officer~~Officer or ~~employee~~Employee who is determined to have violated the provisions of this chapter may be subject to a fine in an amount up to \$250 per violation, and such fine may be in addition to any other discipline imposed under this chapter.]^[KM43]
- F. Where there has been a violation of the Norwalk Code of Ethics, the City may void any municipal purchase, contract or ruling which the Board of Ethics has found to have been influenced by that violation, pursuant to Section 7-479 of the Connecticut General Statutes.

§ 32-14. Time limits on complaints.

—A.

- A. Except as provided in Subsection B of this section, no allegation in a complaint of a violation of the Code of Ethics shall be ruled upon by the Board of Ethics if six months or more has passed between the time of the alleged violation and the filing of the complaint. In the event that multiple violations have been alleged, only those violations alleged in the complaint which have occurred within six months of the filing of the complaint to the Board of Ethics may be the subject of a hearing.

—B.

- B. In the event that a violation or evidence of a violation of this Code of Ethics has been actively concealed, such action shall have the effect of tolling the period of limitation during said period of concealment until such alleged violation is discovered.

—C.

- C. If an ~~officer~~Officer or ~~employee~~Employee under investigation leaves office or employment, the Board of Ethics, by a majority vote, shall have the power to continue the investigation.

§ 32-15. Proposed revisions.

E. The Board of Ethics may propose revisions to the Code of Ethics to the Common Council to ensure ~~assure~~ its continuing effectiveness, and to hold public hearings, in its discretion, on matters pertaining to the administration of the Code of Ethics.

F. § 32-16. Incurring of costs by Board of Ethics; staff.

~~—A.~~

A. The Board of Ethics shall be authorized to incur costs in investigating and prosecuting any alleged ethics violation(s) and in responding to requests for advisory opinions, subject to the City's annual budget process. The Board of Ethics ^[KM44] shall seek an annual appropriation to be used to cover its costs during the ~~y~~Year and may seek such further or increased appropriations as may be necessary to carry out the terms of this Code of Ethics.

~~—B.~~

B. The Law Department shall assist the Board of Ethics in implementing its responsibilities under this Code and shall serve as staff to the Board of Ethics and any ~~hearing board~~Hearing Board appointed under this Code. The Board of Ethics in appropriate circumstances, ~~as it shall determine,~~ may retain independent counsel to represent the Board, any Investigating Panel ~~investigating panel~~or any ~~hearing board~~Hearing Board.

§ 32-17. Representation of Respondent(s) ~~respondents~~ by City.

It is contemplated by this Code, that ~~p~~Persons making complaints and respondents to any ethics complaint made under the Code shall not be represented by counsel appointed by or paid for by the City. ~~In appropriate circumstances when a respondent has not been found in violation of this Code~~If the Hearing Board determines that the complaint was brought in bad faith and a Respondent is not in violation of the Code, the Board of Ethics may recommend to the Common Council that a ~~R~~respondent be reimbursed for any and all expenses incurred in defending an ethics complaint including the costs of the ~~R~~respondent's counsel. The Council may authorize such reimbursement subject to the availability of funding by the City.

§ 32-18. Effective date.

This Code of Ethics shall be effective as of ~~_____~~ Tuesday, November 27, 2007.

Draft Revisions by Haroldo Williams, Kara A.T. Murphy, Michelle Coppola, Michael Church, and Miklos Koleszar as of May 2, 2017.

Exhibit 2

City of Norwalk, Connecticut

Board of Ethics

Citizens' Guide to Code of Ethics

December 3, 2009

Citizens' Guide to Code of Ethics

Contents:

- 1. Introduction**
- 2. Guidelines for Ethical Behavior**

Key Aspect of Ethical Behavior for Employees and Officers

Conflicts of interest; influence or interference of duties

Gifts

Employment

Examples

Procurement

Use of Public Property

Use of Influence and Information

Requirements for Filing a Complaint:

What is expected?

Who files a Complaint?

Who is the subject of the Complaint?

How does a citizen file a Complaint?

Complaint Process

City of Norwalk Code of Ethics Complaint Process

Process Explanation – Investigation and Hearing Processes

Resources

- 3. Code of Ethics**
- 4. Complaint Form**

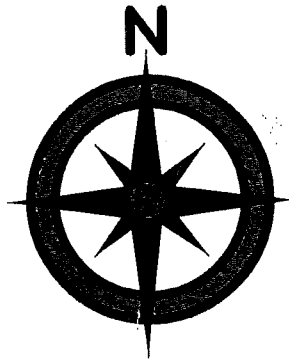
1. Introduction:

The City of Norwalk Board of Ethics is an independent commission charged with administering, and enforcing the City of Norwalk Ethics Complaint Process. This Guide provides general information to the public and to the City of Norwalk employees, contractors, and both appointed and elected officials.

The Board of Ethics is authorized under Chapter 32 of the City of Norwalk Code of Ordinances to support and preserve the following:

- A. "Public service is a trust, and the proper operation of the City of Norwalk requires that all City officers and employees, whether elected or appointed, paid or unpaid, be impartial and responsible to the public. Public office and employment must not be used for unfair personal or financial advantage. The public needs and deserves to have confidence in the integrity of the municipal government of our City.
- B. Officers and employees of the City of Norwalk must refrain from personal, business, and financial activities that adversely affect the individual's fidelity and impartiality, having regard for the nature and scope of their official responsibilities.
- C. In recognition of the aforementioned principles, there is hereby established a Code of Ethics which shall apply for all City of Norwalk officers and employees."

This Guide provides general information only. The descriptions of the law and the code are not intended to be exhaustive. A complete copy of the Code of Ethics and the Citizen's Guide are available on the City's website at www.norwalkct.org. For additional information you may also go to the Connecticut Office of State Ethics at www.ct.gov/ethics.



2. Guidelines for Ethical Behavior

Key Aspects of Ethical Behavior for Employees and Officers

What is expected?

The proper operation of the City of Norwalk requires that all City officers and employees: elected, appointed; paid or unpaid, act in an impartial and responsible manner to the public. Public office and employment must not be used for unfair personal or financial advantage. The public needs to be assured of the integrity of the municipal government of Norwalk.

Officers and employees of the City of Norwalk must refrain from personal, business and financial activities that adversely affect the individual's fidelity and impartiality, within the scope of their official responsibilities.

As you read through this Guide, be aware that the Code of Ethics was enacted to prevent individuals from using their public position or authority for personal gain or benefit. The State of Connecticut and its agencies may also have their own ethics policies, which in some cases differ from what is to follow.

1). Conflicts of interest; influence or interference of duties:

Officers and employees of the City of Norwalk should avoid engaging in any business or transaction and should refrain from having an interest, directly or indirectly, which is materially in conflict with or materially incompatible with the proper discharge of the individual's official duties. If the individual has encountered a known conflict, he or she is to disclose this in writing to the Norwalk City Clerk, and if necessary, to recuse himself or herself from taking any action, as necessary.

An officer or employee of the City of Norwalk shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if he or any member of his/her immediate family has any interest and could be construed as benefiting due to the individual's participation.

While in employment of the City of Norwalk, officers and employees shall not grant special consideration, treatment or advantage to any person beyond that which is generally available to the public.



2). *Gifts*



An officer or employee of the City of Norwalk shall not personally solicit, nor accept any gift, form of service or item of a property value of \$50.00 or more. Not included are:

- Gifts or social courtesies related to family relationships.
- Established personal friendships which are not designed to influence judgment or actions.
- Attendance at events of a charitable, public, governmental, informational or business nature where refreshments may be served and small souvenirs of the event may be distributed, not intended to influence judgment or behavior.
- Political contributions received within applicable laws and regulations.
- Loans obtained according to prevailing commercial practices and rates.
- Customary performance and merit awards or honorariums.
- Awards, gifts, etc, given as an official employee recognition program.
- Meals and refreshments not exceeding \$50 in value, not intended to influence judgment or actions.
- Rebates, discounts obtained on the price of anything sold in the normal course of personal business.
- Printed or recorded information, photographs and maps related to governmental functions/actions.
- Certificates, plaques or ceremonial awards having a value of no more than \$200.

3). *Employment*

a) Future Employment:

Officers and employees of the City of Norwalk shall not solicit future employment with anyone who has a substantial matter pending before the agency for which the officer or employee served or is serving. A matter is "substantial" if it involves a financial value of \$1,000 or more or involves a question of significant public policy for the City.

b) Subsequent Employment:

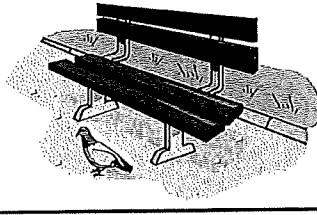
There is a minimum of one year before a terminated employee or officer shall be able to work or assist any agency by representing that agency to his or her former department, for monetary or valuable compensation.

There are also requirements to prevent the appearance of nepotism that restrict the hiring of family members within the same department for which an officer or employee works or recently worked.

Refer to the Code of Ethics for more detailed information.

4). Procurement

The City of Norwalk has adopted a set of Procurement Guidelines that govern the purchase of goods and services by the City. Vendors and contractors who wish to do business must comply with the Procurement Guidelines, which are available on the Norwalk Purchasing Department's website at <http://www.bid.ci.norwalk.ct.us/>.



5). Use of Public Property

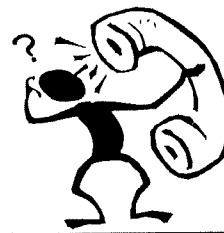
The following excerpt from Section 32-6 of the Code of Ethics addresses the prohibited use of City property and facilities:

"No officer or employee shall use or authorize others to use City-owned property, including vehicles and facilities, for any purpose other than the conduct of City business, except as follows:

- A. For purposes and on terms generally available to members of the public or other officers and employees of the City generally;
- B. In accordance with such officer's or employee's work or employment with the in which the use of such property by such officer or employee is an element of his or her compensation, term or employment, or performance for the City;
- C. A minor or incidental use for personal purposes that is without cost to the City or a minor or non-incidental use for personal purposes that is authorized by the City; or
- D. For charitable, professional or volunteer work, provided the use is authorized by the City.

6). Use of influence and information

Section 32-7 of the Code of Ethics addresses the sharing of information or use of influence of and by officers, employees or agencies in the handling of any matter or transaction of any business in which an involved individual would have special interest or could stand to gain or lose based on knowledge of said information that is not commonly shared with the general public. No employee or officer shall disclose confidential City of Norwalk information, other than in accordance with established City procedure or with appropriate authorization from the City. Further detail is available in the Code of Ethics.



Requirements

Who may file a Complaint?

Any person may file a Complaint with the Norwalk Board of Ethics. This Complaint alleges that a violation of the Code of Ethics has occurred. Those filing a Complaint or providing truthful information as part of an investigation are protected against retaliation under the Code of Ethics.

Who is the subject of the Complaint?

The subject of the Complaint is the individual who has been alleged to have violated the Code of Ethics in his or her role as an employee or officer of the City of Norwalk. This person is referred to as the Respondent. If the individual is found to have violated the Code of Ethics, the Respondent may be subject to fines and other potential repercussions.

How does a citizen file a Complaint?

Carefully review the key aspects of ethical behavior on the subsequent pages.
Review the Complaint Process .
Complete the enclosed form in the back of the booklet.
Certify, by signing the Complaint Form, that all statements are true and accurate.
Deliver a sealed copy to the City Clerk's Office, marked as "Confidential."

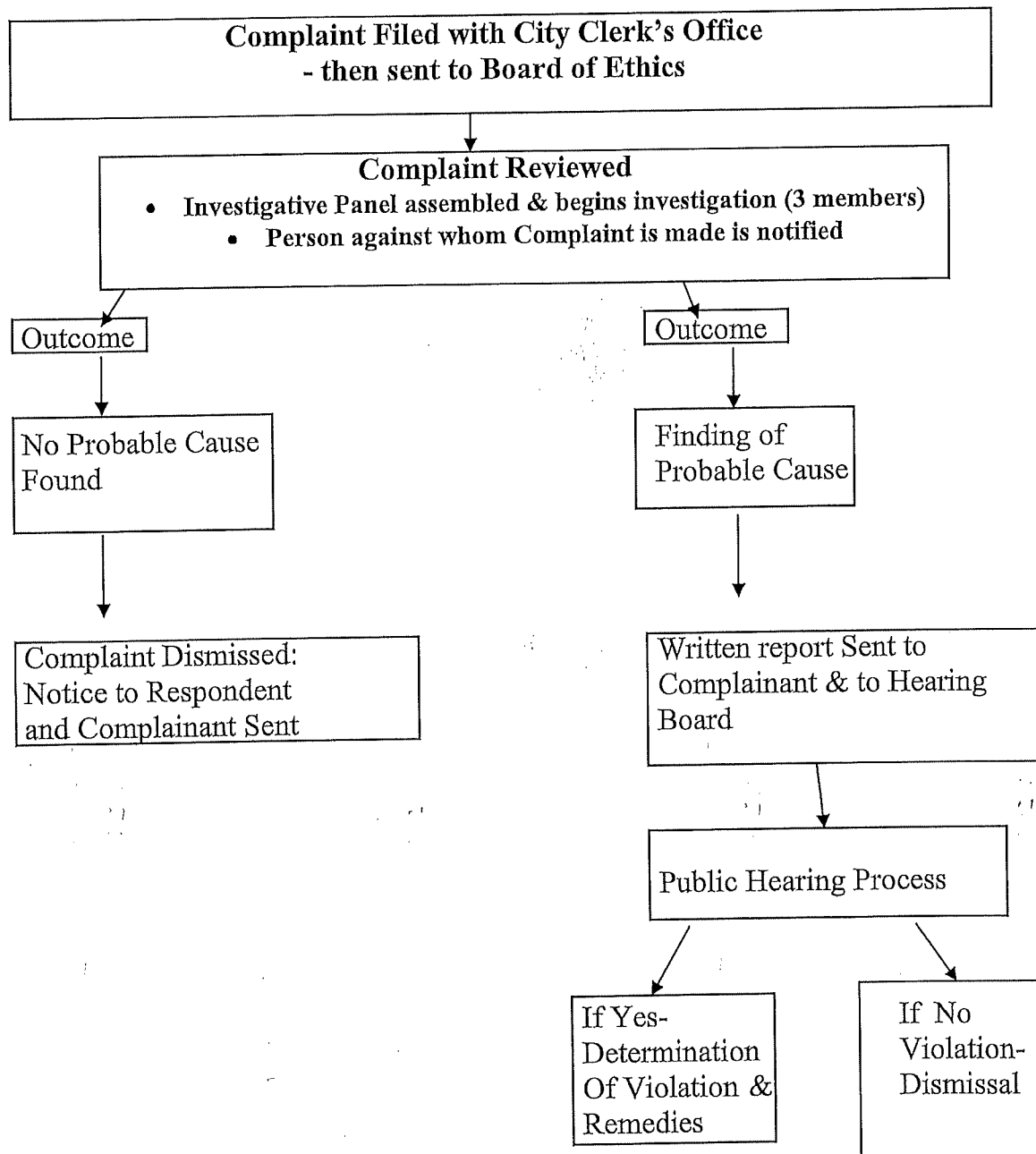
Norwalk City Clerk
Board of Ethics
125 East Avenue
Norwalk, CT 06852

All Complaints will be handled with care and confidentiality.
Once submitted, the Complaint may not be withdrawn by the Complainant without the approval of the Norwalk Board of Ethics. Unless the Board of Ethics advises you otherwise, the allegations in the Complaint and other information received from the Board of Ethics may not be disclosed to any third party, by any of the parties involved.

Additional forms are also available at the City Clerk's Office or on-line at www.norwalkct.org.

City of Norwalk Code of Ethics Complaint Process

1). Diagram of Process:



C
O
N
F
I
D
E
N
T
I
A
L

T
I
M
E
F
R
A
M
E

O
P
E
N

T
O

P
U
B
L
I
C

T
I
M
E
F
R
A
M
E



2). Process Explanation:

Investigation Process:

Within 21 days of receiving a Complaint, the three person Investigation Panel is formed. In both an independent and confidential manner, this Panel will seek information, hear testimony, take written statements, and/or retain counsel or investigators to assist in the discovery of information and in the probable hearing process. If No Probable Cause is found, the Investigating Panel will dismiss the Complaint for the Board of Ethics and shall report such dismissal to the Board of Ethics.

If the Investigating Panel finds Probable Cause, a written report will be sent to the Board of Ethics and upon receipt, the Hearing Board will be appointed.

Hearing Board:

Within 30 days of receiving the Investigation Panel's written report, the Hearing Board will initiate a public hearing process to determine whether the respondent(s) have committed a violation of the Code of Ethics. The Hearing Board shall hold hearings in accordance with its regulations and procedures adopted within the Ethics Code.

Upon completion of the hearings before the Hearing Board, the complainant and respondent shall be notified in writing of the decision of the Hearing Board, not later than 10 business days after the decision has been made. Notification shall be by registered or certified mail or personal service by a sheriff, or indifferent person. Final decisions will be filed with the Mayor, City Clerk, Corporation Counsel and any other public office, as appropriate.

3). Resources:

a). City of Norwalk Code of Ethics:

This Guide is the first form of ethics training communication available to the public, as well as the employees and officers of the City of Norwalk. A copy of the Code of Ethics is attached to this Guide.

b). Training Available:

The State of Connecticut also provides On line training available at :
www.ct.gov/ethics.

Contact: **Director of Training**
 Connecticut Office of State Ethics
 18-20 Trinity Street
 Hartford, CT 06106
 860/263-2400

c). Contact the City of Norwalk Board of Ethics:

Board of Ethics
c/o Norwalk City Clerk
125 East Avenue
Norwalk, CT 06852

3. COMPLAINT FORM. A Complaint Form with instructions is attached to this Guide.

CITY OF NORWALK

CODE OF ETHICS

**CHAPTER 32 OF THE
CODE OF ORDINANCES**

Chapter 32, CODE OF ETHICS

[HISTORY: Adopted by the City of Norwalk Common Council 6-26-2007, ^{EN(1)} Amendments noted where applicable.]

GENERAL REFERENCES

Administration -- See Ch. 9.

§ 32-1. Title; administration.

This chapter shall be known and referred to as "the Norwalk Code of Ethics." The Common Council of the City of Norwalk shall be charged with the administration of the Norwalk Code of Ethics. Accordingly, there shall be established an independent committee of five members and two alternates to be known as the "Board of Ethics." The Board of Ethics (the Board) shall be appointed by the Common Council and comprised as provided for in § 32-12 of this chapter.

§ 32-2. Declaration of policy.

- A. Public service is a public trust, and the proper operation of the City of Norwalk requires that all City officers and employees, whether elected or appointed, paid or unpaid, be impartial and responsible to the public. Public office and employment must not be used for unfair personal or financial advantage. The public needs and deserves to have confidence in the integrity of the municipal government of our City.
- B. Officers and employees of the City of Norwalk must refrain from personal, business, and financial activities that adversely affect the individual's fidelity and impartiality, having regard for the nature and scope of their official responsibilities.
- C. In recognition of the aforementioned principles, there is hereby established a Code of Ethics which shall apply for all City officers and employees.

§ 32-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENCY -- A board, agency, commission, department or other entity of the City, including the Common Council, Board of Education and the Norwalk Public School System.

CLEAR AND CONVINCING EVIDENCE -- Sufficient evidence to support the allegation that the respondent has violated the Code of Ethics, when such evidence is considered fairly and

impartially, and induces a reasonable belief in the minds of the ethics hearing board members that the allegations are true. Such evidence must indicate to the ethics hearing board members that the probability that the respondent has committed the alleged violation is substantially greater than the probability he or she has not.

EMPLOYEE -- An individual employed by the City or any of its agencies, whether as a classified employee, unclassified, permanent or temporary, full-time or part-time employee or individual employed by contract on a continuing basis, and all employees of the Norwalk Public School System.

HEARING BOARD -- Shall be comprised of three members of the Board of Ethics or, in the event of a conflict or vacancy, one or more of the alternates to the Board of Ethics who shall be appointed by a majority vote of the Board of Ethics. In the event the Board of Ethics members have a conflict or an interest in the complaint at issue, the Common Council, by majority vote, may appoint one or more City officials, who are electors of the City of Norwalk, to serve on a hearing board for that particular complaint. Once impaneled, the hearing board shall continue to serve until it completes the hearing process specified in this Code of Ethics. No more than two members of a hearing board shall be registered members of the same political party. The hearing board shall be permitted to hold a public hearing(s) and to determine whether there is clear and convincing evidence that the respondent has violated the Code of Ethics.

IMMEDIATE FAMILY -- Includes, but is not limited to, a spouse, child, grandchild, brother, sister, in-law, parent or grandparent, stepparents and stepchildren, or persons who reside in the same household.

INDIVIDUAL -- A natural person.

INVESTIGATING PANEL -- Shall consist of three individual electors, from the City of Norwalk, each of who shall be appointed by the Board of Ethics to investigate an ethics complaint and to determine whether there is probable cause to proceed to a public hearing on such a complaint. No two members of an investigating panel shall be registered members of the same political party and at least one member of the investigating panel shall be an unaffiliated voter.

OFFICER -- An individual elected or appointed to a City office by the Mayor and/or Common Council, including, but not limited to, ad hoc committee members and members of the Board of Education.

PERSON -- Includes associations, firms, partnerships and bodies politic and corporate, as well as individuals.

PROBABLE CAUSE -- A state of facts constituting more than mere suspicion and establishing that a state of facts is more likely than not. To establish probable cause there must be facts and circumstances within the investigating panel members' knowledge, based upon trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of

Ethics has occurred. The investigating panel shall be guided by established law in the State of Connecticut in making a determination of what constitutes probable cause.

§ 32-4. Conflicts of interests; interference with duties; prohibited interests; exceptions.

- A. Officers and employees of the City should avoid engaging in any business or transaction and should refrain from having an interest, directly or indirectly, which is materially in conflict with or materially incompatible with the proper discharge of his or her official duties for the City or might otherwise influence or impair his or her independence of judgment and action in the performance of said duties for the City. In the event an officer or employee of the City has a known conflict, he or she shall disclose it in writing to the City Clerk, and if such conflict is material, he or she shall recuse himself or herself from taking any action, with regard to the City, related to the conflicting transaction, business or interest, except as otherwise provided for herein.
- B. Unless otherwise provided by law, an officer or employee of the City shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if such individual or any member of his or her immediate family has any interest in the matter or would be likely to gain or lose any benefit that is not common to the general interest of the public as a result of the decision or action before that agency. Nothing herein shall prohibit any of the City's ordinance list employees from representing the City's interests in any municipal labor contract negotiation or grievance procedure, merely because he or she is an ordinance list employee.
- C. An officer or employee, in performing in his or her office or position of employment with the City, shall not grant any special consideration, treatment or advantage to any person beyond that which is generally available to the public.
- D. An officer or employee shall not by virtue of his or her office or position of employment with the City receive any special consideration, treatment or advantage in any activity or business transaction beyond that which is generally available to the public or officers and employees of the City generally.
- E. Subsections A, B, C, and D of this section do not prohibit the following:
 - (1) The employment of an officer or employee by a person who has or who may enter into a contract with the City that is available to members of the general public through open bidding or other process, if the preparation, procurement or performance of the contract is not before the officer's or employee's agency or the officer or employee is not responsible for any aspect of the transaction underlying the contract, and the employee's or officer's relationship is disclosed in writing to the City Clerk.
 - (2) A purchase, sale, foreclosure or condemnation of property or any interest therein involving the City and an officer or employee of the City, if the transaction is conducted

according to applicable public procedures. The officer or employee must take no part in the transaction on behalf of the City and an independent officer or agency must approve the terms of the transaction, in writing. Where appropriate and in accordance with this Code of Ethics, the officer or employee should make written disclosure of the transaction to the City Clerk.

- (3) A contract or transaction between an officer or employee and the City, which contract or transaction does not involve his or her agency and is available to the general public through open bidding or other process.
- (4) Performance of a contract involving the City and an officer or employee or a member of his or her immediate family, which was executed or entered prior to the date of hire of such officer or employee by the City, when written disclosure of the terms of such contract is filed in accordance with this Code of Ethics with the City Clerk.
- (5) Employment of an officer or employee by a newspaper that publishes a public notice, resolution, ordinance or other document, the publication of which is required by law.
- (6) Employment of an officer or employee by a public utility regulated by the Public Utilities Commission.
- (7) Nothing herein shall preclude an officer or employee of the City from serving on the board of charitable or nonprofit entities or agencies, provided the officer or employee makes written disclosure of the relationship to the City Clerk and the officer or employee shall take no action with regard to the City related to such charitable or nonprofit entity or agency.
- (8) Nothing herein shall preclude an officer or employee of the City from serving on the board of an entity or agency as a designated representative of the City and in such capacity his or her actions as a representative of the City shall not of itself constitute a conflict of interest under this Code of Ethics.
- (9) An officer or employee participating in any program offered by the City to employees and officers generally, including such programs as discount purchase programs, health and education programs, and recreational events.

§ 32-5. Prohibited representation.

- A. No officer or employee shall represent a person or entity, other than the City, before or on behalf of any agency of which he or she is a member, by which he or she is employed, or which is under his or her supervisory authority. This provision shall not preclude an officer or employee of the City from representing constituents in the course of his or her responsibilities for the City, provided that the officer or employee may accept no compensation or gift for such representation.

- B. An officer or employee who or whose immediate family member is employed or under retainer by a person having a matter pending before the agency of which the officer or employee is an officer or employee shall disclose that fact in writing to the agency and the City Clerk and shall abstain from participation in any deliberation, discussion, vote or other action relating to the matter.

§ 32-6. Prohibited use of City property and facilities.

No officer or employee shall use or authorize others to use City-owned property, including vehicles and facilities, for any purpose other than the conduct of City business, except as follows:

- A. For purposes and on terms generally available to members of the public or other officers and employees of the City generally;
- B. In accordance with such officer's or employee's work or employment with the City in which the use of such property by such officer or employee is an element of his or her compensation, term of employment, or performance for the City;
- C. A minor or incidental use for personal purposes that is without cost to the City or a minor or nonincidental use for personal purposes that is authorized by the City; or
- D. For charitable, professional or volunteer work, provided the use is authorized by the City.

§ 32-7. Prohibited use of influence and information.

- A. An officer or employee shall not attempt to influence any other officer, employee or agency concerning the handling of any matter or transaction of any business in which such officer or employee, or his or her immediate family, has an interest, or from which he or she would be likely to gain or lose any material benefit that is not shared in common with the general public. This subsection does not prohibit an officer or employee from communicating with other officers, employees or agencies about a matter in which he or she has a financial or other legally protected interest, if such contact does not have as its goal the exertion of undue influence over the outcome and if the communication conforms to the following:
 - (1) It is limited to communications with an officer, employee or agency responsible for the matter on behalf of the City; and
 - (2) It is reasonable and necessary in terms of the customary conduct of the matter and is limited to lawful means and terms available to members of the public generally in similar circumstances.
- B. Unless otherwise required by federal, state or local law, an officer or employee shall not disclose confidential City information, other than in accordance with established City

procedure or with appropriate authorization from the City.

- C. An officer or employee shall not use to his or her advantage any confidential City information for the purpose of advancing his or her financial or personal interest or the interest of a member of his or her immediate family.
- D. No officer or employee shall be required to participate in political campaigns for candidates, parties, political organizations or public issues. Nothing in this Code of Ethics shall preclude an officer or employee from seeking elective office and campaigning in connection therewith or in voluntarily participating in any political campaigns, parties, political organizations or public issues.

§ 32-8. Prohibited gifts.

- A. An officer or employee in the course of his or her work for the City shall not personally solicit or accept any gift, form of service, compensation or any item of property of a value exceeding \$50. Notwithstanding the foregoing, this subsection does not prohibit the following:
 - (1) Gifts or social courtesies related to a family relationship or established personal friendship between an officer or employee and the donor, which are not designed to influence the judgment or action of the officer or employee within the scope of his or her official responsibility and/or authority.
 - (2) Attendance at events of a charitable, public, governmental, informational or business nature where refreshments may be served and small souvenirs of the event, of a minor monetary value, (not exceeding \$50 in value) may be distributed or made available to all attendees, and which are not designed to influence the proper judgment or action of the officer or employee within the scope of his or her official responsibility and/or authority.
 - (3) Political contributions received in compliance with applicable laws and regulations.
 - (4) Loans obtained according to prevailing commercial practices at the prevailing public rates of interest.
 - (5) Customary performance and merit awards or honorariums, bestowed in compliance with applicable City practices.
 - (6) Awards, gifts or other items of value given to employees as part of an official employee recognition/incentive program.
 - (7) Meals and refreshments (not exceeding \$50 in value) provided to an officer or employee, which are not designed to influence the proper judgment or action of the officer or employee in a matter within his or her authority, at any meeting at which the officer or employee attends within the scope of his or her official responsibility and/or

authority.

- (8) Goods or services provide to the City.
 - (9) Meals and refreshments served in an individual's personal home.
 - (10) A rebate or discount on the price of anything sold for value made in the ordinary course of business without regard to the person's status as an officer or employee of the City.
 - (11) Printed or recorded information, photographs, and maps germane to governmental action or functions.
 - (12) Certificates, plaques or other ceremonial awards having a value of not more than \$200.
- B. The monetary exceptions listed herein shall be adjusted annually based on the Consumer Price Index for the proceeding year commencing on January 15, 2009.

§ 32-9. Specific violations.

- A. Ordinances. It shall be a violation of the Code of Ethics for any officer or employee to willfully violate any provisions of the Code of the City of Norwalk concerning the purchasing of supplies, materials, equipment and services.
- B. Removal of original records. It shall be a violation of the Code of Ethics for any officer or employee or former officer or employee to take for personal or other non-City use any original records, files or documents belonging to the City. With appropriate authorization, officers and employees may take copies of nonconfidential documents to the same extent such documents would be available to the public.
- C. Access to information by Board of Ethics. It shall be a violation of the Code of Ethics for any officer or employee to intentionally deny access to information requested by the Board of Ethics or a duly appointed investigating panel in the course of an investigation or a public hearing, except to the extent that such information is exempt from disclosure or otherwise privileged under relevant federal, state or local law.
- D. Whistle blower protection. It shall be a violation of the Code of Ethics for any officer, employee, or agency to retaliate against an individual in employment, benefits or contracting as result of that individual making an ethics complaint or providing truthful information as part of any investigation of or hearing on an ethics complaint.
- E. Violation of confidentiality. It shall be a violation of the Ethics Code for any officer, employee or agency to intentionally violate any confidentially requirement provided for under the Ethics Code.
- F. Additional specific violations. The Common Council may, from time to time, pass ordinances with the specific intent that said ordinances are to be incorporated into and

enforced through the ethics process.

- G. Examples only. Violations of the Code of Ethics are not limited to the specific examples listed herein and may include other circumstances and actions that contravene the purpose and Intent of the Code.

§ 32-10. Negotiation of future employment.

An officer or employee shall not solicit future employment with any person who has a substantial matter pending before the agency for which the officer serves or by whom the employee is employed. A matter is "substantial" if it involves a financial value of \$1,000 or more or involves a question of significant public policy for the City.

§ 32-11. Subsequent employment.

- A. An individual who has served as an officer or employee shall not within one year after termination of his or her service, assist any person, other than the City, for monetary or other valuable compensation, before the agency for which the officer or employee served or was employed, in any matter in which said officer or employee participated personally and substantially during his or her service with the City.
- B. No agency shall employ any individual who has served as an officer of the agency during the preceding 18 months or any immediate family member of an individual who has served as an officer of the agency during the preceding 18 months. No officer of an agency or any immediate family member of an officer of an agency shall apply for or accept employment by that agency during the time that said officer is serving for the agency and for a period of 18 months after said officer ceases to serve in the agency.

§ 32-12. Board of Ethics.

- A. Appointment of members. The Board of Ethics shall be comprised of five full members and two alternate members, each of whom shall be electors of the City of Norwalk. No more than two of the members of the Board and one of the alternates shall be registered members of the same political party, and no member of the Board of Ethics shall be an employee or officer of the City. Except for the original appointments, replacement members shall be appointed each year after the effective date of the enactment of this chapter to serve for terms of three years. At the origination of the Board of Ethics after the first effective date of this amendment to Chapter 32, the Common Council shall appoint: two members and one alternate for three-year terms, two members for two-year terms and one member and one alternate for one-year terms. All council appointments to the Board of Ethics shall require the affirmative vote of 11 members of the Common Council.

B. Organization. The Board of Ethics shall elect a Chairperson. The Board shall keep minutes of its meetings, which shall be filed in the office of the City Clerk, and the Board shall hold meetings at the call of one member of the Board and at such times as a majority of the Board may determine. Four members present, including sitting alternates, shall constitute a quorum in order for the Board of Ethics to conduct official business. An alternate serving in place of an absent member of the Board shall have all of the powers and responsibilities as a full member during the meeting at which such alternate member shall sit.

C. Powers and duties.

(1) Advisory opinions. The Board, when requested to do so in writing by any officer, employee, agency, or member of the public, or upon its own motion, may render advisory opinions concerning officers and employees and other issues with respect to this Code of Ethics. Such advisory opinion shall be binding on the Board, until amended or revoked, and reliance on a controlling advisory opinion in good faith is an absolute defense in any action or proceedings brought under the provisions of this Code of Ethics. The Board shall file said advisory opinion with the office of the City Clerk, and such advisory opinions shall be available to the public. The advisory opinion so filed may contain such deletions as may be necessary to prevent disclosure of the identity of the officer or employee involved, if agreed to by both the individual involved and the Board.

(2) Probable cause hearings and subsequent procedures.

(a) Filing of the complaint; notification and amendment.

[1] Any person, including a member of the Board of Ethics, may submit a written complaint, in a form prescribed by the Board of Ethics and signed under penalty of false statement, alleging a violation of this Code of Ethics by an officer or employee or an individual who was an officer or employee within the preceding year. The complaint shall contain the specific act or acts which allegedly constitute the violation.

[2] Upon receipt of said complaint by the Board of Ethics members, an investigating panel will be appointed, within 21 days, consisting of three individuals who are electors of the City of Norwalk. The members of the investigating panel shall not be officers or employees from the agency at which the individual(s) alleged to be involved in the facts of the complaint currently serves or formally served within one year as officers or employees. The investigating panel members may delete, defer or reject any part of a complaint that does not conform to the requirements specified by the Board of Ethics. If any member of the Board of Ethics initiates or is involved in a complaint, he or she will recuse himself or herself from the Board of Ethics for the purposes of that complaint, including the appointment of the investigating panel and any hearing board, and an alternate of the Board shall serve in his or her place as to

all further proceedings on that complaint.

- [3] The Board of Ethics shall notify, by registered or certified mail, or by personal service by a sheriff, constable or indifferent person, any respondent against whom a complaint is filed not later than 10 business days after the investigating panel is formed. A copy of such complaint, the name of the complainant(s) and any subsequent changes to the complaint shall accompany such notice. The Board shall also notify the complainant in writing of its receipt of such complaint not later than 10 business days after the investigating panel is formed.
 - [4] Subsequent to the filing of the original complaint, the investigating panel or the Board of Ethics may, at its discretion, supplement any complaint filed with the Board of Ethics to include other violations which it reasonably suspects to have occurred, based on allegations in the original complaint. Any such supplementation shall be in writing, and a copy shall be sent by registered or certified mail, or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within seven days of such amendment.
- (b) Investigation of probable cause. The investigating panel members shall investigate the complaint and any supplement thereto. For this purpose, hearings and meetings may be held to determine whether or not there is probable cause to believe that the respondent has violated the Code of Ethics. Any investigation and probable cause hearing, if held, shall be confidential and shall not be open to the public unless the respondent requests that such investigation and hearing be open. Pending the outcome of the probable cause hearing, no member of the Board of Ethics or investigating panel shall disclose his or her knowledge of the probable cause investigation to a third party. The respondent shall have the right to appear and be heard and to offer any information by way of answer or denial of the allegations. The respondent may be represented by counsel of his or her choice in the probable cause hearings before the investigating panel. The investigating panel may, in its discretion, hear testimony or take written statements from the complainant and any other witnesses it deems necessary to its investigation. The investigating panel may retain counsel or investigators to assist it in the probable cause hearing process.
- (c) Finding of probable cause and hearings before an ethics hearing board.
- [1] A decision regarding probable cause shall be made by the investigating panel within 60 days after the date that the Board of Ethics served notice of the formation of the investigating panel to the respondent and complainant. A finding that probable cause to believe that the respondent has violated the Code of Ethics exists shall require two concurring votes from the members of the investigating panel.
 - [2] If the investigating panel fails to determine that there is probable cause that the

respondent has violated the Code of Ethics, the investigating panel shall dismiss the complaint for the Board of Ethics and shall report such dismissal to the Board of Ethics, and copy of the report of dismissal shall be sent by registered or certified mail or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within seven days of its receipt by the Ethics Board.

- [3] If the investigating panel determines that there is probable cause that the respondent has violated the Code of Ethics, it shall submit a written report to the Board of Ethics stating the basis for the finding of probable cause. Upon receipt of the report of the investigating panel finding probable cause, the Board of Ethics shall appoint a hearing board, which shall initiate a public hearing process within 30 days, to determine whether the respondent(s) committed a violation of the Code of Ethics. In any public hearing held to determine a violation of the Code of Ethics, the investigating panel members shall have the responsibility of gathering and presenting evidence to the hearing board.
- [4] The hearing board shall give notice of any report of probable cause made by the investigating panel in writing, and a copy of the report shall be sent by registered or certified mail or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within 10 business days of its receipt by the hearing board.
- [5] The hearing board shall hold hearings in accordance with its regulations and procedures adopted under this Ethics Code and shall call such witnesses and admit such evidence as the hearing board determines to be appropriate. The investigating panel and the respondent shall each have the right to present evidence and witnesses subject to the rules and regulations adopted by the Board of Ethics under this Ethics Code.
- [6] The hearing board shall determine whether a violation of the Code of Ethics has been proven by clear and convincing evidence. In conducting such hearings the investigating panel shall have the burden of proving the claim. A finding of a violation of the Code of Ethics shall require the affirmative vote of two of the three hearing board members that there is clear and convincing evidence that the respondent has violated the Code of Ethics.
- [7] Upon completion of the hearings before the hearing board, the complainant and respondent shall be notified in writing of the decision of the hearing board not later than 10 business days after such decision has been made. Such notification shall be either by registered or certified mail, or personal service by a sheriff, constable or indifferent person. If the hearing board determines a violation of the Code of Ethics has been proven by clear and convincing evidence, the hearing board shall state its findings of fact and conclusions of law in writing

and shall specify the Code section violated. The Hearing Board shall file its memorandum of decision with the Mayor, City Clerk, Corporation Counsel, and any other public office it deems appropriate.

[8] Extension of time.

[a] For good cause, the hearing board may grant extensions of time to any of the time limitations specified herein upon an affirmative vote of a majority of the hearing board. However, in no event shall the total extended time period, i.e., the original time period plus the extension(s), exceed double the original time periods prescribed by this chapter.

[b] The hearing board shall give written notice of any extension(s) of time to the respondent and the complainant.

[c] Notwithstanding the foregoing:

[i] No extensions may be given for time periods required for notification(s).

[ii] No extensions may be given for the time limitation for ruling on actions unless otherwise specified herein.

[9] Rules and procedure for public hearings.

[a] Public hearings shall be conducted under the rules and regulations adopted by the Board of Ethics, which shall include the following: oral evidence shall be taken under oath; documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; and upon request, parties and the hearing board shall be given the opportunity to compare the copy to the original.

[b] Rights of panel and respondent.

[i] The investigating panel and respondent shall have the right in any such hearing before the hearing board:

[A] To be represented by counsel.

[B] To present oral or written documentary evidence which is not irrelevant, immaterial or unduly repetitious.

[C] To examine and cross-examine witnesses required for a full and true disclosure of the facts.

[ii] All decisions regarding the introduction and admissibility of evidence not hereinbefore specified and which is to be introduced or precluded,

is to be determined by a majority of the hearing board.

- [c] The Board of Ethics shall have the power to adopt and amend rules of procedure for hearings conducted pursuant to the Code of Ethics, provided such rules are approved by a majority vote of the entire Common Council, after publication of the text of the proposed rules of procedure or amendments thereto in a newspaper having a general circulation in the City. Any rules of procedure or amendments thereto shall become effective 30 days after adoption, and the full text of the rules for procedure, adopted in accordance with this section, shall be published and maintained as part of the Code of the City of Norwalk.
- [d] All Board of Ethics hearings shall be conducted in such a manner as to provide the respondent(s) with all due process that is required by federal, state and local law.
- [e] Upon the request of the complainant, the respondent, the investigating panel or a member of the ethics hearing board, the ethics hearing board shall cause the hearings to be recorded and a transcription to be made thereof. If either the respondent or complainant requests a copy of the transcript, the requesting party shall bear the costs for the same.
- [f] The hearing board may subpoena witnesses to testify and may compel production of documents and other effects as evidence, and such subpoena may be enforced as provided under the Code of the City of Norwalk and state law.
- [g] In order to insure the public's right of access to the proceedings held in accordance with the provisions of this chapter, the Board of Ethics in conducting hearings before the hearing board shall follow the requirements of the Connecticut Freedom of Information Act.^{EN(2)}
- [h] On or before June 1 of each year, the Board of Ethics shall submit to the members of the Common Council, the Mayor, and the Corporation Counsel a written report, which shall include, but not be limited to, a summary of its activities and recommendations for improvements in the Code of Ethics.
- [i] The Board of Ethics shall hold or sponsor at least one educational program for the City and its employees, officers and agencies before March 31 of each year.
- [j] The Board of Ethics may create and maintain a handbook to be distributed, together with this chapter, to all officers and employees. If created, a copy of the handbook shall be kept at the City Clerk's office and shall be

available for inspection by the public.

[10] At any time after an ethics complaint has been made, the Board of Ethics or a duly constituted hearing board may accept stipulated findings and/or a settlement from a respondent.

§ 32-13. Effect of violation.

A. A violation of this Code of Ethics:

- (1) By an elected officer shall be considered dereliction of official duty, and therefore a cause for censure, impeachment or removal from office under the Code of the City of Norwalk.
- (2) By an officer of an appointed board or commission shall be considered misconduct in the performance of duties and therefore a ground for censure or removal under the Code of the City of Norwalk.
- (3) By a employee of an agency shall be considered misconduct and therefore a ground for censure or discipline, including demotion in rank or grade, termination of a contract or discharge under the Code of the City of Norwalk and any applicable labor agreement.

B. Any individual who is found in violation of this chapter may be subject to a civil action by the City to recover damages, if any that are incurred by the City as a result of said individual's unethical conduct. The costs of the hearing process under this Code of Ethics shall not be included in the aforementioned damages and shall not be recoverable under the provisions of this subsection.

C. Any officer or employee who is determined to have violated the provisions of this chapter shall have a copy of said decision placed in his or her official personnel file.

D. The effect of a violation of this Code of Ethics on the validity of a decision or action in connection with which the violation occurred shall be determined by general principles of law.

E. Any officer or employee who is determined to have violated the provisions of this chapter may be subject to a fine in an amount up to \$250 per violation, and such fine may be in addition to any other discipline imposed under this chapter.

§ 32-14. Time limits on complaints.

A. Except as provided in Subsection B of this section, no allegation in a complaint of a violation of the Code of Ethics shall be ruled upon by the Board of Ethics if six months or more has passed between the time of the alleged violation and the filing of the complaint. In the event

that multiple violations have been alleged, only those violations alleged in the complaint which have occurred within six months of the filing of the complaint to the Board of Ethics may be the subject of a hearing.

- B. In the event that a violation or evidence of a violation of this Code of Ethics has been actively concealed, such action shall have the effect of tolling the period of limitation during said period of concealment until such alleged violation is discovered.
- C. If an officer or employee under investigation leaves office or employment, the Board of Ethics, by a majority vote, shall have the power to continue the investigation.

§ 32-15. Proposed revisions.

The Board of Ethics may propose revisions to the Code of Ethics to the Common Council to assure its continuing effectiveness, and to hold public hearings, in its discretion, on matters pertaining to the administration of the Code of Ethics.

§ 32-16. Incurring of costs by Board of Ethics; staff.

- A. The Board of Ethics shall be authorized to incur costs in investigating and prosecuting any alleged ethics violation and in responding to requests for advisory opinions, subject to the City's annual budget process. The Board of Ethics shall seek an annual appropriation to be used to cover its costs during the year and may seek such further or increased appropriations as may be necessary to carry out the terms of this Code of Ethics.
- B. The Law Department shall assist the Board of Ethics in implementing its responsibilities under this Code and shall serve as staff to the Board of Ethics and any hearing board appointed under this Code. The Board of Ethics in appropriate circumstances, as it shall determine, may retain independent counsel to represent the Board, any investigating panel or any hearing board.

§ 32-17. Representation of respondents by City.

It is contemplated by this Code, that persons making complaints and respondents to any ethics complaint made under the Code shall not be represented by counsel appointed by or paid for by the City. In appropriate circumstances when a respondent has not been found in violation of this Code, the Board of Ethics may recommend to the Common Council that a respondent be reimbursed for any and all expenses incurred in defending an ethics complaint including the costs of the respondent's counsel. The Council may authorize such reimbursement subject to the availability of funding by the City.

§ 32-18. Effective date.

This Code of Ethics shall be effective as of Tuesday, November 27, 2007.

Endnotes

1 (Popup)

Editor's Note: This ordinance also superseded former Ch. 32, Code of Ethics, adopted 9-12-1967, effective 9-30-1967.

2 (Popup)

Editor's Note: See C.G.S. § 1-200 et seq.

ETHICS COMPLAINT FORM

**BOARD OF ETHICS
ETHICS COMPLAINT**

1. Person filing this Complaint (*the Complainant*):

Name: _____ Date: _____

Address: _____

Telephone Number(s): _____

Email Address: _____

2. Person against whom this Complaint is being filed (*the Respondent*):

____ City employee ____ Elected official ____ Appointed official ____ Other

Name: _____

City Commission, Board, Agency or Department: _____

3. Check the section(s) of the Norwalk Code of Ethics that you believe the Respondent has violated (*Please refer to the Norwalk Code of Ethics, Chapter 32 of the Norwalk Code of Ordinances. The Board of Ethics may find violations of ordinances or statutes not checked above.*):

- | | |
|---|--|
| ____ Conflict of interest (§32-4) | ____ Prohibited representation (§32-5) |
| ____ Prohibited use of City property/facilities (§32-6) | ____ Prohibited use of influence/information (§32-7) |
| ____ Prohibited gifts (§32-8) | ____ Specific violations (§32-9) |
| ____ Negotiation of future employment (§32-10) | ____ Subsequent employment (§32-11) |
| Other (Describe & cite ordinance or statute):
_____ | |

CITY OF NORWALK

ETHICS COMPLAINT

Page 3 of 4

5. Describe or attach copies of any documents that support your Complaint.

6. Provide the names, addresses and telephone numbers of any witnesses to the circumstances described in Item 5 above (*optional*):

6. I hereby certify under penalty of false statement that the foregoing statement describing a possible violation of the Norwalk Code of Ethics is true and accurate to the best of my knowledge and belief.

Signature: _____ Date: _____

CITY OF NORWALK

ETHICS COMPLAINT

Page 4 of 4

NOTE:

1. This Complaint will not be considered filed without the name, address, and original signature of the Complainant. Mail or hand-deliver this Complaint to:

City of Norwalk
Board of Ethics
City Clerk
125 East Avenue
Norwalk, CT 06852

Complaints will **not** be accepted electronically or by fax.

2. Once filed, this Complaint may not be withdrawn by the Complainant without the approval of the Norwalk Board of Ethics.

3. The Board of Ethics Investigating Panel's preliminary investigation of a Complaint is confidential unless the Respondent requests that it be open. Unless the Board of Ethics advises you otherwise, the allegations in the Complaint and any information supplied to or received from the Board of Ethics may not be disclosed to any third party by the Complainant, Respondent, witness, designated party, Board of Ethics, Investigating Panel or Staff member(s).

4. Complaints shall be deemed to have been received by the members of the Norwalk Board of Ethics at the first regularly scheduled meeting of the Board following delivery of the Complaint to the Norwalk City Clerk.

City of Norwalk, Connecticut

Board of Ethics

Citizen's' Guide to the Norwalk Code of Ethics

~~December 3, 2009~~ March 23, 2018

Citizen's' Guide to the Norwalk Code of Ethics

Contents:

1. Introduction
2. Guidelines for Ethical Behavior

Key Aspect of Ethical Behavior for Employees and Officers

Conflicts of interest; influence or interference of duties

Gifts

~~Emp-loyment~~

Employment

Examples

Procurement

Use of Public Property

Use of Influence and Information

Requirements for Filing a Complaint:

What is expected?

Who files a Complaint?

Who is the subject of the Complaint?

How does a citizen file a Complaint?

Complaint Process

City of Norwalk Code of Ethics Complaint Process

Process Explanation -Investigation and Hearing Processes

Resources

3. Code of Ethics
4. Complaint Form

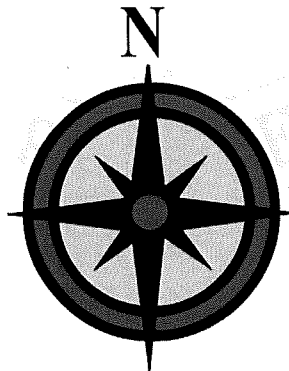
1. Introduction:

The City of Norwalk Board of Ethics *is* an independent *commission* charged with administering, and enforcing the City of ~~Norwalk~~ Norwalk Ethics Complaint Process. This Guide provides general ~~information~~ information to the public and to the City of Norwalk employees, contractors, and both appointed and elected officials.

The Board of Ethics is authorized under Chapter 32 of the City of Norwalk Code of Ordinances to support and preserve the following:

- A. "Public service is a ~~trust~~ trust, and the proper operation of the City of Norwalk requires that all City officers and employees, whether elected or appointed, paid or unpaid, be impartial and responsible to the public. Public office and employment must not be used for unfair personal or financial advantage. The public needs and deserves to have confidence in the integrity of the municipal government of our City.
~~not be used for unfair personal or financial advantage. The public needs and deserves to have confidence in the integrity of the municipal government of our City.~~
- B. Officers and employees of the City of Norwalk must refrain from personal, business, and ~~financial~~ financial activities that adversely affect the ~~individual~~ individual's fidelity and impartiality, having regard for the nature and scope of their official responsibilities.
- C. In recognition of the aforementioned principles, there is hereby established a Code of Ethics which shall apply for all City of Norwalk officers and employees."

This Guide provides general ~~information~~ information only. The ~~descriptions~~ descriptions of the law and the code are not intended to be exhaustive. A complete copy of the Code of Ethics and the Citizen's Guide are available on the City's City's website at ~~www.norwalkct.org~~ www.norwalkct.org. For additional ~~information~~ information you may also go to the Connecticut Office of State Ethics at www.ct.gov/ethics.



2. Guidelines for Ethical Behavior

Key Aspects of Ethical Behavior for Employees and Officers

What is expected?

The proper operation of the City of Norwalk requires that all City officers and employees: elected, appointed; paid or unpaid, act in an impartial and responsible manner to the public. Public office and employment must not be used for unfair personal or financial advantage. The public needs to be assured of the integrity of the municipal government of Norwalk.

Officers and employees of the City of Norwalk must refrain from personal, business and financial activities that adversely affect the individual's fidelity and impartiality, within the scope of their official responsibilities.

As you read through this Guide, be aware that the Code of Ethics was enacted to prevent individuals from using their public position or authority for personal gain or benefit. The State of Connecticut and its agencies may also have their own ethics policies, which in some cases differ from what is to follow.

- 1) ~~1) Conflicts of interest; influence or interference of duties~~ Conflicts of interest; influence or interference of duties

Officers and employees of the City of Norwalk should avoid engaging in any business or transaction or having a personal, immediate family or business interest, directly or indirectly, which is in material conflict with or incompatible with the proper discharge of his or her official duties or that by creating a divided loyalty might influence or impair his or her independence of judgment and action in the performance of said duties. A conflict of interest exists whenever an officer or employee will more likely than not benefit, disproportionately from other citizens of the city, directly or indirectly, from a decision over which they have influence. ~~avoid engaging in any business or transaction and should refrain from having an interest, directly or indirectly, which is materially in conflict with or materially incompatible with the proper discharge of the individual's official duties.~~ If the individual has encountered a known conflict, he or she is to disclose this in writing to the Norwalk City Clerk, and if necessary, to recuse himself or herself from taking any action, as necessary.

An officer or employee of the City of Norwalk shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if he or any member of his/her immediate family has any interest and could be construed as benefiting due to the individual's participation.

While in employment of the City of Norwalk, officers and employees shall not grant special consideration, treatment or advantage to any person beyond that which is generally available to the public.



2). Gifts



An officer or employee of the City of Norwalk shall not personally solicit, nor accept any gift, ~~form~~ form of service or item of a property value of \$50150.00 or more. Not included are:

- o Gifts or social ~~courtesies~~ courtesies related to family relationships.
 - o Established personal ~~friendships~~ friendships which are not designed to influence judgment or actions.
 - o Attendance at events of a ~~charitable~~ charitable, public, ~~governmental~~ governmental, informational or business ~~nature~~ nature where refreshments may be ~~served~~ served and small souvenirs of the event may be distributed, not intended to influence judgment or behavior.
 - o Political ~~contributions~~ contributions received within applicable laws ~~and~~ and regulations.
 - o ~~Loans~~ Loans obtained according to prevailing commercial practices and rates.
 - o ~~Customary~~ Customary performance ~~performer~~ and merit awards or ~~honorariums~~ honorariums.
 - o ~~Awards~~ Awards, gifts, etc, given as an official employee recognition program.
 - o ~~Meals and refreshments not exceeding \$50-150 in value and in aggregate over the period of year, not intended to influence judgment or actions.~~
 - o Goods or services provided to the City.
 - o Meals and refreshments served in an individual's personal home.
 - o ~~influence judgment or actions.~~
 - o Rebates, discounts obtained on the price of anything sold in the ~~normal~~ normal course of personal business.
 - o Printed or recorded ~~information~~ information, photographs and maps related to governmental -functions/actions.
 - o ~~Certificates~~ Certificates, plaques or ceremonial ~~awards~~ awards having a value of no more than \$200 given to an employee as part of an official Employee Recognition/Incentive Program
 - Gifts or social courtesies, given to celebrate major life events such as weddings, births, religious milestones or major holidays, given to the officer or employee, or to the officer or employee's immediate family, from donors, who are: (a) other relatives that are not "immediate family" as defined in Code of Ethics Section 32, or (b) close personal friend
- Gifts made with a monetary value in excess of \$500.00 must be disclosed in writing with ninety (90) days to the Board of Ethics. In the event of a complaint of a violation of this Section, the officer or employee shall have the burden of proving that the gift is a bona fide gift or social courtesy customarily made for the occasion. Political contributions should not be construed to be a gift and are not subject to this section.

3). ~~Employment~~ Employment

a) ~~Future~~ Future Employment:

Officers ~~and~~ and employees of the City of ~~Norwalk~~ Norwalk shall not solicit ~~future~~ future employment with anyone who has a substantial matter pending before the agency for which the officer or employee served or is ~~serving~~ serving. A matter is "substantial" if it involves a financial value of \$1,000 or more or involves a question of significant public policy for the City.

b) Subsequent Employment:

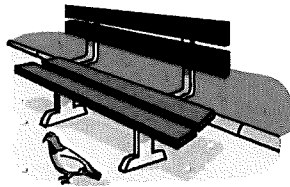
There is a minimum of one ~~year~~ before a ~~terminated~~ year before a terminated employee or officer shall be able to work or assist any individual, person, agency, other than the city, by representing that individual, person or agency ~~to~~ in front of his or her ~~former~~ former department ~~department~~, for ~~monetary~~ monetary or valuable compensation.

There ~~are~~ are also requirements to prevent the appearance of nepotism that ~~restrict~~ restrict the hiring of family members within the ~~same~~ same department ~~department~~ for which an officer or employee works or recently worked.

Refer to the Code of Ethics for more detailed ~~information~~ information.

4). *Procurement*

The City of ~~Norwalk~~-Norwalk has adopted a set of Procurement Guidelines that govern the purchase of goods and services by the City. Vendors and contractors who wish to do business must comply with the Procurement Guidelines, which are available on the ~~Norwalk~~-Norwalk Purchasing ~~Department~~-Department's website at <http://www.bid.ci.norwalk.ct.us/>. ~~http://www.bid.ci.no-lwalk.ct.us/~~.



5). *Use of Public Property*

The following excerpt from Section 32-6 of the Code of Ethics addresses the prohibited use of City ~~property~~-property and facilities:

"No officer or employee shall use or ~~authorize~~-authorize others to use City-owned property, including vehicles and facilities, for any purpose other than the conduct of City business, except as follows:

- A. For ~~purposes~~-purposes and on ~~terms~~-terms generally available to members of the public or other officers ~~and~~-and employees of the City generally;
- B. ~~In accordance~~-In accordance with such officer's or employee's work or employment with the City in which the use of such property by such officer or employee is all element of his or her compensation, term or employment, or performance for the City;
- C. A minor or incidental use for personal ~~purposes~~-purposes that is without cost to the City or a minor or non-incidental use for personal ~~purposes~~-purposes that is authorized by the City or
- D. For ~~charitable~~-charitable, professional or volunteer work, provided the use is ~~authorized~~-authorized by the City.

6). *~~Use of influence and information~~Use of influence and information*

Section 32-7 of the Code of Ethics addresses the ~~sharing of information~~-sharing of information or use of influence of and by officers, employees or agencies in the handling of any matter or transaction of any business in which all involved individual would have special interest or could stand to gain or lose based on knowledge of said information that is not commonly ~~shared~~-shared with the general public. No employee or officer shall disclose confidential City of ~~Norwalk~~-Norwalk ~~information~~-information, other than in ~~accordance~~-accordance with established City procedure or with appropriate authorization from the City. Further detail is available in the Code of Ethics.



~~Requirements~~Requirements

Who may file a Complaint?

Any person may file a Complaint with the ~~Norwalk~~-Norwalk Board of Ethics. This Complaint alleges that a violation of the Code of Ethics has ~~occurred~~ occurred. Those filing a ~~Complaint~~-Complaint or providing ~~truthful~~ truthful information as ~~part~~ part of an investigation are protected against retaliation under the Code of Ethics.

Who is the subject of the Complaint?

The subject of the Complaint is the individual who has been alleged to have violated the Code of Ethics in his or her role as an employee or officer of the City of Norwalk. This person is referred to as the Respondent. ~~If the~~-If the individual is found to have violated the Code of Ethics, the Respondent may be subject to fines and other potential repercussions.

How does a citizen file a Complaint?

~~Carefully~~-Carefully review the key aspects of ethical behavior on the subsequent pages. Review the Complaint Process-. Complete the enclosed form in the back of the booklet. Certify, by signing the Complaint ~~Form~~-Form, that all statements are ~~true~~-true and accurate. Deliver a sealed copy to the City Clerk's Office, marked as "Confidential."

Norwalk City Clerk
Board of Ethics
125 East Avenue
Norwalk, CT 06852

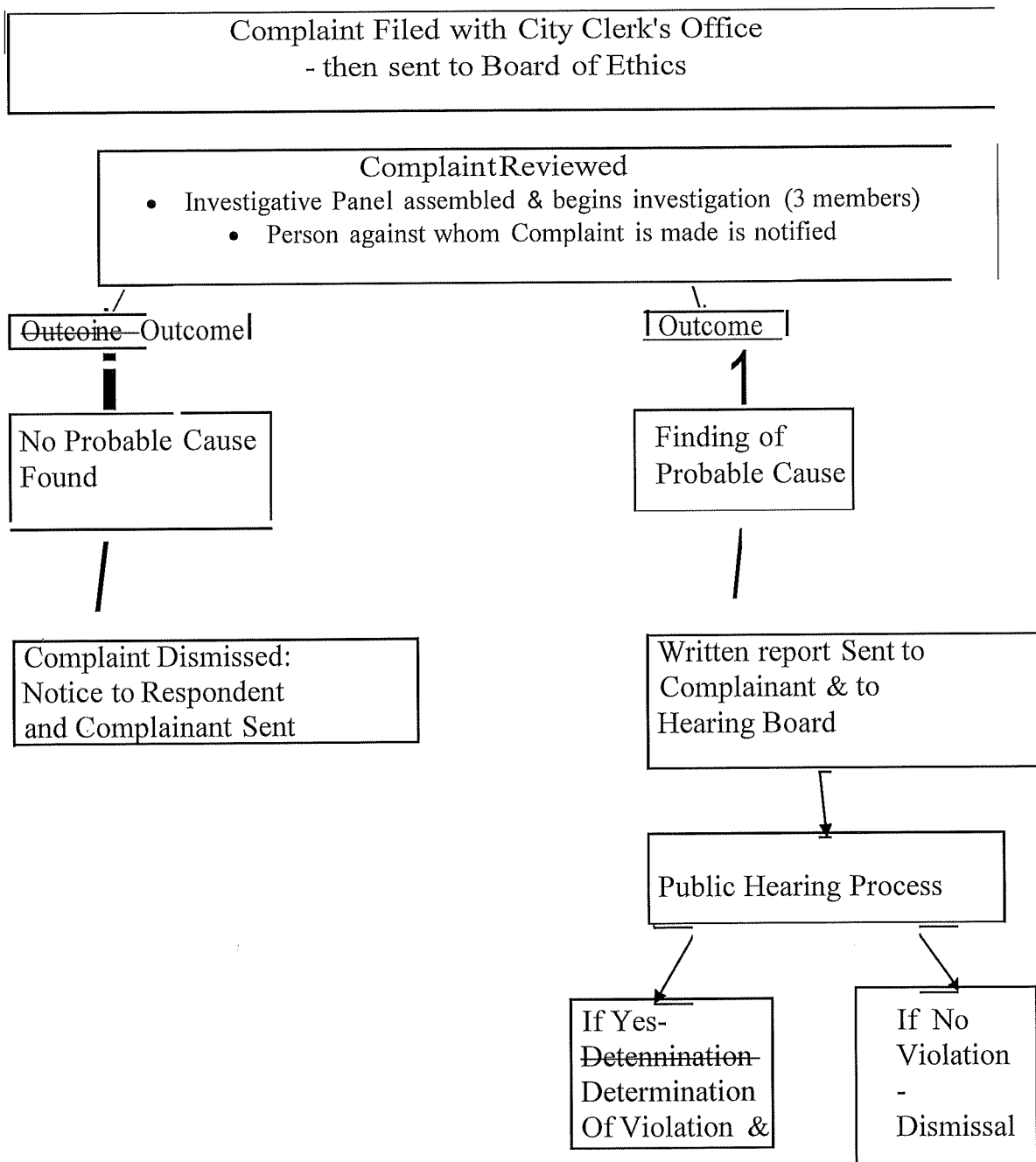
All Complaints will be ~~handled~~-handled with care and confidentiality. Once submitted, the Complaint may not be withdrawn by the Complainant without the approval of the Norwalk Board of Ethics. Unless the ~~Board~~-Board of Ethics advises you otherwise, the allegations in the Complaint ~~and~~ and other information received from the Board of Ethics may not be disclosed to any third ~~party~~-party, by any of the ~~parties~~-parties involved. A violation of the requirement of confidentiality by the Complainant, whether direct or indirect, shall be grounds, at the discretion of the Board of Ethics, to dismiss the Complaint.

Additional forms are also available at the City Clerk's Office or on-line at
www.norwalkct.org. ~~www.norwalkct.org~~

- 5 -

City of Norwalk Code of Ethics Complaint Process

1). ~~Diagram~~ Diagram of Process:



OPEN
TO
PUBLIC
TIME
FRAME

A
M
E

- 6 -



2). Process -Explanation:

Investigation Process:

Within 21 days of receiving a Complaint, the three person Investigation Panel is formed. In both an independent and confidential manner, this Panel will seek ~~information~~information, hear testimony, take written statements, and/or retain counsel or investigators to assist in the discovery of ~~information~~information and in the probable hearing process. ~~If No~~If no Probable Cause is found, the Investigating Panel will dismiss the Complaint for the Board of Ethics and shall ~~report~~report such dismissal to the Board of Ethics.

If the Investigating Panel finds Probable Cause, a written ~~report~~report will be sent to the Board of Ethics and upon receipt, the Hearing Board will be appointed.

Hearing Board:

Within 30 days of receiving the Investigation Panel's written ~~report~~report, the Hearing Board will initiate a public ~~hearing~~hearing process to ~~determine~~determine whether the respondent(s) have committed a violation of the Code of Ethics. The Hearing Board shall hold ~~hearings~~hearings in accordance with its regulations ~~and~~and procedures adopted within the Ethics Code.

Upon completion of the hearings before the Hearing ~~Board~~Board, the complainant ~~and~~and respondent shall be notified in writing of the decision of the ~~Hearing Board~~Hearing Board, not later ~~than~~than 10 business days after the decision has been made. Notification shall be by registered or ~~certified~~certified mail or personal ~~service~~service by a ~~sheriff~~sheriff, or indifferent person. Final decisions will be filed with the Mayor, City Clerk, Corporation Counsel ~~and~~and any other public office, as appropriate.

3). Resources:

a). City of Norwalk Code of Ethics:

This Guide is the first ~~form~~form of ethics training ~~communication~~communication available to the public, as well as the employees and officers of the City of Norwalk. A copy of the Code of Ethics is attached to this Guide.

b). Training Available:

The State of Connecticut also provides ~~On~~on-line training available at: www.ct.gov/ethics.

**Contact: Director of Training
Connecticut Office of State Ethics
18-20 Trinity Street**

Hartford, CT 06106
860/263-2400

- 7 -

c). Contact the City of Norwalk Board of Ethics:

Board of Ethics
c/o Norwalk City Clerk
125 East Avenue
Norwalk, CT 06852

3. COMPLAINT FORM. A Complaint Form with instructions-
instructions is attached to this Guide.

~~CITY OF NORWALK~~

~~CODE OF ETIDCS~~

~~CHAPTER 32 OF THE
CODE OF ORDINANCES~~

Chapter 32, CODE OF ETHICS

~~HISTORY: Adopted by the City of Norwalk Common Council 6-26-2007. EN(1) Amendments noted where applicable.~~

GENERAL REFERENCES

~~Administration—See Ch. 9.~~

~~§ 32-1. Title; administration.~~

~~This chapter shall be known and referred to as "the Norwalk Code of Ethics." The Common Council of the City of Norwalk shall be charged with the administration of the Norwalk Code of Ethics. Accordingly, there shall be established an independent committee of five members and two alternates to be known as the "Board of Ethics." The Board of Ethics (the Board) shall be appointed by the Common Council and comprised as provided for in § 32-12 of this chapter.~~

~~§ 32-2. Declaration of policy.~~

- ~~A. Public service is a public trust, and the proper operation of the City of Norwalk requires that all City officers and employees, whether elected or appointed, paid or unpaid, be impartial and responsible to the public. Public office and employment must not be used for unfair personal or financial advantage. The public needs and deserves to have confidence in the integrity of the municipal government of our City.~~
- ~~B. Officers and employees of the City of Norwalk must refrain from personal business, and financial activities that adversely affect the individual's fidelity and impartiality, having regard for the nature and scope of their official responsibilities.~~
- ~~C. In recognition of the aforementioned principles, there is hereby established a Code of Ethics which shall apply for all City officers and employees.~~

~~§ 32-3. Definitions.~~

~~As used in this chapter, the following terms shall have the meanings indicated:~~

~~AGENCY—A board, agency, commission, department or other entity of the City, including the Common Council, Board of Education and the Norwalk Public School System.~~

~~CLEAR AND CONVINCING EVIDENCE—Sufficient evidence to support the allegation that the respondent has violated the Code of Ethics, when such evidence is considered fairly and~~

impartially, and induces a reasonable belief in the minds of the ethics hearing board members that the allegations are true. Such evidence must indicate to the ethics hearing board members that the probability that the respondent has committed the alleged violation is substantially greater than the probability he or she has not.

EMPLOYEE—An individual employed by the City or any of its agencies, whether as a classified employee, unclassified, permanent or temporary, full time or part time employee or individual employed by contract on a continuing basis, and all employees of the Norwalk Public School System.

HEARING BOARD—Shall be comprised of three members of the Board of Ethics or, in the event of a conflict or vacancy, one or more of the alternates to the Board of Ethics who shall be appointed by a majority vote of the Board of Ethics. In the event the Board of Ethics members have a conflict or an interest in the complaint at issue, the Common Council, by majority vote, may appoint one or more City officials, who are electors of the City of Norwalk, to serve on a hearing board for that particular complaint. Once impaneled, the hearing board shall continue to serve until it completes the hearing process specified in this Code of Ethics. No more than two members of a hearing board shall be registered members of the same political party. The hearing board shall be permitted to hold a public hearing(s) and to determine whether there is clear and convincing evidence that the respondent has violated the Code of Ethics.

IMMEDIATE FAMILY—Includes, but is not limited to, a spouse, child, grandchild, brother, sister, in-law, parent or grandparent, stepparents and stepchildren, or persons who reside in the same household.

INDIVIDUAL—A natural person.

INVESTIGATING PANEL—Shall consist of three individual electors, from the City of Norwalk, each of who shall be appointed by the Board of Ethics to investigate all ethics complaint and to determine whether there is probable cause to proceed to a public hearing on such a complaint. No two members of all investigating panel shall be registered members of the same political party and at least one member of the investigating panel shall be an unaffiliated voter.

OFFICER—An individual elected or appointed to a City office by the Mayor and/or Common Council, including, but not limited to, ad hoc committee members and members of the Board of Education.

PERSON—Includes associations, firms, partnerships and bodies politic and corporate, as well as individuals.

PROBABLE CAUSE—A state of facts constituting more than mere suspicion and establishing that a state of facts is more likely than not. To establish probable cause there must be facts and circumstances within the investigating panel members' knowledge, based upon trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of

~~Ethics has occurred. The investigating panel shall be guided by established law in the State of Connecticut in making a determination of what constitutes probable cause.~~

~~§ 32-4. Conflicts of interests; interference with duties; prohibited interests; exceptions.~~

- ~~A. Officers and employees of the City should avoid engaging in any business or transaction and should refrain from having an interest, directly or indirectly, which is materially in conflict with or materially incompatible with the proper discharge of his or her official duties for the City or might otherwise influence or impair his or her independence of judgment and action in the performance of said duties for the City. In the event an officer or employee of the City has a known conflict, he or she shall disclose it in writing to the City Clerk, and if such conflict is material, he or she shall recuse himself or herself from taking any action, with regard to the City, related to the conflicting transaction, business or interest, except as otherwise provided for herein.~~
- ~~B. Unless otherwise provided by law, an officer or employee of the City shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if such individual or any member of his or her immediate family has any interest in the matter or would be likely to gain or lose any benefit that is not common to the general interest of the public as a result of the decision or action before that agency. Nothing herein shall prohibit any of the City's ordinance list employees from representing the City's interests in any municipal labor contract negotiation or grievance procedure, merely because he or she is an ordinance list employee.~~
- ~~C. An officer or employee, in performing in his or her office or position of employment with the City, shall not grant any special consideration, treatment or advantage to any person beyond that which is generally available to the public.~~
- ~~D. An officer or employee shall not by virtue of his or her office or position of employment with the City receive any special consideration, treatment or advantage in any activity or business transaction beyond that which is generally available to the public or officers and employees of the City generally.~~
- ~~E. Subsections A, B, C, and D of this section do not prohibit the following:~~
 - ~~(1) The employment of an officer or employee by a person who has or who may enter into a contract with the City that is available to members of the general public through open bidding or other process, if the preparation, procurement or performance of the contract is not before the officer's or employee's agency or the officer or employee is not responsible for any aspect of the transaction underlying the contract, and the employee's or officer's relationship is disclosed in writing to the City Clerk.~~
 - ~~(2) A purchase, sale, foreclosure or condemnation of property or any interest therein involving the City and an officer or employee of the City, if the transaction is conducted~~

~~according to applicable public procedures. The officer or employee must take no part in the transaction on behalf of the City and no independent officer or agency must approve the terms of the transaction, in writing. Where appropriate and in accordance with this Code of Ethics, the officer or employee should make written disclosure of the transaction to the City Clerk.~~

- ~~(3) A contract or transaction between an officer or employee and the City, which contract or transaction does not involve his or her agency and is available to the general public through open bidding or other process.~~
- ~~(4) Performance of a contract involving the City and an officer or employee or a member of his or her immediate family, which was executed or entered prior to the date of hire of such officer or employee by the City, when written disclosure of the terms of such contract is filed in accordance with this Code of Ethics with the City Clerk.~~
- ~~(5) Employment of an officer or employee by a newspaper that publishes a public notice, resolution, ordinance or other document, the publication of which is required by law.~~
- ~~(6) Employment of an officer or employee by a public utility regulated by the Public Utilities Commission.~~
- ~~(7) Nothing herein shall preclude an officer or employee of the City from serving on the board of charitable or nonprofit entities or agencies, provided the officer or employee makes written disclosure of the relationship to the City Clerk and the officer or employee shall take no action with regard to the City related to such charitable or nonprofit entity or agency.~~
- ~~(8) Nothing herein shall preclude an officer or employee of the City from serving on the board of an entity or agency as a designated representative of the City and in such capacity his or her actions as a representative of the City shall not of itself constitute a conflict of interest under this Code of Ethics.~~
- ~~(9) An officer or employee participating in any program offered by the City to employees and officers generally, including such programs as discount purchase programs, health and education programs, and recreational events.~~

~~§ 32-5. Prohibited representation.~~

- ~~A. No officer or employee shall represent a person or entity, other than the City, before or on behalf of any agency of which he or she is a member, by which he or she is employed, or which is under his or her supervisory authority. This provision shall not preclude an officer or employee of the City from representing constituents in the course of his or her responsibilities for the City, provided that the officer or employee may accept no compensation or gift for such representation.~~

~~B. An officer or employee who or whose immediate family member is employed or under retainer by a person having a matter pending before the agency of which the officer or employee is an officer or employee shall disclose that fact in writing to the agency and the City Clerk and shall abstain from participation in any deliberation, discussion, vote or other action relating to the matter.~~

~~§32-6. Prohibited use of City property and facilities.~~

~~No officer or employee shall use or authorize others to use City-owned property, including vehicles and facilities, for any purpose other than the conduct of City business, except as follows:~~

- ~~A. For purposes and on terms generally available to members of the public or other officers and employees of the City generally;~~
- ~~B. In accordance with such officer's or employee's work or employment with the City in which the use of such property by such officer or employee is an element of his or her compensation, term of employment, or performance for the City;~~
- ~~C. A minor or incidental use for personal purposes that is without cost to the City or a minor or nonincidental use for personal purposes that is authorized by the City; or~~
- ~~D. For charitable, professional or volunteer work, provided the use is authorized by the City.~~

~~§32-7. Prohibited use of influence and information.~~

~~A. An officer or employee shall not attempt to influence any other officer, employee or agency concerning the handling of any matter or transaction of any business in which such officer or employee, or his or her immediate family, has an interest, or from which he or she would be likely to gain or lose any material benefit that is not shared in common with the general public. This subsection does not prohibit an officer or employee from communicating with other officers, employees or agencies about a matter in which he or she has a financial or other legally protected interest, if such contact does not have as its goal the exertion of undue influence over the outcome and if the communication conforms to the following:~~

- ~~(1) It is limited to communications with an officer, employee or agency responsible for the matter on behalf of the City; and~~
- ~~(2) It is reasonable and necessary in terms of the customary conduct of the matter and is limited to lawful means and terms available to members of the public generally in similar circumstances.~~

~~B. Unless otherwise required by federal, state or local law, an officer or employee shall not disclose confidential City information, other than in accordance with established City~~

~~proceeding or with appropriate authorization from the City.~~

- ~~C. An officer or employee shall not use to his or her advantage any confidential City information for the purpose of advancing his or her financial or personal interest or the interest of a member of his or her immediate family.~~
- ~~D. No officer or employee shall be required to participate in political campaigns for candidates, parties, political organizations or public issues. Nothing in this Code of Ethics shall preclude all officer or employee from seeking elective office and campaigning in connection therewith or in voluntarily participating in any political campaigns, parties, political organizations or public issues.~~

~~§32-8. Prohibited gifts.~~

- ~~A. An officer or employee in the course of his or her work for the City shall not personally solicit or accept any gift, form of service, compensation or any item of property of a value exceeding \$50. Notwithstanding the foregoing, this subsection does not prohibit the following:~~
- ~~(1) Gifts or social courtesies related to a family relationship or established personal friendship between an officer or employee and the donor, which are not designed to influence the judgment or action of the officer or employee within the scope of his or her official responsibility or authority.~~
 - ~~(2) Attendance at events of a charitable, public, governmental, informational or business nature where refreshments may be served and small souvenirs of the event, of a minor monetary value, (not exceeding \$50 in value) may be distributed or made available to all attendees, and which are not designed to influence the proper judgment or action of the officer or employee within the scope of his or her official responsibility or authority.~~
 - ~~(3) Political contributions received in compliance with applicable laws and regulations.~~
 - ~~(4) Loans obtained according to prevailing commercial practices at the prevailing public rates of interest.~~
 - ~~(5) Customary performance and merit awards or honorariums, bestowed in compliance with applicable City practices.~~
 - ~~(6) Awards, gifts or other items of value given to employees as part of an official employee recognition/incentive program.~~
 - ~~(7) Meals and refreshments (not exceeding \$50 in value) provided to an officer or employee, which are not designed to influence the proper judgment or action of the officer or employee in a matter within his or her authority, at any meeting at which the officer or employee attends within the scope of his or her official responsibility and/or~~

authority.

- ~~(8) Goods or services provide to the City.~~
 - ~~(9) Meals and refreshments served in an individual's personal home.~~
 - ~~(10) A rebate or discount on the price of anything sold for value made in the ordinary course of business without regard to the person's status as an officer or employee of the City.~~
 - ~~(11) Printed or recorded information, photographs, and maps germane to governmental action or functions.~~
 - ~~(12) Certificates, plaques or other ceremonial awards having a value of not more than \$200.~~
- ~~B. The monetary exceptions listed herein shall be adjusted annually based on the Consumer Price Index for the proceeding year commencing on January 15, 2009.~~

~~§ 32-9. Specific violations.~~

- ~~A. Ordinances. It shall be a violation of the Code of Ethics for any officer or employee to willfully violate any provisions of the Code of the City of Norwalk concerning the purchasing of supplies, materials, equipment and services.~~
- ~~B. Removal of original records. It shall be a violation of the Code of Ethics for any officer or employee or former officer or employee to take for personal or other non-City use any original records, files or documents belonging to the City. With appropriate authorization, officers and employees may take copies of nonconfidential documents to the same extent such documents would be available to the public.~~
- ~~C. Access to information by Board of Ethics. It shall be a violation of the Code of Ethics for any officer or employee to intentionally deny access to information requested by the Board of Ethics or a duly appointed investigating panel in the course of an investigation or a public hearing, except to the extent that such information is exempt from disclosure or otherwise privileged under relevant federal, state or local law.~~
- ~~D. Whistle blower protection. It shall be a violation of the Code of Ethics for any officer, employee, or agency to retaliate against an individual in employment, benefits or contracting as result of that individual making an ethics complaint or providing truthful information as part of any investigation of or hearing on an ethics complaint.~~
- ~~E. Violation of confidentiality. It shall be a violation of the Ethics Code for any officer, employee or agency to intentionally violate any confidentiality requirement provided for under the Ethics Code.~~
- ~~F. Additional specific violations. The Common Council may, from time to time, pass ordinances with the specific intent that said ordinances are to be incorporated into and~~

enforced through the ethics process.

- G. ~~Examples only. Violations of the Code of Ethics are not limited to the specific examples listed herein and may include other circumstances and actions that contravene the purpose and Intent of the Code.~~

~~§ 32-10. Negotiation of future employment.~~

~~An officer or employee shall not solicit future employment with any person who has a substantial matter pending before the agency for which the officer serves or by whom the employee is employed. A matter is "substantial" if it involves a financial value of \$1,000 or more or involves a question of significant public policy for the City.~~

~~§ 32-11. Subsequent employment.~~

- A. ~~An individual who has served as an officer or employee shall not within one year after termination of his or her service, assist any person, other than the City, for monetary or other valuable compensation, before the agency for which the officer or employee served or was employed, in any matter in which said officer or employee participated personally and substantially during his or her service with the City.~~
- B. ~~No agency shall employ any individual who has served as an officer of the agency during the preceding 18 months or any immediate family member of an individual who has served as an officer of the agency during the preceding 18 months. No officer of an agency or any immediate family member of an officer of an agency shall apply for or accept employment by that agency during the time that said officer is serving for the agency and for a period of 18 months after said officer ceases to serve in the agency.~~

~~§ 32-12. Board of Ethics.~~

- A. ~~Appointment of members. The Board of Ethics shall be comprised of five full members and two alternate members, each of whom shall be electors of the City of Norwalk. No more than two of the members of the Board and one of the alternates shall be registered members of the same political party, and no member of the Board of Ethics shall be an employee or officer of the City. Except for the original appointments, replacement members shall be appointed each year after the effective date of the enactment of this chapter to serve for terms of three years. At the origination of the Board of Ethics after the first effective date of this amendment to Chapter 32, the Common Council shall appoint two members and one alternate for three-year terms, two members for two-year terms and one member and one alternate for one-year terms. All council appointments to the Board of Ethics shall require the affirmative vote of 11 members of the Common Council.~~

~~B. Organization. The Board of Ethics shall elect a Chairperson. The Board shall keep minutes of its meetings, which shall be filed in the office of the City Clerk, and the Board shall hold meetings at the call of one member of the Board and at such times as a majority of the Board may determine. Four members present, including sitting alternates, shall constitute a quorum in order for the Board of Ethics to conduct official business. An alternate serving in place of an absent member of the Board shall have all of the powers and responsibilities as a full member during the meeting at which such alternate member shall sit.~~

~~C. Powers and duties.~~

~~(1) Advisory opinions. The Board, when requested to do so in writing by any officer, employee, agency, or member of the public, or upon its own motion, may render advisory opinions concerning officers and employees and other issues with respect to this Code of Ethics. Such advisory opinion shall be binding on the Board, until amended or revoked, and reliance on a controlling advisory opinion in good faith is an absolute defense in any action or proceedings brought under the provisions of this Code of Ethics. The Board shall file said advisory opinion with the office of the City Clerk, and such advisory opinions shall be available to the public. The advisory opinion so filed may contain such deletions as may be necessary to prevent disclosure of the identity of the officer or employee involved, if agreed to by both the individual involved and the Board.~~

~~(2) Probable cause hearings and subsequent procedures.~~

~~(a) Filing of the complaint; notification and amendment.~~

~~1J Any person, including a member of the Board of Ethics, may submit a written complaint, in a form prescribed by the Board of Ethics and signed under penalty of false statement, alleging a violation of this Code of Ethics by any officer or employee or an individual who was an officer or employee within the preceding year. The complaint shall contain the specific act or acts which allegedly constitute the violation.~~

~~2J Upon receipt of said complaint by the Board of Ethics members, a investigating panel will be appointed, within 21 days, consisting of three individuals who are electors of the City of Norwalk. The members of the investigating panel shall not be officers or employees from the agency at which the individual(s) alleged to be involved in the facts of the complaint currently serves or formerly served within one year as officers or employees. The investigating panel members may delete, defer or reject filing of a complaint that does not conform to the requirements specified by the Board of Ethics. If any member of the Board of Ethics initiates or is involved in a complaint, he or she will recuse himself or herself from the Board of Ethics for the purposes of that complaint, including the appointment of the investigating panel and any hearing held, and any alternate of the Board shall serve in his or her place as to~~

~~all further proceedings on that complaint.~~

~~BJ The Board of Ethics shall notify, by registered or certified mail, or by personal service by a sheriff, constable or indifferent person, any respondent against whom a complaint is filed not later than 10 business days after the investigating panel is formed. A copy of such complaint, the name of the complainant(s) and any subsequent changes to the complaint shall accompany such notice. The Board shall also notify the complainant in writing of its receipt of such complaint not later than 10 business days after the investigating panel is formed.~~

~~4J Subsequent to the filing of the original complaint, the investigating panel or the Board of Ethics may, at its discretion, supplement any complaint filed with the Board of Ethics to include other violations which it reasonably suspects to have occurred, based on allegations in the original complaint. Any such supplementation shall be in writing, and a copy shall be sent by registered or certified mail, or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within seven days of such amendment.~~

~~(b) Investigation of probable cause. The investigating panel members shall investigate the complaint and any supplement thereto. For this purpose, hearings and meetings may be held to determine whether or not there is probable cause to believe that the respondent has violated the Code of Ethics. Any investigation and probable cause hearing, if held, shall be confidential and shall not be open to the public unless the respondent requests that such investigation and hearing be open. Pending the outcome of the probable cause hearing, no member of the Board of Ethics or investigating panel shall disclose his or her knowledge of the probable cause investigation to a third party. The respondent shall have the right to appear and be heard and to offer fully information by way of answer or denial of the allegations. The respondent may be represented by counsel of his or her choice in the probable cause hearings before the investigating panel. The investigating panel may, in its discretion, hear testimony or take written statements from the complainant and any other witnesses it deems necessary to its investigation. The investigating panel may retain counsel or investigators to assist it in the probable cause hearing process.~~

~~(c) Finding of probable cause and hearings before an ethics hearing board.~~

~~11J A decision regarding probable cause shall be made by the investigating panel within 60 days after the date that the Board of Ethics served notice of the formation of the investigating panel to the respondent and complainant. A finding that probable cause to believe that the respondent has violated the Code of Ethics exists shall require two concurring votes from the members of the investigating panel.~~

~~12J If the investigating panel fails to determine that there is probable cause that the~~

respondent has violated the Code of Ethics, the investigating panel shall dismiss the complaint for the Board of Ethics and shall report such dismissal to the Board of Ethics, and copy of the report of dismissal shall be sent by registered or certified mail or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within seven days of its receipt by the Ethics Board.

~~bJ~~ If the investigating panel determines that there is probable cause that the respondent has violated the Code of Ethics, it shall submit a written report to the Board of Ethics stating the basis for the finding of probable cause. Upon receipt of the report of the investigating panel finding probable cause, the Board of Ethics shall appoint a hearing board, which shall initiate a public hearing process within 30 days, to determine whether the respondent(s) committed a violation of the Code of Ethics. In any public hearing held to determine a violation of the Code of Ethics, the investigating panel members shall have the responsibility of gathering and presenting evidence to the hearing board.

~~4J~~ The hearing board shall give notice of any report of probable cause made by the investigating panel in writing, and a copy of the report shall be sent by registered or certified mail or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within 10 business days of its receipt by the hearing board.

~~5J~~ The hearing board shall hold hearings in accordance with its regulations and procedures adopted under this Ethics Code and shall call such witnesses and admit such evidence as the hearing board determines to be appropriate. The investigating panel and the respondent shall each have the right to present evidence and witnesses subject to the rules and regulations adopted by the Board of Ethics under this Ethics Code.

~~6J~~ The hearing board shall determine whether a violation of the Code of Ethics has been proven by clear and convincing evidence. In conducting such hearings the investigating panel shall have the burden of proving the claim. A finding of a violation of the Code of Ethics shall require the affirmative vote of two of the three hearing board members that there is clear and convincing evidence that the respondent has violated the Code of Ethics.

~~7J~~ Upon completion of the hearings before the hearing board, the complainant and respondent shall be notified in writing of the decision of the hearing board not later than 10 business days after such decision has been made. Such notification shall be either by registered or certified mail, or personal service by a sheriff, constable or indifferent person. If the hearing board determines a violation of the Code of Ethics has been proven by clear and convincing evidence, the hearing board shall state its findings of fact and conclusions of law in writing

and shall specify the Code section violated. The Hearing Board shall file its memorandum of decision with the Mayor, City Clerk, Corporation Counsel, and any other public office it deems appropriate.

~~18J Extension of time.~~

~~1aJ For good cause, the hearing board may grant extensions of time to any of the time limitations specified herein upon an affirmative vote of a majority of the hearing board. However, in no event shall the total extended time period, i.e., the original time period plus the extension(s), exceed double the original time periods prescribed by this chapter.~~

~~1bJ The hearing board shall give written notice of any extension(s) of time to the respondent and the complainant.~~

~~1cJ Notwithstanding the foregoing:~~

~~1iJ No extensions may be given for time periods required for notification(s).~~

~~1iiJ No extensions may be given for the time limitation for ruling on actions unless otherwise specified herein.~~

~~19J Rules and procedure for public hearings.~~

~~1aJ Public hearings shall be conducted under the rules and regulations adopted by the Board of Ethics, which shall include the following: oral evidence shall be taken under oath; documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; and upon request, parties and the hearing board shall be given the opportunity to compare the copy to the original.~~

~~1bJ Rights of panel and respondent.~~

~~1iJ The investigating panel and respondent shall have the right in any such hearing before the hearing board:~~

~~1AJ To be represented by counsel.~~

~~1BJ To present oral or written documentary evidence which is not irrelevant, immaterial or unduly repetitious.~~

~~1CJ To examine and cross-examine witnesses required for a full and true disclosure of the facts.~~

~~1iiJ All decisions regarding the introduction and admissibility of evidence not hereinbefore specified and which is to be introduced or precluded,~~

is to be determined by a majority of the hearing board.

~~leJ The Board of Ethics shall have the power to adopt and amend rules of procedure for hearings conducted pursuant to the Code of Ethics, provided such rules are approved by a majority vote of the entire Common Council, after publication of the text of the proposed rules of procedure or amendments thereto in a newspaper having a general circulation in the City. Any rules of procedure or amendments thereto shall become effective 30 days after adoption, and the full text of the rules of procedure, adopted in accordance with this section, shall be published and maintained as part of the Code of the City of Norwalk.~~

~~ldJ All Board of Ethics hearings shall be conducted in such a manner as to provide the respondent(s) with all due process that is required by federal, state and local law.~~

~~leJ Upon the request of the complainant, the respondent, the investigating panel or a member of the ethics hearing board, the ethics hearing board shall cause the hearings to be recorded and a transcription to be made thereof. If either the respondent or complainant requests a copy of the transcript, the requesting party shall bear the costs for the same.~~

~~lfJ The hearing board may subpoena witnesses to testify and may compel production of documents and other effects as evidence, and such subpoena may be enforced as provided under the Code of the City of Norwalk and state law.~~

~~lgJ In order to insure the public's right of access to the proceedings held in accordance with the provisions of this chapter, the Board of Ethics in conducting hearings before the hearing board shall follow the requirements of the Connecticut Freedom of Information Act. EN(2)~~

~~lhJ On or before June 1 of each year, the Board of Ethics shall submit to the members of the Common Council, the Mayor, and the Corporation Counsel a written report, which shall include, but not be limited to, a summary of its activities and recommendations for improvements in the Code of Ethics.~~

~~liJ The Board of Ethics shall hold or sponsor at least one educational program for the City and its employees, officers and agencies before March 31 of each year.~~

~~liJ The Board of Ethics may create and maintain a handbook to be distributed, together with this chapter, to all officers and employees. If created, a copy of the handbook shall be kept at the City Clerk's office and shall be~~

available for inspection by the public.

~~110J~~ At any time after an ethics complaint has been made, the Board of Ethics or a duly constituted hearing board may accept stipulated findings and/or a settlement from a respondent.

~~§ 32-13. Effect of violation.~~

~~A. A violation of this Code of Ethics:~~

- ~~(1) By an elected officer shall be considered dereliction of official duty, and therefore a cause for censure, impeachment or removal from office under the Code of the City of Norwalk.~~
- ~~(2) By an officer of an appointed board or commission shall be considered misconduct in the performance of duties and therefore a ground for censure or removal under the Code of the City of Norwalk.~~
- ~~(3) By an employee of an agency shall be considered misconduct and therefore a ground for censure or discipline, including demotion in rank or grade, termination of a contract or discharge under the Code of the City of Norwalk and any applicable labor agreement.~~

~~B. Any individual who is found in violation of this chapter may be subject to a civil action by the City to recover damages, if any that are incurred by the City as a result of said individual's unethical conduct. The costs of the hearing process under this Code of Ethics shall not be included in the aforementioned damages and shall not be recoverable under the provisions of this subsection.~~

~~C. Any officer or employee who is determined to have violated the provisions of this chapter shall have a copy of said decision placed in his or her official personnel file.~~

~~D. The effect of a violation of this Code of Ethics on the validity of a decision or action in connection with which the violation occurred shall be determined by general principles of law.~~

~~E. Any officer or employee who is determined to have violated the provisions of this chapter may be subject to a fine in an amount up to \$250 per violation, and such fine may be in addition to any other discipline imposed under this chapter.~~

~~§ 32-14. Time limits on complaints.~~

~~A. Except as provided in Subsection B of this section, no allegation in a complaint of a violation of the Code of Ethics shall be ruled upon by the Board of Ethics if six months or more has passed between the time of the alleged violation and the filing of the complaint. In the event~~

~~that multiple violations have been alleged, only those violations alleged in the complaint which have occurred within six months of the filing of the complaint to the Board of Ethics may be the subject of a hearing.~~

- ~~B. In the event that a violation or evidence of a violation of this Code of Ethics has been actively concealed, such action shall have the effect of tolling the period of limitation during said period of concealment until such alleged violation is discovered.~~
- ~~C. If an officer or employee under investigation leaves office or employment, the Board of Ethics, by a majority vote, shall have the power to continue the investigation.~~

~~§32-15. Proposed revisions.~~

~~The Board of Ethics may propose revisions to the Code of Ethics to the Common Council to assure its continuing effectiveness, and to hold public hearings, in its discretion, on matters pertaining to the administration of the Code of Ethics.~~

~~§ 32-16. Incurring of costs by Board of Ethics; staff.~~

- ~~A. The Board of Ethics shall be authorized to incur costs in investigating and prosecuting any alleged ethics violation and in responding to requests for advisory opinions, subject to the City's annual budget process. The Board of Ethics shall seek an annual appropriation to be used to cover its costs during the year and may seek such further or increased appropriations as may be necessary to carry out the terms of this Code of Ethics.~~
- ~~B. The Law Department shall assist the Board of Ethics in implementing its responsibilities under this Code and shall serve as staff to the Board of Ethics and any hearing board appointed under this Code. The Board of Ethics in appropriate circumstances, as it shall determine, may retain independent counsel to represent the Board, any investigating panel or any hearing board.~~

~~§32-17. Representation of respondents by City.~~

~~It is contemplated by this Code, that persons making complaints and respondents to any ethics complaint made under the Code shall not be represented by counsel appointed by or paid for by the City. In appropriate circumstances when a respondent has not been found in violation of this Code, the Board of Ethics may recommend to the Common Council that a respondent be reimbursed for any and all expenses incurred in defending all ethics complaints including the costs of the respondent's counsel. The Council may authorize such reimbursement subject to the availability of funding by the City.~~

City of Norwalk
PC Code Book for Willdows

~~§ 32-18. Effective date.~~

~~This Code of Ethics shall be effective as of Tuesday, November 27, 2007.~~

Endnotes

1(Popup)

Editor's Note : ~~This ordinance also superseded former Ch. 32, Code of Ethics, adopted 9-12-1967, effective 9-30-1967.~~

2(Popup)

Editor's Note : ~~See C.G.S. § 1-200 et seq.~~

~~ETIDCS~~-ETHICS
COMPLAINT FORM

BOARD OF ETHICS
ETHICS COMPLAINT

1. Person filing this Complaint (*the Complainant*):

Name: _____ Date: _____

Address: _____

Telephone Number(s): _____

Email Address: _____

2. Person against whom this Complaint is being filed (*the Respondent*):

____ City employee ____ Elected official ____ Appointed official ____ Other

Name: _____
City Commission, Board, Agency or Department: _____

3. Check the section(s) of the Norwalk Code of Ethics that you believe the ~~Re-~~
~~spondent~~ Respondent has violated (*Please refer to the Norwalk Code of Ethics,*
Chapter 32 of the Norwalk Code of Ordinances. The Board of Ethics may find
violations of or—dinances-ordinances or statutes not checked above.):

Conflict of interest (§32-4)

Prohibited representation (§32-5)

Prohibited use of City property/facilities (§32-6)

Prohibited use of influence/information (§32-7)

Prohibited gifts (§32-8)

____ Specific violations (§32-9)

Negotiation of future employment -(§32-10)

Subsequent employment (§32-11)

other (Describe & cite ordinance or statute):

ETHICS -COMPLAINT

4. State your complaint and describe the circumstances, including dates, that you believe constitute a violation of the Norwalk Code of Ethics *(Use additional sheets if necessary)*:

1. *Staphylococcus aureus*
 2. *Streptococcus pneumoniae*
 3. *Escherichia coli*
 4. *Salmonella enterica*
 5. *Shigella flexneri*
 6. *Yersinia enterocolitica*
 7. *Legionella pneumophila*
 8. *Campylobacter jejuni*
 9. *Haemophilus influenzae*
 10. *Neisseria meningitidis*
 11. *Listeria monocytogenes*
 12. *Clostridium botulinum*
 13. *Clostridium perfringens*
 14. *Bacillus anthracis*
 15. *Bacillus cereus*
 16. *Brucella abortus*
 17. *Coxiella burnetii*
 18. *Mycobacterium tuberculosis*
 19. *Mycobacterium avium*
 20. *Mycobacterium fortuitum*
 21. *Mycobacterium goodii*
 22. *Mycobacterium mageritense*
 23. *Mycobacterium neoaurum*
 24. *Mycobacterium neoaurum*
 25. *Mycobacterium neoaurum*
 26. *Mycobacterium neoaurum*
 27. *Mycobacterium neoaurum*
 28. *Mycobacterium neoaurum*
 29. *Mycobacterium neoaurum*
 30. *Mycobacterium neoaurum*
 31. *Mycobacterium neoaurum*
 32. *Mycobacterium neoaurum*
 33. *Mycobacterium neoaurum*
 34. *Mycobacterium neoaurum*
 35. *Mycobacterium neoaurum*
 36. *Mycobacterium neoaurum*
 37. *Mycobacterium neoaurum*
 38. *Mycobacterium neoaurum*
 39. *Mycobacterium neoaurum*
 40. *Mycobacterium neoaurum*
 41. *Mycobacterium neoaurum*
 42. *Mycobacterium neoaurum*
 43. *Mycobacterium neoaurum*
 44. *Mycobacterium neoaurum*
 45. *Mycobacterium neoaurum*
 46. *Mycobacterium neoaurum*
 47. *Mycobacterium neoaurum*
 48. *Mycobacterium neoaurum*
 49. *Mycobacterium neoaurum*
 50. *Mycobacterium neoaurum*
 51. *Mycobacterium neoaurum*
 52. *Mycobacterium neoaurum*
 53. *Mycobacterium neoaurum*
 54. *Mycobacterium neoaurum*
 55. *Mycobacterium neoaurum*
 56. *Mycobacterium neoaurum*
 57. *Mycobacterium neoaurum*
 58. *Mycobacterium neoaurum*
 59. *Mycobacterium neoaurum*
 60. *Mycobacterium neoaurum*
 61. *Mycobacterium neoaurum*
 62. *Mycobacterium neoaurum*
 63. *Mycobacterium neoaurum*
 64. *Mycobacterium neoaurum*
 65. *Mycobacterium neoaurum*
 66. *Mycobacterium neoaurum*
 67. *Mycobacterium neoaurum*
 68. *Mycobacterium neoaurum*
 69. *Mycobacterium neoaurum*
 70. *Mycobacterium neoaurum*
 71. *Mycobacterium neoaurum*
 72. *Mycobacterium neoaurum*
 73. *Mycobacterium neoaurum*
 74. *Mycobacterium neoaurum*
 75. *Mycobacterium neoaurum*
 76. *Mycobacterium neoaurum*
 77. *Mycobacterium neoaurum*
 78. *Mycobacterium neoaurum*
 79. *Mycobacterium neoaurum*
 80. *Mycobacterium neoaurum*
 81. *Mycobacterium neoaurum*
 82. *Mycobacterium neoaurum*
 83. *Mycobacterium neoaurum*
 84. *Mycobacterium neoaurum*
 85. *Mycobacterium neoaurum*
 86. *Mycobacterium neoaurum*
 87. *Mycobacterium neoaurum*
 88. *Mycobacterium neoaurum*
 89. *Mycobacterium neoaurum*
 90. *Mycobacterium neoaurum*
 91. *Mycobacterium neoaurum*
 92. *Mycobacterium neoaurum*
 93. *Mycobacterium neoaurum*
 94. *Mycobacterium neoaurum*
 95. *Mycobacterium neoaurum*
 96. *Mycobacterium neoaurum*
 97. *Mycobacterium neoaurum*
 98. *Mycobacterium neoaurum*
 99. *Mycobacterium neoaurum*
 100. *Mycobacterium neoaurum*

CITY OF NORWALK
ETHICS -COMPLAINT

Page 3 of 4

5. Describe or attach copies of any documents that support your Complaint.

6. Provide the names, addresses and telephone numbers of any witnesses to the circumstances described in Item 5 above (*optional*):

76. I hereby certify under penalty of false statement that the foregoing ~~state-~~ment-statement describing a possible violation of the Norwalk Code of Ethics is true and accurate to the best of my knowledge and belief. I also certify under penalty of false statement that I will not violate the requirement of confidentiality as stated in the Norwalk Code of Ethics.

Signature: _____ Date: _____

CITY OF NORWALK

ETHICS COMPLAINT

Page 4 of 4

NOTE:

1. This Complaint will not be considered filed without the name, address, and original signature of the Complainant. Mail or hand-deliver this Complaint to:

City of Norwalk
Board of Ethics
City Clerk
125 East Avenue
Norwalk, CT 06852

Complaints will **not** be accepted electronically or by fax.

2. Once filed, this Complaint may not be withdrawn by the Complainant without the approval of the Norwalk Board of Ethics.

3. The Board of Ethics Investigating Panel's preliminary investigation of a Complaint is confidential unless the Respondent requests that it be open. Unless the Board of Ethics advises you otherwise, the allegations in the Complaint and any information supplied to or received from the Board of Ethics may not be disclosed to any third party by the Complainant, Respondent, witness, designated party, Board of Ethics, Investigating Panel or Staff member(s). A violation of the requirement of confidentiality by the Complainant, whether direct or indirect, shall be grounds, at the discretion of the Board of Ethics, to dismiss the complaint.

4. Complaints shall be deemed to have been received by the members of the ~~Norwalk~~ Norwalk Board of Ethics at the first regularly scheduled meeting of the Board following ~~de-livery~~ delivery of the Complaint to the Norwalk City Clerk.