

To allow public access, anyone may access a meeting by telephone, Zoom, and/or the City of Norwalk YouTube channel. Specific instructions and links can be found at www.norwalkct.org/meetings.



Members of the public can call in and listen to a meeting. They will not be able to speak or see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. Please find the information using the link above.



Members of the public who wish to provide "live comments" will need to register in advance and use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called on by the host of the meeting during the public comment section. Please find the information using the link above.



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Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Brian Candela at bcandela@norwalkct.org to provide written public comment prior to the meeting.

COMMON COUNCIL ORDINANCE COMMITTEE **REGULAR MEETING – AMENDED AGENDA**

August 18, 2020

7:00 p.m. – By videoconference and Teleconference

AGENDA

1. ROLL CALL:

2. PUBLIC HEARING (possible action on):

- Discuss and vote on Code of Ethics Section 32-8– Prohibited Gifts.

3. PUBLIC HEARING DISCUSSION:

4. PUBLIC COMMENT:

5. ACCEPTANCE OF MINUTES:

- July 21, 2020 – regular meeting of the ordinance committee

6. OLD BUSINESS:

- Discuss and vote on Code of Ethics Section 32-4 – Conflicts of Interests; interference with duties; prohibited interests; exceptions.
- Executive Session: It is anticipated that the Committee will go into Executive Session pursuant to Conn. Gen. Stat. §§ 1-200(6)(E) and 1-210(b)(10) to discuss the Memorandum of Assistant Corporation Counsel, Darin L. Callahan dated August 14, 2020 concerning Hans Jean v. Century Protective Services, Inc., File No. 50470-0059.
- Proposed Action Item: The Committee hereby acknowledges receipt of Century Protective Services, Inc. response dated August 12, 2020 concerning Hans Jean v. Century Protective Services, Inc., File No. 50470-0059.
- Proposed Action Item: Adopt findings pursuant to Chapter 62-8(B)(2) of The Code of the City of Norwalk in the matter of Hans Jean v. Century Protective Services, Inc., File No. 50470-0059.

7. NEW BUSINESS:

8. DISCUSSION ITEM:

9. ADJOURNMENT:

CHAPTER 32 CODE OF ETHICS
SECTION 32-8: PROHIBITED GIFTS

e opens gainst t play Navy

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iday, league n holding kouts or start- practices ing for sure ld play or hly a month. re were going t didn't know 1 and where," linebacker aid. g Irish and were origi- id to play in ir 94th ng. The pan- he relocation e field in aryland, for n the history 1 Sept. 5, cancellation 's games nslin, Stan- nern Califor- fen and league-only

Dame's lone : game will be :heduled visit

from Western Michigan on Sept. 19, Navy announced Thursday it would replace Notre Dame with BYU this season, along with an agree- ment to extend the Notre Dame series contract to 2032.

Notre Dame, a member in all other league sports, already had a scheduling agreement to annually play five or six games with ACC teams as an independent. The Irish were set to play five-time reigning ACC champion Clemson, Wake Forest, Pittsburgh, Duke, Georgia Tech and Louisville this year.

Notre Dame's marquee matchup at home with Dabo Swinney's Tigers remains in its originally scheduled Nov. 7 slot, while the Fighting Irish added ACC matchups with Florida State, Boston College, Syracuse and North Carolina — with that game coming on the road the day after Thanksgiving.

The ACC's home-state requirement for nonconfer- ence games nixed three notable early-season match- ups in Atlanta — North Carolina-Auburn, Virginia- Georgia and Florida State- West Virginia — but created a path to save traditional rivalries with Southeastern Conference schools such as Georgia Tech-Georgia, Flor- ida State-Florida, Clemson- South Carolina and Lou- isville-Kentucky.

But the SEC went to a league-only schedule a day later to eliminate those games, too.

The Norwalk Hour

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PUBLIC NOTICES

PUBLIC NOTICES

PUBLIC NOTICES

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, August 18, 2020 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Section 32-8. Please check the Ordinance Committee agenda for additional details and Instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by August 14, 2020.

Section 32-8 is amended as follows:

§ 32-8. Prohibited gifts.

- A. Except as otherwise provided in this section, an 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 \$150400 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 \$ 100-\$50 in value per year) 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

ference game will be
usually scheduled visit

later to eliminate those
games, too.

o open up about n documentary

ourselves."

That becomes the breaking point for
some athletes.

Bloom's friend, aerial skier Jeret
"Speedy" Peterson, killed himself in 2011
just a year and a half after winning a silver
medal. He was 29.

To Bloom, Peterson had always seemed
like "the happiest guy." Except the night
Peterson knocked on his door at the Olym-
pic Training Center in Lake Placid around
2005.

"He was in tears, I've never seen him cry.
He's like, 'I just need to talk to you,'" Bloom
said recently from his home in Boulder,
Colorado. "He really opened up to me about
some of the mental struggles that he was he
was dealing with."

But Bloom said he "was not equipped at
all.

"I had no idea the things to ask, the
things to say. I just felt like he was having a
bad night," he said. "And I wish I could go
back to that moment and know what I
know now and be able to be a better sup-
port for him ... And so I said, 'Well, I better
educate myself, better get smarter about it,
and I better start talking about it because
that's what Jeret would want me to do.'"

Phelps, a co-executive producer on "The
Weight of Gold," said the need for change
also is what drove him to speak up. He and
other Olympians are calling on the In-
ternational Olympic Committee and the
U.S. Olympic & Paralympic Committee to
do much more to address the problem.

Phelps said the first step is "treating
people like humans" instead of something
on an assembly line.

"We're just products," the 35-year-old
Phelps said from his home in Scottsdale,
Arizona. "It's frightening. It's scary. And it
breaks my heart. Because there are so many
people who care so much about our phys-
ical well-being but I never saw caring about
our mental well-being."

In a statement to The Associated Press,
the IOC said it "recognizes the seriousness
of the topic" and assembled a team of in-
ternational experts to review scientific
literature on mental health issues among
elite athletes in 2018, resulting in a mental
health working group. The committee said
the topic has been discussed more openly at
forums and panels in recent years and that
the IOC has launched a series of webinars
to help athletes cope with COVID-19, and
plans other initiatives, including a helpline.

of 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: Certificates, plaques, awards or other ceremonial awards having a value of not more than \$200 as well as any other things of value given to Officers or Employees as part of an official 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 provided 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 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

B:

The monetary exceptions listed herein shall be adjusted annually based on the Consumer Price Index for the preceding year commencing on January 15, 2000:

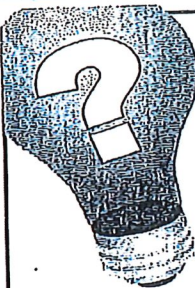
D. The Board of Ethics is encouraged to periodically review the monetary monetary exceptions listed herein (Section 32-8) to determine if the amount should be adjusted, and submit any recommendation for change to the Common Council.

Dated at Norwalk, Connecticut this 22nd day of July 2020.

ATTEST:

Donna I. King, City Clerk

THE HOUR: Please publish once on Friday, August 7, 2020



Did You Know?

According to the National Sleep Foundation, certain foods may help people fall asleep faster and sleep more soundly while others may compromise a person's ability to enjoy a restful night's sleep. In lieu of white bread, refined pastas and sugar-laden baked goods, all of which can reduce serotonin levels, the NSF recommends whole grains. The buildup of serotonin in the brain during periods of wakefulness can contribute to the onset of sleep later in the day. If serotonin levels in their brains are disturbed, then people may experience difficulty falling asleep. The

NSF also recommends almonds and walnuts, which contain melatonin, a hormone that helps to regulate the sleep/wake cycles. In addition, foods that are high in lean protein that contain the amino acid tryptophan also may increase the production of serotonin, potentially contributing to a restful night's sleep.

Legal Notice of Public Hearing

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§ 32-8. Prohibited gifts.

A. Except as otherwise provided in this section, an 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 \$150400 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 officerOfficer or employeeEmployee and the donor, which are not designed to influence the judgment or action of the officerOfficer or employeeEmployee 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 \$100 \$50 in value per year) may be distributed or made available to all attendees, and which are not designed to influence the proper judgment or action of the officerOfficer or employeeEmployee within the scope of his or her official responsibility and/or authority.

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

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

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

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(6) ~~Awards, gifts or other items of value given to employee~~ Employees as part of an official employee recognition/incentive program. Certificates, plaques, awards or other ceremonial awards having a value of not more than \$200 as well as any other things of value given to Officers or Employees as part of an official Recognition/Incentive Program.

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(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.

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(8) Goods or services provided to the City.

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

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(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/Officer or employee/Employee of the City.

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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. The Board of Ethics is encouraged to periodically review the 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.

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Dated at Norwalk, Connecticut this ____ day of July 2020.

ATTEST: _____

Donna I. King, City Clerk

THE HOUR: Please publish once on Friday, August 7, 2020

DRAFT MEETING MINUTES FROM
JULY 21, 2020
ORDINANCE COMMITTEE MEETING

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**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING & PUBLIC HEARING
JULY 21, 2020
BY VIDEOCONFERENCE AND TELECONFERENCE**

ATTENDANCE: Lisa Shanahan, Chair; David Heuvelman; Dominique Johnson;
Thomas Keegan; Manny Langella; Thomas Livingston;
Kadeem Roberts

STAFF: Brian Candela, Corporation Counsel; Jessica Casey, Chief of
Economic and Community Development; Sabrina Church,
Director of Business Development & Tourism;
William Ford, Tax Assessor

OTHERS: Tony Lopez, Board of Ethics

July 21, 2020
Ordinance Committee
Regular Meeting – Public Hearing
Via Videoconference and Teleconference
Page 1

ROLL CALL

Ms. Shanahan called the meeting to order at 7:05 p.m. and called the Roll as indicated above.

PUBLIC HEARING (possible action on):

Discuss and Vote on Enterprise Zone: Chapter 36

There were no members of the public who wished to speak.

Mr. Candella read a letter from Mr. Michael DiScala concerning the Enterprise Zone. He described his properties and plans and said he would not be able to afford to build without the tax relief. He asked the City of Norwalk to approve the tax incentive.

PUBLIC HEARING DISCUSSION

Mr. Livingston noted that Mr. DiScala's property would be in the Enterprise Zone if this is approved. He asked if he pulled permits for this project. Mr. Church said there are some permits in the pipeline that could be impacted by this; however, she noted that Wall Street Place would not be eligible for an additional abatement.

Mr. Heuvelman asked about the Garden Cinema property. Ms. Church said that property would fall under the new LDA and would not be impacted by this.

Mr. Livingston asked Ms. Church to provide a copy of the census tract map.

The Committee members discussed the language in the Ordinance.

Mr. Keegan asked about the Sunset provision. Mr. Candela explained that the Common Council could do a process to repeal the amendment before the 11th year. Mr. Candela noted that even if this item is approved by the Common Council, the State of Connecticut will need to approve it because a Census tract is being added.

Mr. Candela said current Ordinances can be repealed, amended and restricted. The Mayor and Common Council will get a report every three years.

Mr. Livingston read the proposed language for Section 36-5.

- ** MR. LIVINGSTON MOVED TO AMEND THE ORDINANCE TO ADD
SECTION 36-5
- ** MOTION PASSED UNANIMOUSLY BY VOICE VOTE
- ** MR. LIVINGSTON MOVED TO APPROVE SECTION 36-5 AS
AMENDED AND MOVE IT TO THE FULL COMMON COUNCIL
- ** MOTION PASSED BY ROLL CALL VOTE WITH SIX (6) IN FAVOR
(MR. HEUVELMAN; MS. JOHNSON; MR. LANGELLA; MR.
LIVINGSTON; MR. ROBERTS; MS. SHANAHAN) AND ONE (1) VOTE
IN OPPOSITION (MR. KEEGAN)

PUBLIC COMMENT

No members of the public wished to comment this evening.

ACCEPTANCE OF MINUTES

June 16, 2020

The following correction was made to page four, last paragraph, second sentence:

He noted he has been going through the Ordinances and has completed work on about half of the codes.

- ** MR. KEEGAN MOVED TO APPROVE THE MINUTES AS CORRECTED
- ** MOTION PASSED UNANIMOUSLY BY VOICE VOTE

OLD BUSINESS

Discuss and Vote on Code of Ethics Section 32-8 – Prohibited Gifts

Ms. Shanahan said she and Mr. Livingston reviewed this Section with Mr. Candela. It was suggested to combine six and twelve. Mr. Heuvelman asked why the monetary reference was removed from #7. Mr. Candela explained that came from the Board of Ethics and noted that change was made some time ago. Mr. Lopez said the Board of Ethics is meeting this week and he can raise this issue.

- ** MS. SHANAHAN MOVED CODE OF ETHICS SECTION 32-8 –
PROHIBITED GIFTS TO A PUBLIC HEARING

- ** MOTION PASSED UNANIMOUSLY BY VOICE VOTE

July 21, 2020
Ordinance Committee
Regular Meeting – Public Hearing
Via Videoconference and Teleconference
Page 3

NEW BUSINESS

Discussion of Hunting and the Use of Firearms Within City Buildings, Parks and Other Recreational Properties

Ms. Shanahan explained that she had been asked by Mayor Rilling to address issues that happened at City parks. Mr. Heuvelman asked if guns were allowed at City parks. Ms. Shanahan said people are allowed to hunt duck at Calf Pasture Beach. Mayor Rilling had asked for a one-year moratorium on duck hunting in 2019.

Mr. Livingston explained that people can have guns in City buildings, unless a sign is posted stating otherwise. However, a Police Officer can enter City buildings with their weapons.

Mr. Heuvelman said they will have to determine how to write an Ordinance for people on a boat who are duck hunting. Mr. Candela said he reviewed Ordinances from other municipalities and most have limitations on carrying firearms.

Chapter 38-2 discusses fire arms and the last amendment was from 1980. Mr. Candela said this may be a good place to start. Mr. Livingston said there are two aspects of this; hunting and carrying a weapon. Mr. Candela said he can e-mail a copy of the Ordinance from other municipalities to the Committee members.

Ms. Shanahan read a letter from May 2019 that Mayor Rilling sent asking the Common Council to create an Ordinance to make Calf Pasture Beach, Taylor Farm and Veteran's Park off limits to hunters. A one-year moratorium was created.

Mr. Heuvelman said he would like information on hunting from a boat. She said that no one should be discharging a weapon from those parks. He added that they need to think about archery and falconry.

Ms. Johnson asked if there were any instances or confusion where the Police had to address someone hunting. She said that information would be helpful. Mr. Candela said he will ask the Police Chief if there have been any complaints from hunters.

Discussion of Living Wage Complaint Filed Under Chapter 62 of the Norwalk's City Code

**** MS. SHANAHAN MOVED TO GO INTO EXECUTIVE SESSION AT 8:01 P.M. TO DISCUSS THE LIVING WAGE COMPLAINT FILED UNDER CHAPTER 62 OF THE CITY OF NORWALK'S CODE**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE**

The Committee members went into Executive Session at 8:19 p.m. and the public was excused.

EXECUTIVE SESSION

It is expected that the Committee will go into Executive Session pursuant to Conn. Gen. Stat. Sec 1-200 (6) € and 1-210 (b) (10) to discuss the Memorandum of Assistant Corporation Counsel, Darin L. Callahan dated July 15, 2020 concerning the living wage complaint.

Proposed Action Item:

The Committee hereby acknowledges receipt of the Living Wage Complaint filed by Hans Jeans, Orders an investigation thereon pursuant to Norwalk Ordinance 62-8, and appoints Lisa Shanahan and Manny Langella as its designee for purposes of said investigation

The Committee members came out of Executive Session at 8:19 p.m.

During the Executive Session no action was taken.

**** MR. HEUVELMAN MOVED TO ORDER AN INVESTIGATION**
**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE**

DISCUSSION ITEM

There was no further discussion.

ADJOURNMENT

**** MR. KEEGAN MOVED TO ADJOURN**
**** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 8:20 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

CHAPTER 32 CODE OF ETHICS
SECTION 32-4: CONFLICTS OF INTERESTS

Board Code of Ethics Revisions

Chapter 32. Code of Ethics

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

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A. ~~A.~~ Prohibited Actions and Transactions

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A Municipal Employee or Officer shall:

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- (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 Financial Benefit, 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;

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- (5) ~~(4)~~ Officer and employee 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. 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.

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- (6) 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
aOrdinance list Employees from representing the City's interests in any municipal labor
contract negotiation or grievance procedure, merely because he or she is an aOrdinance
list 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.
generalgeneral~~

B. Conflicts of Interest:

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:

~~A-~~

~~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-~~

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~~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.~~

C. Exceptions

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

- (1) The employment of an ~~officer~~Officer or ~~employee~~Employee by a pPerson 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 aAgency 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 aAgency 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 aAgency 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.
- ~~(6) Employment of an officer or employee by a public utility regulated by the Public Utilities Regulatory Authority, Public Utilities Commission.~~

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(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 ~~officer~~ Officer or ~~employee~~ Employee shall take no action with regard to the City related to such charitable or nonprofit entity or ~~a~~ Agency.

Commented [KM3]: Corporation Counsel: would this provision also include uncompensated appointees to boards and commissions? It appears to be burdensome on the City Clerk.

(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 ~~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.

Commented [KM4]: See comment above.

(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.