

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

October 15, 2019

7:00 p.m. – Room 231

Norwalk City Hall-125 East Avenue, Norwalk, CT

AGENDA

1. ROLL CALL:

2. PUBLIC HEARING (possible action on):

- Discuss and vote on Code of Ethics Section 32-16 – Incurring costs by Board of Ethics; staff;
- Discuss and vote on Code of Ethics Section 32-17 – Representation of Respondent by City;
- Discuss and vote on Bike Walk Advisory Commission Section 20-1(B) – Composition; appointment; terms; vacancies; compensation;
- Discuss and vote on new provision of Chapter 26 – Building Code – Fees assessed;
- Discuss and vote on Chapter 21, Section 21-2 – Permit obtained from Building Inspector;
- Discuss and vote on Chapter 95A, Section 95A-3 – Littering and illegal dumping prohibited;
- Discuss and vote on the following sections in Chapter 95:
 - Section 95-1– Definitions;
 - Section 95-5 – Littering prohibited;
 - Section 95-7– Grass and weeds; and
 - Section 95-10 – Snow and ice removal from sidewalks and driveways.

3. PUBLIC HEARING DISCUSSION:

4. PUBLIC COMMENT:

5. ACCEPTANCE OF MINUTES:

- September 17, 2019 - ordinance committee meeting

6. OLD BUSINESS:

- Discuss and vote on Tax Exemption for Solar Energy, Chapter 103, Article II, Sections 103-3 and 103-4;
- Discuss and vote on Chapter 94, Section 94-6 – Unlawful deposit; and
- Discuss, vote and receive update on Chapter 68 – Noise Ordinance:
 - DEEP's response and conditional preapproval of Norwalk's proposed noise ordinance;
 - DEEP has requested all standards cited by Mr. Zwerling before final approval;
 - DEEP issue with section 68-5 – Table 2; and

- DEEP issue with exclusion for construction noise.
- Mr. Zwierling's response and/or comments to DEEP's conditional preapproval and
- Mr. Zwierling's response to the issues and/or requests raised by DEEP.

7. NEW BUSINESS:

- Discuss and vote on Code of Ethics Section 32-4 – Conflicts of interests; interference with duties; prohibited interests; exceptions;
- Discuss and vote on Code of Ethics Section 32-8 – Prohibited gifts; and
- Discuss and vote on Code of Ethics Section 32-12 – Board of Ethics.

8. DISCUSSION ITEM:

9. ADJOURNMENT:

Code of Ethics

**Section 32-16: Incurring costs by Board of
Ethics; staff**

**Section 32-17: Representation of Respondent
by City**

Chapter 32. 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(s) 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 yYear 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~~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 pPersons 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 the Code, ~~In appropriate circumstances when a respondent has not been found in violation of this Code,~~ ~~if the 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 Rrespondent be reimbursed for any and all expenses incurred in defending an ethics complaint including the costs of the Rrespondent's counsel. The Council may authorize such reimbursement subject to the availability of funding by the City.

Bike-Walk Advisory Commission

Chapter 20: Bike Walk/Advisory Commission

§ 20-1 Composition; appointment; terms; vacancies; compensation. (Proposed revision)

- B. The Chief of Economic and Community Development, the Chief of Operations and Public Works, the Director of the ~~Directors of the Planning and Zoning, Public Works, and Health Departments,~~ the Executive Director of the Redevelopment Agency, and the Police Chief, and the Transportation Planner, or their respective designees, shall each serve ex officio without a vote. Staff support shall be provided by the Economic and Community Development Department. ~~Public Works and Health Departments.~~

Building Code

New Subsection: Fees assessed

Chapter 26: Building Code

§ 26-6 Fees.

[Amended 3-14-1989]

- A. Before receiving a building permit for construction, demolition or moving, the owner or his agent shall pay the fees provided for in § 26-8 hereof. Fees for permits are refundable in accordance with the State Building Code Section 114.5. Permit fees include the fees for permits for electrical, oil-burner installation, plumbing and gas-piping work included in the permitted construction, demolition or moving work.
- B. Whenever any work for which a building permit is required has been commenced without first obtaining said building permit, an investigation fee may be assessed in addition to the building permit fee. When assessed, the investigation fee shall be collected whether or not a building permit is then or subsequently issued. The investigation fee shall be equal to the amount of the building permit fee required but in no case shall the investigation fee be less than two hundred dollars (\$200.00). The Building Official, in his or her sole discretion, may waive the investigation fee due to extenuating circumstances.

Code Enforcement

- **Discuss and vote on Chapter 21, Section 21-2 – Permit obtained from Building Inspector;**
- **Discuss and vote on Chapter 95A, Section 95A-3 – Littering and illegal dumping prohibited;**
- **Discuss and vote on the following sections in Chapter 95:**
 - **Section 95-1– Definitions;**
 - **Section 95-5 – Littering prohibited;**
 - **Section 95-7– Grass and weeds; and**
 - **Section 95-10 – Snow and ice removal from sidewalks and driveways.**

Chapter 21: Billboards and Signs

§ 21-2 Permit obtained from Building Inspector.

- A. No sign of any nature shall be erected or fastened in any way to any building or other structure without first obtaining a permit from the Building Inspector, except that real estate signs may be displayed on properties, when required, provided they do not exceed an area of 24 square feet. The Chief of Economic and Community Development, the Chief Building Official, or their designee shall enforce §21-2.
- B. In case of the failure or neglect of the person to correct the actions identified in Subsection A following a fine pursuant to § 90-4, Approval of rates and fees, the Chief of Economic and Community Development, the Chief Building Official, or their designee may cause the same to be done, and the expenses thereof shall be collectible from the responsible person.

Chapter 95A: Littering and Illegal Dumping:

§ 95A-3 Littering and illegal dumping prohibited.

- A. No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter upon any public property in the City or upon private property in this City not owned by him or in the waters of this City except when such property is designated by the City for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose (Connecticut General Statutes § 22a-250, as amended from time to time). The Chief of Economic and Community Development, the Chief Building Official, or their designee shall enforce §95A-3.
- B. Pursuant to Connecticut General Statutes § 22a-250, as amended from time to time, the Chief of Economic and Community Development, the Chief Building Official, or their designee may assess a separate administrative penalty of not more than five hundred dollars upon the person following a hearing conducted in accordance with Connecticut General Statutes § 7-152c, as amended from time to time.

Chapter 95: Streets and Sidewalks

§ 95-1 Definitions.

In addition to the terms defined in Chapter 91 and unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

DIRECTOR

The Chief of Operations and Public Works ~~Director of Public Works, City of Norwalk~~, or his/her designee.

ENCROACH

To obstruct, impede, intrude or use for purposes other than traveling, including but not limited to the placing of any ladder, staging, scaffolding, building or construction materials or equipment or other like obstacle; the depositing of any merchandise, materials or any personal property; the erection, placement, maintenance or display of any sign; the pumping of water from private property, the depositing of snow or ice or the draining of water from private property in any manner which in any way may obstruct, impede or endanger public use or travel or which does or may cause any icy condition which in any way does or may obstruct, impede or endanger public use or travel.

EXCAVATE

Dig up, open, break, cut into, trench, tunnel or undermine in any manner. Such term includes the establishment, construction, resurfacing, repaving or reconstruction of any driveway or the placing of any substructure.

FOOTPATH

As differentiated from sidewalk, an asphalt pathway, usually three to four feet wide, constructed to provide safe pedestrian travel generally near/along roadways without sidewalks cross-country between destinations.

PUBLIC UTILITY

Any public service company incorporated under the provisions of the General Statutes or by special act for the purpose of transmitting or distributing gas, water, electricity, video or for telephone purposes.

SIDEWALK

A walkway built to provide safe pedestrian travel along public thoroughfares that are constructed in accordance with the City's Roadway Standards and Standard Specifications, as amended and supplemented.

STREET

Any portion of the entire width between the boundary lines of any public way maintained by the City of Norwalk, including but not limited to any street, highway, sidewalk, curb, gutter, shoulder, alley, avenue or other public way or any public ground leased by, maintained by or in possession or control of the City of Norwalk.

TRAVELED WAY

The portion of a street or highway ordinarily used for vehicular travel, exclusive of the shoulder.

§ 95-5 Littering prohibited.

- A. No person shall throw, cast, place or discard any paper, dirt, debris, filth or other foreign matter on the sidewalks, gutters, streets, highways or public places of the City. Violation of this section shall be subject to a fine established in accordance with the provisions of § 90-4, Approval of rates and fees. The Chief of Economic and Community Development, the Chief Building Official, or their respective designee shall enforce §95-5.
- B. In case of the failure or neglect of the person to correct the actions identified in Subsection A following a fine pursuant to § 90-4, Approval of rates and fees, the Chief of Economic and Community Development, the Chief Building Official, or their respective designee may cause the same to be done, and the expenses thereof shall be collectible from the person.

§ 95-7 Grass and weeds.

- A. Whenever a sidewalk has been constructed or shall hereafter be constructed within the limits of the City, it shall be the duty of the owner or occupant of any land or building fronting upon such sidewalk to keep the grass or weeds properly cut or removed from the margin of such sidewalks in front of the premises owned or occupied by him/her, including any and all portions lying within the public right-of-way. The Chief of Economic and Community Development, the Chief Building Official, or their respective designee shall enforce §95-7.
- B. In case of the failure or neglect of the person to correct the actions identified in Subsection A following a fine pursuant to § 90-4, Approval of rates and fees, the Chief of Economic and Community Development, the Chief Building Official, or their respective designee may cause the same to be done, and the expenses thereof shall be collectible from the owner or occupant.

§ 95-10 Snow and ice removal from sidewalks and driveways.

[Amended 2-27-2018]

- A. The provisions of Section 7-163a of the Connecticut General Statutes are hereby adopted and are set forth in Subsections **B**, **C** and **D** hereof.
- B. Notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other general or special act, the City shall not be liable to any person for injury to person or property due to the presence of ice or snow on a public sidewalk unless the City is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided that the City shall be liable for its affirmative acts with respect to any such sidewalk under its possession and control.
- C. The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the City had prior to the effective date of this article and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury,
- D. No action to recover damages for injury to person or property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.
- E. It shall be the duty of each owner and/or occupant in possession and control, jointly, of every parcel of real estate abutting a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks free from snow and ice for the full paved width of such sidewalks or, in the case of ice, by covering the same with sand, salt, chemical ice melt or other suitable material,

and then renewing such treatment as often as may be necessary to keep such sidewalk safe and convenient.

- F. In case of the failure or neglect of the owner or occupant in possession and control of land abutting the public sidewalk to comply with this section, as identified in Subsection E, the Chief of Economic and Community Development, the Chief Building Official, or respective their designee ~~Director~~ may cause the same to be done, and the expense thereof shall be collectible from the person so failing or neglecting, in an action of debt brought in the name of the City under this section. It will be presumed that the owner and/or occupant, as identified in Subsection E, has not complied with its obligations under this section if the owner and/or occupant fails to remove snow and/or ice within a reasonable period of time after such accumulation. Any person who fails or neglects to comply with this subsection shall also be liable for a penalty or fine in an amount established in accordance with § 90-4 of the Norwalk City Code, Approval of rates and fees.
- G. No person, firm or private corporation shall deposit, throw, place or strew, nor shall any person, firm, or private corporation cause to be deposited, thrown, placed or strewn, any snow or ice upon any streets, avenues, roadways, highways or sidewalks within the City. Any person, firm or private corporation who violates this subsection shall also be liable for a penalty or fine in an amount established in accordance with § 90-4 of the Norwalk City Code, Approval of rates and fees.

**Draft Meeting Minutes from
the 9/17/2019 Ordinance
Committee Meeting**

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
SEPTEMBER 17, 2019**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello; Colin Hosten;
Thomas Livingston; Beth Siegelbaum; Chris Yerinides

STAFF: Brian Candela, Corporation Counsel

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:00 p.m. and called the Roll.

2. PUBLIC HEARING (possible action on):

Ms. Melendez opened the public hearing at 7:01 p.m.

*Public participation comments are not verbatim and represent a summarization of statements
unless otherwise noted.*

**DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-9 - SPECIFIC
VIOLATIONS;**

**DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-11 - SUBSEQUENT
EMPLOYMENT;**

**DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-13 - EFFECT OF
VIOLATION;**

**DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-14 - TIME LIMITS
ON COMPLAINTS;**

**DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-15 - PROPOSED
REVISIONS;**

Ms. Diane Lauricella spoke about the Code of Ethics and asked that an educational component be added to the ordinance.

No other members of the public wished to speak and the public hearing was closed at 7:04 p.m.

Ms. Melendez opened the public hearing at 7:04 p.m.

Public participation comments are not verbatim and represent a summarization of statements unless otherwise noted.

DISCUSS AND VOTE ON USE OF SINGLE-USE PLASTIC STRAWS AND STIRRERS BY FOOD OR BEVERAGE ESTABLISHMENTS

Ms. Anna Keegan, Acting Director, Human Relations asked the Committee to keep the Ordinance as written because it strikes an excellent compromise. She noted that if straws are regulated, they will become more expensive and medicalized.

Ms. Samuel Price said he supported the ordinance as written. People will be very uncomfortable if they are required to disclose their disability to get a straw.

Ms. Diane Lauricella agreed with the other two speakers, and said that having the public request a straw without giving a reason is fine.

Ms. Betty Ball, Skip the Plastic spoke in support of the ordinance. She gave an overview of the impact plastic straws have on the environment. She said the solution is that they should be dispensed on demand.

No other members of the public wished to speak and the public hearing was closed at 7:12 p.m.

Ms. Melendez opened the public hearing.

No members of the public wished to speak.

DISCUSS AND VOTE ON CHAPTER 103, ARTICLE III, SECTION 103-6 (TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS - ELIGIBILITY);

DISCUSS AND VOTE ON CHAPTER 103, ARTICLE III, SECTION 103-7 (TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS - FILING OF APPLICATION); AND

DISCUSS AND VOTE ON CHAPTER 103, ARTICLE III, SECTION 103-12 (TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS - AMOUNT OF BENEFITS; ANNUAL ADJUSTMENT).

No other members of the public wished to speak and the public hearing was closed at 7:12 p.m.

3. PUBLIC HEARING DISCUSSION

DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-9 - SPECIFIC VIOLATIONS;

DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-11 - SUBSEQUENT EMPLOYMENT;

DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-13 - EFFECT OF VIOLATION;

DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-14 - TIME LIMITS ON COMPLAINTS;

DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-15 - PROPOSED REVISIONS;

The Committee members discussed sections of the Code of Ethics and made recommendations.

**** MR. CORSELLO MOVED TO AMEND THE CODE OF ETHICS SECTION 32-11 A & B AS DISCUSSED**

**** MOTION PASSED UNANIMOUSLY**

**** MR. CORSELLO MOVED TO SEND THE CODE OF ETHICS SECTION 32-11 A & B AS AMENDED TO THE FULL COMMON COUNCIL**

**** MOTION PASSED UNANIMOUSLY**

DISCUSS AND VOTE ON USE OF SINGLE-USE PLASTIC STRAWS AND STIRRERS BY FOOD OR BEVERAGE ESTABLISHMENTS

The Committee members discussed stir sticks and lid plugs. Mr. Hosten asked if there is a non-plastic alternative.

**** MR. LIVINGSTON MOVED TO AMEND THE ORDINANCE TO BECOME EFFECTIVE APRIL 22, 2020 AND MOVED IT TO THE FULL COMMON COUNCIL**

**** MR. CORSELLO SECONDED**

DISCUSS AND VOTE ON CHAPTER 103, ARTICLE III, SECTION 103-6 (TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS - ELIGIBILITY);

DISCUSS AND VOTE ON CHAPTER 103, ARTICLE III, SECTION 103-7 (TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS - FILING OF APPLICATION); AND

DISCUSS AND VOTE ON CHAPTER 103, ARTICLE III, SECTION 103-12 (TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS - AMOUNT OF BENEFITS; ANNUAL ADJUSTMENT).

**** MR. CORSELLO MOVED THE ORDINANCE TO THE COMMON COUNCIL
AS PRESENTED
** MOTION PASSED UNANIMOUSLY**

4. PUBLIC COMMENT

Ms. Diane Lauricella asked for clarification on the tax exemption for solar energy. She asked the Committee to consider adding geothermal systems and air sourced heat pumps. She also talked about the noise ordinance. She said there is a problem with enforcement, especially on Washington Street.

5. ACCEPTANCE OF MINUTES

August 20, 2019 - ordinance committee meeting

The following corrections were made to page 2:

Correct spelling of composted and schools

**** MR. LIVINGSTON MOVED TO APPROVE THE MINUTES AS CORRECTED
** MOTION PASSED WITH TWO (2) ABSTENTIONS (MR. HOSTEN AND MS. MELENDEZ)**

6. OLD BUSINESS

Discuss and vote on Tax Exemption for Solar Energy, Chapter 103, Article II, Sections 103-3 and 103-4

This item will be discussed further at future meetings.

7. NEW BUSINESS

DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-16 -INCURRING COSTS BY BOARD OF ETHICS; STAFF;

DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-17 - REPRESENTATION OF RESPONDENT BY CITY;

Ms. Kara Murphy, Ethics Commission reviewed Sections 32-16 and 32-17.

**** MR. CORSELLO MOVED TO AMEND SECTION 32-17 AS DISCUSSED
** MOTION PASSED UNANIMOUSLY**

DISCUSS AND VOTE ON BIKE WALK ADVISORY COMMISSION SECTION 20-1(B) - COMPOSITION; APPOINTMENT; TERMS; VACANCIES; COMPENSATION;

Ms. Nancy Rosett of the Bike/Walk Commission was present and the Committee members discussed the proposed revisions. Mr. Rosett said the requested changes reflect the structure in governance. Mr. Livingston said he would like to have a person responsible, rather than a department.

**** MR. LIVINGSTON MOVED TO AMEND SECTION 10-1(B) AS AMENDED
** MOTION PASSED UNANIMOUSLY**

**** MR. LIVINGSTON MOVED TO HOLD A PUBLIC HEARING ON THE ITEM AS AMENDED
** MOTION PASSED UNANIMOUSLY**

DISCUSS AND VOTE ON CHAPTER 58A - BLIGHT PREVENTION SECTIONS 58A-1 - DEFINITIONS;

Mr. Candela said he will work with Mr. Ireland to revise the language. The Blight Officer explained they take into consideration the overall appearance of the property. Ms. Casey explained the process when a blight complaint is received. She said they typically help support the property clean up through a lien, but that requires the permission of the property owner. She noted that the Blight Ordinance was established in Norwalk in 2014 and as a result the City was able to help a lot of people. The Blight Officer said that they do not get a lot of push back from the property owners and most times they do not have to impose a fine. Fines are used as a last resort. They are empathetic to residents who do not have the ability to fix their homes.

Ms. Casey said that as part of the re-organization, they are creating a Neighborhood Team that will be mobilized to use the blight funds to make improvements. It was noted that Blight Officers can only act on a complaint.

**DISCUSS AND VOTE ON NEW PROVISION OF CHAPTER 26 - BUILDING CODE
- FEES ASSESSED;**

Mr. Hosten asked about the rationale of the building fee. Mr. Candela said they are an attempt to keep people from not beginning work until they get a building permit. He said he will ask Mr. Ireland to attend the next Ordinance Committee meeting.

- ** MR. LIVINGSTON MOVED THE NEW PROVISION OF CHAPTER 26 TO A PUBLIC HEARING**
- ** MOTION PASSED UNANIMOUSLY**

The Committee members discussed the following sections and made recommendations.

- ** MR. LIVINGSTON MOVED THE FOLLOWING ITEMS AS AMENDED TO A PUBLIC HEARING**

DISCUSS AND VOTE ON CHAPTER 21, SECTION 21-2 - PERMIT OBTAINED FROM BUILDING INSPECTOR;

DISCUSS AND VOTE ON CHAPTER 95A, SECTION 95A-3 - LITTERING AND ILLEGAL DUMPING PROHIBITED;

DISCUSS AND VOTE ON CHAPTER 94, SECTION 94-6 - UNLAWFUL DEPOSIT;

DISCUSS AND VOTE ON THE FOLLOWING SECTIONS IN CHAPTER 95

SECTION 95-1- DEFINITIONS;

SECTION 95-5 - LITTERING PROHIBITED;

SECTION 95-7- GRASS AND WEEDS; AND

SECTION 95-10 - SNOW AND ICE REMOVAL FROM SIDEWALKS AND DRIVEWAYS.

- ** MOTION PASSED UNANIMOUSLY**

8. DISCUSSION ITEM

Discuss and vote on Chapter 68 - Noise Ordinance as well as an update on Noise Ordinance concerning the following:

DEEP's initial review of Norwalk's proposed noise ordinance;

Mr. Zwerling's comments in response to DEEP's initial review of Norwalk's proposed noise ordinance;

DEEP's response to Mr. Zwerling's comments concerning DEEP's initial review of Norwalk's proposed noise ordinance

Mr. Candela explained that at the last Ordinance Committee meeting they looked at what DEEP said and Mr. Zwerling's response. DEEP offered to review the comments. He asked for responses by last Friday and reached out to remind them, but DEEP did not respond. He said he hopes to have a response by the next meeting. He added that he will follow up with them early next week.

9. ADJOURNMENT

**** MR. LIVINGSTON MOVED TO ADJOURN**

**** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 8:43 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

Tax Exemption for Solar Energy

Chapter 103, Title II

Sections 103-3 and 103-4

Article II
Tax Exemption for Solar Energy Systems

§ 103-3 Use of solar energy heating or cooling system.

A. Definitions:

(1) Solar Energy Heating or Cooling System means equipment which (a) provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity, (b) employs mechanical means such as fans or pumps to transfer energy, and (c) meets standards established by regulation, in accordance with the provisions of chapter 54, by the Secretary of the Office of Policy and Management.

(2) Owner means the individual, corporation, partnership, limited liability company, unincorporated association, trustee, fiduciary, guardian, conservator, or other legal entity or any combination thereof in whose name(s) the title to a taxable interest in real estate stands on the land records of the City of Norwalk.

(3) Property means real property within the City of Norwalk which is identified in the tax records as a parcel of land and/or building, or which constitutes an individual condominium unit, planned community unit or separately taxable common element as shown on the records of the City of Norwalk's Tax Assessor.

B. Authorized:

An Owner of Property located within the City of Norwalk shall be entitled to an exemption from property tax on any building or private residence equipped with a Solar Energy Heating or Cooling System.

C. Exemption:

The extent of the exemption provided is the amount by which the assessed valuation of such Property equipped with such Solar Energy Heating or Cooling System exceeds the assessed valuation of such Property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy.

D. Term:

An Owner of Property located within the City of Norwalk shall be entitled to property tax exemption provided herein for so long as the Solar Heating or Cooling System is equipped and operating on any such Property.

E. Application; time for filing:

Application for the exemption must be filed by the Owner of such Property within 30 days following the annual assessment date. The application must be completed on a form provided by the Tax Assessor's office. Failure to file such application in said manner and form within the time prescribed shall constitute a waiver of the right to such exemption for the assessment year.

City of Norwalk, CT
Friday, July 5, 2019

Chapter 103. Taxation

Article II. Tax Exemption for Solar Energy Systems

§ 103-3. Use of solar energy heating or cooling system.

- A. The following described property shall be exempt from taxation: any building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with a solar energy heating or cooling system, or any building to which a solar energy heating or cooling system is added on or after October 1, 1976, and before October 1, 1991, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy, provided that this exemption shall only apply to the first 15 assessment years following the construction of such building or the addition of any such system to a building.
- B. As used in this section, "solar energy heating or cooling system" means equipment which provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which, absent such solar energy system, would require a conventional energy resource, such as petroleum products, natural gas or electricity, and which meets standards established by regulation by the Commissioner of Planning and Energy Policy.
- C. Any person who desires to claim the exemption provided in this section shall file with the Assessor of the City of Norwalk, within 30 days following the annual assessment date, written application claiming such exemption on a form as prescribed by the Tax Commissioner. Failure to file such application in said manner and form within the time prescribed shall constitute a waiver of the right to such exemption for the assessment year.

§ 103-4. Use of solar energy electricity system.

- A. Any solar energy electricity-generating system installed for the generation of electricity for private residential use shall also be subject to tax exemption, provided that such installation occurs on or after October 1, 1977, and before October 1, 1991. This exemption shall only be applicable in the first 15 assessment years following the installation of such system.
- B. As used in this section, a "solar energy electricity system" means equipment which is designed, operated and installed as a system at any private residential location, which system utilizes solar energy to produce electricity for consumption at such location and which meets standards established by regulation by the Commissioner of Planning and Energy Policy.
- C. Any person who desires to claim the exemption provided in this section shall file with the Assessor of the City of Norwalk, within 30 days following the annual assessment date, written application claiming such exemption on a form as prescribed by the Tax Commissioner. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.

Code Enforcement

**Discuss and vote on Chapter 94, Section 94-6 –
Unlawful deposit**

Chapter 94: Solid Waste, Collection and Disposal of

§ 94-6 Unlawful deposit.

A. Deposit in public places.

- (1) No person shall place any solid waste in any street, alley or other public place or upon any private property, whether owned by such person or not, within the City except in proper containers or otherwise properly prepared for collection, unless with express approval granted by the Chief of Economic and Community Development, the Chief Building Official, or their respective designee-Direetor. No person shall throw or deposit any solid waste in any stream, sewer or other body of water.
 - (2) Any uncontainerized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any accumulation of solid waste within seven days after written notice by registered mail to remove the same shall be deemed a violation of this chapter.
- B. No person shall cast, place, sweep or deposit anywhere within the City any solid waste in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley or other public place or into any occupied premises.
- C. It shall be unlawful for any person, firm or corporation to place Special Handling Waste, ~~hazardous wastes or similarly dangerous substances,~~ as determined by the Chief of Economic and Community Development, the Chief Building Official, or their respective designee-Direetor, into any refuse container or to transport any such substance to the solid waste disposal facility.
- D. No person shall deposit any solid waste in any City receptacle in a City park which has been brought from any area outside said City ~~park~~Park. This provision shall not prohibit disposal of garbage, rubbish or waste created by activities in said park, such as by the consumption of food.

Memorandum

Chapter 94: Solid Waste, Collection and Disposal of

§ 94-6 Unlawful deposit.

A. Deposit in public places.

- (1) No person shall place any solid waste in any street, alley or other public place or upon any private property, whether owned by such person or not, within the City except in proper containers or otherwise properly prepared for collection, unless with express approval granted by the Chief of Economic and Community Development, the Chief Building Official, or their respective designee-Direetor. No person shall throw or deposit any solid waste in any stream, sewer or other body of water.
 - (2) Any uncontainerized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any accumulation of solid waste within seven days after written notice by registered mail to remove the same shall be deemed a violation of this chapter.
- B.** No person shall cast, place, sweep or deposit anywhere within the City any solid waste in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley or other public place or into any occupied premises.
- C.** It shall be unlawful for any person, firm or corporation to place Special Handling Waste, ~~hazardous wastes or similarly dangerous substances~~, as determined by the Chief of Economic and Community Development, the Chief Building Official, or their respective designee-Direetor, into any refuse container or to transport any such substance to the solid waste disposal facility.
- D.** No person shall deposit any solid waste in any City receptacle in a City park which has been brought from any area outside said City parkPark. This provision shall not prohibit disposal of garbage, rubbish or waste created by activities in said park, such as by the consumption of food.

-
- Special Handling Waste and Hazardous Waste are defined in 94-2.
 - Hazardous Waste is also included in the definition of Special Handling Waste. See, 94-2.
 - Hazardous Waste is discussed in 94-6(A)(2)(C).
 - 94-6(A)(2)(C) precludes persons or entities from placing Hazardous Waste into a refuse container or transporting it to a solid waste disposal facility.

HAZARDOUS WASTE

Pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic and other hazardous wastes which, according to federal, state or local rules or regulations from time to time in effect, require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. §§ 6921, through 6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat 2806, 42 U.S.C. § 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.¹

¹ 42 USC 6901: Congressional findings; 42 USC 6903 Definitions; 42 USC 6921: Identification and listing of hazardous waste; 42 USC 6922: Standards applicable to generators of hazardous waste; 42 USC 6923:

SPECIAL HANDLING WASTE

A. Hazardous waste.

B. Dirt, concrete and other nonburnable construction material and demolition debris, such as, but not limited to, sheetrock, ceramic tile, asphalt shingles).

C. Large items of machinery and equipment, such as motor vehicles and major components thereof, agricultural equipment, trailers and marine vessels and any other item of waste exceeding six feet in any one of its dimensions or being in whole or in part of a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight inches could be contained within such solid mass portion, including, in the context of deliveries to the disposal facility, bulky solid waste.

D. Explosives, ordinance materials, oil, sludges, highly flammable substances, hazardous chemicals, tires and other materials, the acceptance of which, in the judgment of the Director, reasonably exercised, is likely to cause damage to or adversely affect the operation of the disposal facility, constitute a threat to health or safety or violate or cause the violation of any applicable federal, state or local law, regulation or judicial or administrative decision or order.

Noise
Norwalk City Code
Chapter 68

Candela, Brian

From: Kritzler, Paul <Paul.Kritzler@ct.gov>
Sent: Wednesday, October 09, 2019 11:41 AM
To: Candela, Brian
Subject: RE: Norwalk's noise ordinance

Follow Up Flag: Follow up
Flag Status: Completed

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Brian,

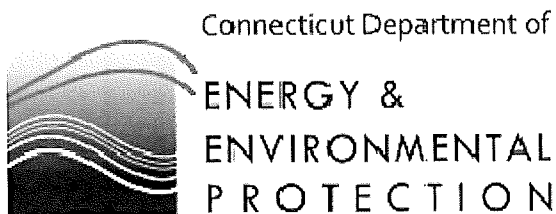
We have reviewed your response and will be issuing a preapproval for the Norwalk City Noise Ordinance, you will receive a letter shortly. After review we have determined that the State Noise Plan (22a-69-1 et seq.) will allow for approval of ordinances where more modern industry standards (ANSI, SAE) may dictate practices that differ from those detailed in the regulation so long as the City and/or Mr. Zwerling can provide those standards to us, or can be accepted where the standards have been demonstrated to be more stringent than the State Noise Plan as allowed by statute (C.G.S. 22a-67 et. seq.). As such we only have three outstanding issues:

- 1.) Please provide us with standards cited in Mr. Zwerlings attached file before final approval of the standard. We will issue preapproval without these documents at this time.
- 2.) For the table located in section 68-5 table 2 the Department still believes that the standard for a commercial zone should be 63 dBA (allowing for the +8 dB change.
- 3.) As Mr. Zwerling's comments pointed out the exclusion for "construction noise" must be addressed.

Thank you for your patience with our review and if you have any questions please let me know.

Paul Kritzler

Environmental Analyst
Mobile Sources Group
Division of Planning and Standards
Air Bureau
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
P: 860.424.3889 | E: Paul.Kritzler@ct.gov
Follow us at: [FACEBOOK](#) [Drive Clean CT](#)



*Conserving, improving and protecting our natural resources and environment;
Ensuring a clean, affordable, reliable, and sustainable energy supply.*

From: Candela, Brian [mailto:bcandela@norwalkct.org]
Sent: Tuesday, September 03, 2019 11:49 AM
To: Kritzler, Paul <Paul.Kritzler@ct.gov>
Cc: Candela, Brian <bcandela@norwalkct.org>
Subject: Norwalk's noise ordinance
Importance: High

Mr. Kritzler,

As we just discussed, enclosed please find a copy of DEEP's review, suggested revisions and issues noted in Norwalk's proposed noise ordinance for your file and review. Second, enclosed also please find our August 6, 2019 correspondence concerning DEEP's review of this noise ordinance. Third, please also find our expert witness' (Eric Zwerling) comments in response to the DEEP's review. As we stated on the phone, our hope is that Mr. Zwerling's response will help eliminate or narrow the issues raised by DEEP.

In addition, after reviewing Mr. Zwerling's comments, we hope that you can provide DEEP's final response by Friday, September 13, 2019 (morning). I need to send out the ordinance packets Friday afternoon for the committee to consider this ordinance at its next meeting (September 17, 2019).

Thank you again for all your assistance in this matter. Enjoy the rest of your week.

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

Candela, Brian

From: noiseconsultancy@aol.com
Sent: Thursday, October 10, 2019 3:48 PM
To: Candela, Brian
Subject: Re: Approval of Norwalk's Proposed Noise Ordinance Amendment - the entire code has been revised
Attachments: ASTM E336-19 Measurement of Airborne Sound Attenuation between Rooms in Buildings1.pdf; ASASTD.ANSI.ASA.S12.9.Part.3 - short term.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Brian,

First of all, I am extremely pleased that the DEEP approved virtually all of our code, with little in the way of comments. Logic and science prevailed.

Below is my response to the DEEP review letter. I have also attached the two standards I referenced.

Regarding the construction noise exemption, I appreciate the fact that you have forwarded to me the email I sent two month ago on that matter. I received no response from the Committee. The points I raised are still valid, and should be reviewed by them. Regardless, I have proposed language that results in a construction noise exemption during permitted hours. It does not allow homeowner construction on the weekends. Again, please see the August 13 email, below for a discussion of that issue.

DEEP COMMENT 1 - Attached to this email are the two standards I referenced in my response to the DEEP. One of them I owned, the other one I had to purchase today for this purpose (\$56).

DEEP COMMENT 2 – The DEEP “still believes that the standard for a commercial zone should be 63 dBA”. They misunderstand; Table 2 is based upon Receiving Land Use not Zone. The limit they are quoting applies to commercial receptors, not commercial zone receptors. There will certainly be commercial receptors in that zone, but there will also be residential receptors. Residential receptors (Residential Use) in a commercial zone receive the residential limits, subject to Note 1 under Table 2 (for a limit of 60 dBA).

While the DEEP has stated that they will issue a preapproval letter, they nonetheless have the ultimate authority in this matter. It is clearly their will that we accede to this request and reduce the limit in Table 2 for a commercial receptor from 65 dBA to 63 dBA. This isn't worth the time and effort to challenge. It's extremely rare for a commercial receptor to file a complaint against a commercial source, the difference of 2 dBA is negligible, and certainly not worth any possibility that it would further delay final adoption of the code.

DEEP COMMENT 3 - Regarding construction noise, I've noted in a number of correspondences that we could either address the matter with a blanket daytime exemption from the limits in the noise code or develop and implement a more involved regulatory scheme. I've received no response. I am going to assume that Norwalk does not want to implement a whole regulatory scheme (requiring and reviewing Noise Management Plans, monitoring for compliance, etc.).

Below is my proposed redrafting of § 68-6(6) Prohibited activities, which grants an exemption to site activities during permitted hours.

(6) After the appropriate permits have been obtained, Site Work or Construction and Demolition activities utilizing Construction Equipment on a Construction or Demolition site in a Residential Zone or Noise Sensitive Zone shall be limited to weekdays, Monday through Friday, other than state or federal holidays, from 8:00 a.m. to 5:00 p.m. During the permitted hours, such activities are exempt from the limits in Section 68-5(A).

After the appropriate permits have been obtained, Site Work or Construction and Demolition activities utilizing Construction Equipment on a Construction or Demolition site in a Commercial Zone or Industrial Zone shall be limited to weekdays, Monday through Friday, other than state or federal holidays, from 8:00 a.m. to 5:00 p.m. and on Saturdays from 10:00 a.m. to 3:00 p.m. During the permitted hours, such activities are exempt from the limits in Section 68-5(A).

All motorized equipment used in Construction and Demolition activity shall be operated with a properly functioning muffler. The exemptions in this provision shall not apply to sound production devices (e.g., radios) used at a construction site.

On an unrelated matter, I realized we did not address emergency generators. I've provided a provision below. If the Committee decides this is meritorious and worth the effort at this time, I suggest it be placed in Section 68-5(C):

The operation of a standby or portable generator is exempt from the limits in this Chapter when there is a power outage. The regular testing/exercising of a generator must be conducted on weekdays (Monday-Friday) during daytime hours and for the minimum duration suggested by the manufacturer. During such testing the sound level limit shall be 70 dBA at the property line of any affected person. The permissible limits in Table 1 apply to the operation of generators tested outside of the prescribed hours or operated when there is no power outage. No person shall at any time operate a generator during nighttime hours in a Residential District unless there is a power outage. Generators used on a permitted construction site may not exceed 65 dBA at the property line of any affected person.

Be well.

Eric

Eric Zwerling, M.S., INCE, ASA

President, The Noise Consultancy, LLC
Office (908) 237-0298

Director, Rutgers University Noise Technical Assistance Center
Office (848) 932-5782

Cell (732) 266-1762

-----Original Message-----

From: Candela, Brian <bcandela@norwalkct.org>

To: noiseconsultancy@aol.com <noiseconsultancy@aol.com>

Cc: Candela, Brian <bcandela@norwalkct.org>

Sent: Thu, Oct 10, 2019 12:51 pm

Subject: FW: Approval of Norwalk's Proposed Noise Ordinance Amendment - the entire code has been revised

Eric,

Here are your earlier thoughts on construction noise.

Brian Candela

Candela, Brian

From: noiseconsultancy@aol.com
Sent: Thursday, October 10, 2019 4:43 PM
To: Candela, Brian
Subject: Re: Approval of Norwalk's Proposed Noise Ordinance Amendment - the entire code has been revised

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Brian,

The reference in this provision should be to Table 2, not 1, or better yet, 68-5(A)

The operation of a standby or portable generator is exempt from the limits in this Chapter when there is a power outage. The regular testing/exercising of a generator must be conducted on weekdays (Monday-Friday) during daytime hours and for the minimum duration suggested by the manufacturer. During such testing the sound level limit shall be 70 dBA at the property line of any affected person. The permissible limits in Table 1 apply to the operation of generators tested outside of the prescribed hours or operated when there is no power outage. No person shall at any time operate a generator during nighttime hours in a Residential District unless there is a power outage. Generators used on a permitted construction site may not exceed 65 dBA at the property line of any affected person.

Eric Zwerling, M.S., INCE, ASA

President, The Noise Consultancy, LLC
Office (908) 237-0298

Director, Rutgers University Noise Technical Assistance Center
Office (848) 932-5782

Cell (732) 266-1762

-----Original Message-----

From: Candela, Brian <bcandela@norwalkct.org>
To: noiseconsultancy@aol.com <noiseconsultancy@aol.com>
Cc: Candela, Brian <bcandela@norwalkct.org>
Sent: Thu, Oct 10, 2019 4:19 pm
Subject: RE: Approval of Norwalk's Proposed Noise Ordinance Amendment - the entire code has been revised

Eric,

Thank you for your quick turnaround on this matter!

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851

Code of Ethics

- **Discuss and vote on Code of Ethics Section 32-4 – Conflicts of interests; interference with duties; prohibited interests; exceptions;**
- **Discuss and vote on Code of Ethics Section 32-8 – Prohibited gifts; and**
- **Discuss and vote on Code of Ethics Section 32-12 – Board of Ethics.**

Board Code of Ethics Revisions through 9-23-19

Chapter 32. Code of Ethics

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

A. Prohibited Actions and Transactions

A Municipal Employee or Officer shall:

- (1) 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) Not have a role, directly or indirectly, in obtaining a fFinancial bBenefit, hiring, promoting, demoting, disciplining, or taking other personnel action involving an Immediate Family member;
 - (3) 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) 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) Not deliberate or participate in a decision or action by the Agency of which the iIndividual is a member or is employed if such iIndividual 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) 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) 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.
generallgeneral

B. Conflicts of Interest:

In the event an officerOfficer or employeeEmployee 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:

~~Unless otherwise provided by law, an officeror 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.~~

~~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.~~

~~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.~~

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

~~Employment of an officerOfficer or employeeEmployee by a public utility regulated by the Public Utilities Regulatory Authority. Public Utilities Commission.~~

- (6) Unless otherwise prohibited by law, nothing ~~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 officerOfficer or employeeEmployee shall take no action with regard to the City related to such charitable or nonprofit entity or agency.~~

(7) Unless otherwise prohibited by law, nothing ~~Nothing~~ herein shall preclude an ~~officer~~Officer or ~~employee~~Employee of the City from serving on the board of an entity or aAgency 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.

(8) 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.

§ 32-8. Prohibited gifts.

A. Except as otherwise provided in Section 32-8(c), AAn Officer or Employee within the scope of his or her official responsibilities and/or authority shall not, ~~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 \$150~~100~~ 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.

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

~~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. 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~~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) 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) 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 ~~employee~~Employees as part of an official ~~employee~~Employee recognition/incentive program.
- (7) Meals and refreshments (~~not exceeding \$100 \$50 in value per year~~) 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) Goods or services provide to the City.
- (9) Meals and refreshments served in an iIndividual'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 pPerson's status as an ~~officer~~Officer or ~~employee~~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 as well as any -other things of value given to Employees as part of an official Employee Recognition/Incentive Program.
- ~~(1) 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.~~

- A. ~~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.

§ 32-12. 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~~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.~~^[KM1]
- 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. 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.~~ ^[KM2] 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.~~^[KM3]

~~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.~~ [KM4]

(1) 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~~ Officer or ~~employee~~ Employee involved, if agreed to by both the ~~i~~ 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) Review of complaint

(a) Upon receipt of a complaint, the Board of Ethics shall review the complaint and determine whether it warrants acceptance. If the Board of Ethics determines that acceptance is not warranted by a majority of the members present at the meeting, then it shall notify the complainant that it has refused to accept the complaint without establishing an Investigating Panel. If the Board of Ethics refuses to accept a complaint, it shall issue a written explanation of the reasons for such rejection.

(b) The Board of Ethics may refuse to accept a complaint. The conduct which the Board of Ethics relies on to make such a decision shall include, but not be limited to: (a) the number of complaints filed and the total number of pending complaints by the Complainant; (b) the scope of the complaint; (c) the nature, content, language or subject matter of the complaint; (d) the nature, content, language or subject matter of other oral and written communications to the Board of Ethics from the complainant; and (e) a pattern of conduct that amounts to an abuse of the ethics complaint process or an interference with the operations of the Board of Ethics.

(c) Upon the rejection of a complaint, if the Board of Ethics makes a finding that the complaint was vexatious and brought in bad faith it may provide appropriate relief

commensurate with the conduct, including but not limited to, an order that the Board of Ethics need not accept future complaints from the filer for a specified period of time.

(3) Appointment of Investigating Panel

Upon receipt of said complaint by the Board of Ethics members and subject to 32-12(e)(1)(a), an Investigating Panel will be appointed within 21 days after the next regularly scheduled Board of Ethics meeting. 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 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.

(b) Investigation of Complaint, Notification of Parties, Investigating Panel

(1) 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 ~~e~~Complainant in writing of its receipt of such complaint not later than 10 business days after the Investigating Panel ~~investigating panel~~ is formed.

(2) 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.

(3) Investigation of Probable Cause; Confidentiality of Initial Proceedings. The Investigating Panel members shall investigate the complaint and any expansion 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. Request by the Respondent for a public hearing shall waive the confidentiality requirement of the investigation and hearing. 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. By filing a complaint with the Board of Ethics, the Complainant shall be bound by the requirement of confidentiality. 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 and may be grounds to ban the Complainant from filing complaints in the future. 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, Written Report, Hearing Before

- (1) 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~~.
- (2) 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 ~~-~~.^[KM5]
- (3) ^[KM6] 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.

~~[2] 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.~~

~~[3] If the ~~investigating panell~~ 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.~~

(1) 3. Report to the Hearing Board; Hearings; Extensions of Time^[KM7]

(4) Notice of Probable Cause Finding to Complainant and Respondent. The ~~hearing board~~Hearing Board- shall give notice of any report of ~~p~~Probable ~~e~~Cause 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 ~~p~~Person to the Respondent ~~respondent~~and Complainant ~~complainant~~within 10 business days of its receipt by the ~~hearing board~~Hearing Board-.

(5) Hearings. 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.^[KM8]

(6) Evidence; Burden of Proof. The ~~hearing board~~Hearing Board -shall determine whether a violation of the Code of Ethics has been proven by ~~e~~Clear ~~a~~And ~~e~~Convincing ~~e~~Evidence. ~~In~~ conducting such hearings the Investigating Panel ~~investigating panel~~shall have the burden of proving the claim^[KM9]. 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 ~~e~~Clear ~~a~~And ~~e~~Convincing ~~e~~Evidence that the Respondent ~~respondent~~-has violated the Code of Ethics.

(7) Written Decision of the Hearing Board. 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 ~~p~~Person. If the ~~hearing board~~Hearing Board- ~~determines~~Board determines a violation of the Code of Ethics has been proven by ~~C~~clear ~~a~~And ~~e~~Convincing ~~e~~Evidence, the ~~hearing board~~Hearing Board ~~shall~~Board 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 ~~office~~Officer 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.

(8) Extension of time.

- (a) 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.

- (b) The ~~hearing board~~Hearing Board shallBoard shall give written notice of any extension(s) of time to the Respondent ~~respondent~~ and to ~~the Complainant~~the Complainant ~~complainant~~.
- (c) Notwithstanding the foregoing:
 - (i) No extensions of time 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.

~~— [ii]~~

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

~~— [iii]~~

~~— 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 ~~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 shallBoard shall be given the opportunity to compare the copy to the original.

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

- (i) ~~The Investigating Panel investigating panel~~and Respondent ~~respondent~~ shall have the right in any such hearing before the ~~hearing board~~Hearing Board. ^[KM10]

[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) Evidentiary rules. 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.

(c) 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. ^[KM11]

(d) Due Process

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.

(e) Recording and transcription of hearings.

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.

(f) Witnesses; Issuance of Subpoenas

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.

(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~~ 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) Stipulations of Parties and Settlement^[KM12] 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.

D. Annual Report^[KM13] 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.

E. Educational Programs and Materials^[KM14]

(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.^[KM15]