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COMMON COUNCIL ORDINANCE COMMITTEE **REGULAR MEETING – PUBLIC HEARING**

Tuesday, June 16, 2020
7:00 p.m. – By videoconference and Teleconference

AGENDA

1. ROLL CALL:

2. PUBLIC HEARING (possible action on):

- Discuss and vote on Norwalk Facilities Construction Commission: Sections 30-15 through 30-17.
- Discuss and vote on Code of Ethics Section 32-12 – Board of Ethics.

3. PUBLIC HEARING DISCUSSION:

{00071436.DOC 1}

4. PUBLIC COMMENT:

5. ACCEPTANCE OF MINUTES:

- May 19, 2020 – regular meeting of the ordinance committee

6. OLD BUSINESS:

- Discuss and vote on Enterprise Zone: Chapter 36.
- Discuss and vote on Code of Ethics Section 32-8 – Prohibited Gifts.

7. NEW BUSINESS:

8. DISCUSSION ITEM:

9. ADJOURNMENT:

Norwalk Facilities Construction Commission
Sections 30-15 through 30-17

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, June 16, 2020 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Sections 30-15 through 30-17. 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 June 12, 2020.

Sections 30-15 and 30-16 of the Code of the City of Norwalk are amended in their entirety to read as follows:

**§ 30-15 Implementation and Oversight of City Capital Building
Projects ~~Establishment of Norwalk Facilities Construction Commission.~~**

~~There is established a Norwalk Facilities Construction Commission (NFCC). The Land Use and Building Management Committee of the Common Council, or any successor thereto (the "Land Use Committee") shall have responsibility forecharged with the implementation and oversight of City capital building projects in Norwalk, as provided herein.~~

~~§ 30-15.1 Membership.~~

~~A. Members of the NFCC shall be appointed by the Mayor with the approval of the Common Council.~~

~~B. The NFCC shall consist of 11 members, as follows:~~

- ~~(1) The Mayor or his designee shall serve as chairman of the NFCC;~~
- ~~(2) Two members of the Common Council, one of whom shall be the Chairman of the Land Use and Building Management Committee of the Common Council and the other who shall be affiliated with a nonmajority political party or, if there is no such party represented on the Council, the second member may be any other Council member recommended by the Council;~~
- ~~(3) One member shall be the chairperson of the Board of Education's Permanent Education Specifications Committee or such other member of the Board as may be recommended by the Board of Education;~~
- ~~(4) One member shall be recommended by the Parent Teacher Organization Council of Norwalk;~~

- ~~(5) One member shall be the Chairman of the Board of Estimate and Taxation or such other member as may be recommended by the Board;~~
- ~~(6) One member shall be the Superintendent of Schools or his designee from the Central Office Staff of the Board of Education responsible for facility construction; and~~
- ~~(7) Four public members shall be electors of the City of Norwalk who shall have experience with building projects, such as construction trades, general contracting, construction management, architecture, engineering, public parking facilities and finance. No more than three of the five members who include the four public members and the one PTO Council representative shall be affiliated with the same political party.~~

~~§ 30-15.2 — Terms.~~

- ~~A. The representative of the Parent Teacher Organization Council and two of the four public members shall be appointed for initial terms ending January 1, 2007, and two of said public members shall be appointed for initial terms ending January 1, 2006. Thereafter, the terms for these members of the Commission shall be for four years and the Mayor shall appoint, with the approval of the Common Council, each year, successors to those members whose terms expire on the succeeding January 1.~~
- ~~B. The terms of the Mayor, Common Council members, Board of Education member and Board of Estimate and Taxation member, as voting ex officio members, shall be coterminous with the terms of their office.~~

~~§ 30-15.13 Powers and duties.~~

- ~~A. The NFCC shall develop a facilities construction program to implement facility policy decisions adopted by the Common Council and, as may be appropriate, by the Board of Education and Parking Authority.~~
- ~~B. The NFCC Land Use Committee shall provide project management and oversight of these all City capital public-building projects in Norwalk in excess of \$400250,000 or as designated by the Common Council, including oversight of project planning and design, recommending selection of architect and construction manager or general contractor, project execution planning, status tracking for schedule and budget, reporting, project completion and closeout. City Ccapital public-building projects do not include public infrastructure improvements such as roads, bridges and drainage, which shall continue to be the responsibility of the Department of Public Works.~~

~~C. The NFCC may establish performance standards and specifications that ensure quality construction. The NFCC shall be responsible for full life-cycle cost analysis. The NFCC may establish clear performance goals and standards for architects, construction managers and other professionals providing services in connection with NFCC projects.~~

~~D. The NFCC shall submit any matter requiring approval by the Common Council directly to the Council agenda as if it were a committee of the Council. The Mayor shall designate one of such Common Council members to propose motions to the Common Council as authorized by the Commission.~~

§ 30-15.24 Building Advisory Committees.

~~A. The Mayor Land Use Committee shall~~may, in its sole discretion, establish and appoint a Building Advisory Committee for ~~any~~each City capital building project and shall designate the ~~membership and~~ chair~~man~~ of each such committee. Each Building Advisory Committee ~~so established~~ shall advise the Land Use Committee ~~NFCC~~ on ~~user needs related to~~ the function, ~~and the~~ design, construction, or any other matter~~of the project related to the project, and the construction implementation schedule~~as determined by the Land Use Committee. Each Building Advisory Committee shall remain in existence until the completion of the ~~applicable~~ construction project.

~~B. The membership of each such Building Advisory Committee for a City project shall consist of the following:~~

- ~~(1) One member of the Common Council representing the district in which the City project is located or an at-large member if the project involves more than one district;~~
- ~~(2) One member of the City Department that will occupy or use the building; and~~
- ~~(3) At least three members of the public knowledgeable about the purpose of the building or having construction experience.~~

~~C. The membership of each such Building Advisory Committee for an individual school building project shall consist of the following:~~

- ~~(1) One member of the Common Council representing the district in which the school project is located;~~

- ~~(2) One member of the Norwalk Board of Education recommended by the Chairman of the Board of Education;~~
- ~~(3) Two members such as the principal or principal's designee of said school and from the faculty or staff of said school as recommended by the Superintendent of Schools; and~~
- ~~(4) Three members recommended by the Parent Teacher Organization Council of said school and approved by the Board of Education.~~

~~D. The Mayor shall designate a representative from the NFCC for each such Building Advisory Committee.~~

~~E. The Ad Hoc Advisory or Building Advisory Committees currently in existence for Brookside Elementary School, West Rocks Middle School, Brien McMahon High School, the School Roofs Project, the Norwalk Police Station and the Oak Hills Park Restaurant shall continue to serve as and shall be designated as Building Advisory Committees pursuant to this section for their respective capital building projects.~~

~~§ 30-15.5 — Staffing and operations.~~

~~A. The NFCC may request through the Mayor the assistance of public officials or City employees in matters such as purchasing, legal, security, public works, building and public safety in carrying out its duties.~~

~~B. The NFCC after a competitive proposal process shall recommend a construction program management firm to the Mayor and Common Council to be responsible for the day-to-day implementation and oversight of the facilities construction program and staffing for the NFCC.~~

~~C. The NFCC shall have a separate line item in the City operating budget and, if needed, in the City capital budget, and may submit requests for capital funds through the City's capital budget process.~~

~~D. Norwalk Facilities Construction Commission Operations.~~

- ~~(1) The NFCC shall meet at least monthly and at such other times as it deems necessary.~~
- ~~(2) The NFCC shall provide a standardized monthly report to the Mayor and Common Council regarding the status of all ongoing capital building projects;~~

~~and shall provide a monthly report to the Board of Education on the status of all school building projects. Such reports shall be public documents.~~
~~(3) The NFCC shall develop policies and practices for facility planning, facility management and utility conservation to control operating costs.~~

§ 30-16 Designation of School Building Committee.

A. The ~~NFCC-Land Use Committee~~ is hereby designated and shall serve as the Norwalk School Building Committee and shall have all such power and authority as may be necessary to properly perform and discharge its responsibilities and obligations pursuant to the Connecticut General Statutes.

B. The ~~NFCC-Land Use Committee~~ shall commence service as the Norwalk School Building Committee as of ~~August 1, 2003~~ the effective date of this amendment~~section~~. All actions taken by the Norwalk Facilities Construction Commission in its capacity as the Norwalk School Building Committee prior to such date are hereby ratified and confirmed.

~~§ 30-17 When effective.~~

~~This chapter shall take effect pursuant to § 1-193 of the Charter of the City of Norwalk.~~

Dated at Norwalk, Connecticut this 21st day of May 2020.

ATTEST: Donna I. King
Donna I. King, City Clerk

THE HOUR: Please publish once on Friday, June 5, 2020

Code of Ethics

Section 32-12: Board of Ethics

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, June 16, 2020 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Code of Ethics § 32-12. 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 June 12, 2020.

Chapter 32. Code of Ethics

§ 32-12. Board of Ethics.

- A. Appointment of members. The Board of Ethics shall be comprised of five full members and two alternate members, each of whom shall be electors of the City of Norwalk. No more than two of the members of the Board and one of the alternates shall be registered members of the same political party, and no member of the Board of Ethics shall be an Employee or Officer of the City. ~~Each member shall serve for a three-year term and, in the event of a vacancy on the Board of Ethics, a replacement shall be appointed to serve the balance of the term. 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 ~~be made by the Common Council and shall~~ require the affirmative vote of 11 members of the Common Council.
- B. Organization. The Board of Ethics shall elect a Chairperson. The Board ~~of Ethics~~ shall keep minutes of its meetings, which shall be filed in the office of the City Clerk, and the Board ~~of Ethics~~ shall hold meetings at the call of one ~~{full}~~ member of the Board and at such times as a majority of the ~~{full members of the}~~ Board ~~of Ethics~~ 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 ~~of Ethics~~ 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, ~~and~~ 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 ~~A~~gencies; ~~and such~~

~~other powers and duties as may be set forth herein on the Code of Ethics.~~ Further, the Board of Ethics shall promote a ~~public~~-culture and operating environment of high ethical standards throughout the City of Norwalk, by educating, informing and encouraging ~~City-officials~~Officers, Employees, residents and vendors of the City of Norwalk to become aware of the Code of Ethics to ensure that their public actions and activities are in compliance with the ~~Norwalk~~-Code of Ethics. and high ethical standards.^[KM1]

(1) Advisory opinions.

The Board ~~of Ethics~~, when requested to do so in writing by any Officer, Employee, Agency, or upon its own motion, may render advisory opinions concerning Officers and Employees and other issues with respect to this Code of Ethics. Such an advisory opinion shall be binding on the Board ~~of Ethics~~, 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 such a request, the Board ~~of Ethics~~ shall render its advisory opinion or its decision not to consider such request, and shall file such opinion or decision with the office of the City Clerk, and such opinion or decision shall be available to the public. The opinion or decision so filed may contain such deletions as ~~the Board of Ethics~~ may ~~in its sole discretion deem~~ be necessary to prevent disclosure of the identity of the Officer or Employee involved, ~~if agreed to by both the Individual involved and the Board.~~

(2) Probable ~~C~~ause hearings and subsequent procedures.

(a) Filing of the complaint; notification and amendment. 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~~ year. The complaint shall contain the specific act or acts which allegedly constitute the violation.

(b) Review of complaint. Upon receipt of a complaint, the Board of Ethics shall review the complaint and determine whether it warrants acceptance. If ~~a majority of the members of~~ the Board of Ethics ~~present at the meeting reviewing said complaint~~ determines that acceptance is not warranted, ~~by a majority of the members present at the meeting,~~ then it shall notify the ~~C~~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.

The ~~basis for which 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~~ may include, but not be limited to: (i) the number of complaints filed and the total number of pending complaints by the Complainant; (ii) the scope of the complaint; (iii) the nature, content, language or subject matter of the complaint; (iv) the nature, content, language or subject matter of other oral and written communications to the

Board of Ethics from the **Complainant**; and **(ve)** 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.

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 Complainant** for a specified period of time.

(c) Appointment of Investigating Panel. ~~Upon receipt of said complaint by the Board of Ethics members and Subject to [32-12(e)(1)(a)] [CHECK CITE], an An~~ Investigating Panel ~~will shall~~ be appointed within 21 days after the next regularly scheduled Board of Ethics meeting **following receipt of a complaint by the Board of Ethics.** ~~The No~~ members of the Investigating Panel shall ~~not serve~~ or have served within one year as ~~be an~~ Officers or Employees from the Agency at which the Complainant or Respondent Individual(s) serves or formally served within one year as an Officer or Employee ~~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.

(3) Investigation of Complaint, Notification of Parties, Investigating Panel.

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

(b) Expansion of Complaint by Investigating Panel. Subsequent to the filing of the original complaint, the Investigating Panel or the Board of Ethics may, at its discretion, supplement **or** expand ~~any such 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, constable or indifferent Person to the Respondent(s) and Complainant(s) within seven days of such amendment.

(4) 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 **Probable Cause**

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. **The r**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.

(a) Determination of Probable Cause, Written Report, Hearing Board. A decision regarding Probable Cause shall be made by the Investigating Panel within 60 days after the date that the Board of Ethics served notice of the formation of the Investigating Panel to the Respondent and Complainant. **A finding that there is Probable Cause to believe that the Respondent has violated the Code of Ethics exists shall require two concurring affirmative votes from the members of the Investigating Panel.**

(i) Finding of No Probable Cause **before an ethics hearing board.** If the Investigating Panel fails to determine that there is Probable Cause that the Respondent has violated the Code of Ethics, the Investigating Panel shall dismiss the complaint for the Board of Ethics and shall report such dismissal to the Board of Ethics, and **a** 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 Person to the Respondent and Complainant within seven days of its receipt by the **Board of Ethics** ~~Ethics Board~~.

(ii) Finding of Probable Cause. **A finding that Probable Cause to believe that the Respondent has violated the Code of Ethics exists shall require two concurring votes from the members of the Investigating Panel.** (ii) Written Report of Investigating Panel: Public Hearing Before Hearing Board. If the Investigating Panel determines that there is Probable Cause that the Respondent has violated the Code of Ethics, it shall submit a written report to the Board of Ethics stating the basis for the finding of Probable Cause. Upon receipt of the report of the Investigating Panel finding probable cause, the Board of Ethics shall appoint a Hearing Board, which shall initiate a public hearing ~~[process]~~ within **30-45 days from such appointment of receipt of the report**, 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.^[KM2]

(5) Report to the Hearing Board; Hearings; Extensions of Time^[KM3].

(a) Notice of Probable Cause Finding to Complainant and Respondent. The Hearing Board shall ~~give notice send a copy~~ of any report of Probable Cause made by the Investigating Panel ~~in writing, and a copy of the report shall be sent~~ by registered or certified mail or by personal service by a State Marshal, constable or indifferent Person to the Respondent and Complainant within 10 business days of ~~its receipt. receipt by the Hearing Board~~.

(b) Hearings. The Hearing Board shall hold hearings in accordance with its regulations and procedures adopted under this ~~Code of~~ ~~Code~~ and shall call such witnesses and admit such evidence as the Hearing Board determines to be appropriate. The Investigating Panel, ~~Complainant~~ and the Respondent shall each have the right to present evidence and witnesses subject to the rules and regulations adopted by the Board of Ethics under this ~~Code of~~ ~~Code~~.

(c) Evidence; Burden of Proof. The Hearing Board shall determine whether a violation of the Code of Ethics has been proven by Clear And Convincing Evidence. ~~In~~ conducting such hearings, the ~~Investigating Panel Investigating Panel~~ ~~Complainant~~ shall have the burden of proving the claim^[KM4]. A finding of a violation of the Code of Ethics shall require the affirmative vote of two of the three Hearing Board members that there is Clear And Convincing Evidence that the Respondent has violated the Code of Ethics.

(d) Written Decision of the Hearing Board. ~~Upon completion of the hearings before the Hearing Board, t~~he Complainant and Respondent shall be notified in writing of the decision of the Hearing Board not later than 10 business days after such decision has been made. Such notification shall be either by registered or certified mail, or personal service by a State Marshal, constable or indifferent Person. If the Hearing Board determines a violation of the Code of Ethics has been proven by Clear And Convincing Evidence, the Hearing Board shall, ~~within 30 days after such determination decision~~, state its findings of fact and conclusions of law in writing and shall specify the Code section violated. The Hearing Board shall file its memorandum of decision with the Mayor, City Clerk, Corporation Counsel, and any other ~~public~~ Officer it deems appropriate and deliver it contemporaneously to the Complainant and Respondent.

(e) Extension of time.

(i) For good cause, the Hearing Board may grant extensions of time upon an affirmative vote of a majority of the Hearing Board. ~~However, in no event shall the extension double the original time periods specified in this chapter.~~

(ii) The Hearing Board shall give written notice of any extension(s) of time to the Respondent and to the Complainant.

(iii) Notwithstanding the foregoing: ~~a decision must be rendered within 120 days of the appointment of the Hearing Board. -No, no extensions of time may be given for time~~

~~periods required for notification(s), and [no extensions may be given for the time limitation for ruling on actions unless otherwise specified herein]~~

(6) Rules and procedure for public hearings.

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

(b) Rights of Investigating Panel and Respondent. The Investigating Panel, Complainant and Respondent shall have the right in any such hearing before the Hearing Board. [KM5]

(i) To be represented by counsel.

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

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

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

(d) 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. [KM6]

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

(f) Recording and transcription of hearings. Upon the request of the Complainant, the Respondent, the Investigating Panel or a member of the Hearing Board, the Hearing Board shall cause the hearings to be recorded and/or a transcription to be made thereof. If either the Respondent or Complainant requests a copy of the recording or transcript, the requesting party shall bear the costs for the same.

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

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

(7) Stipulations of Parties and Settlement. [KM7]

At any time after an ethics complaint has been made, the Board of Ethics, Investigating Panel or the Hearing Board or a duly constituted may accept stipulated findings and/or a settlement from a Respondent.

D. Annual Report. On or before June 1 of each Yearyear, 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.

E.

(1) Educational programs. The Board of Ethics shall hold or sponsor at least one educational program for the City and its Employees and Officers annually.

(4)-

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

Dated at Norwalk, Connecticut this 21st day of May 2020.

ATTEST: _____

Donna I. King
Donna I. King, City Clerk

THE HOUR: Please publish once on Friday, June 5, 2020

**Draft Meeting Minutes from
the 5/19/2020 Ordinance
Committee Meeting**

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**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
MAY 19, 2020
VIA VIDEOCONFERENCE AND TELECONFERENCE**

ATTENDANCE: Lisa Shanahan, Chair; David Heuvelman; Dominique Johnson; Thomas Keegan; Thomas Livingston; Kadeem Roberts; Manny Langella (7:07 p.m.)

STAFF: Brian Candela, Corporation Counsel; Jessica Casey, Chief of Economic and Community Development; Sabrina Church, Director of Business Development and Tourism; Alan Lo, Building and Facilities Manager

OTHERS: Michael Church, Tony Lopez and Kara Murphy, Ethics Commission

ROLL CALL

Ms. Shanahan called the meeting to order at 7:03 p.m. and called the Roll as reflected above.

PUBLIC HEARING (possible action on)

There was no public hearing this evening.

PUBLIC HEARING DISCUSSION

PUBLIC COMMENT

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

Ms. Diane Lauricella spoke about the proposed changes to the Ethics Ordinance and suggested including an educational program. She also spoke about the changes to the Norwalk Facilities Construction Commission Ordinance. She suggested that before doing away with the Committee that an analysis be conducted to determine with it did not serve the function many years later. She expressed concern that talented members of the community will be left out and suggested creating a sub-committee of the Land Use and Building Management Committee.

Mr. Langella joined the meeting at 7:07 p.m.

ACCEPTANCE OF MINUTES

April 14, 2020-Special Meeting of the Ordinance Committee

**** MR. KEEGAN MOVED TO ACCEPT THE MINUTES AS PRESENTED
** MOTION PASSED UNANIMOUSLY BY ROLL CALL VOTE (MR.
HEUVELMAN; MS. JOHNSON; MR. KEEGAN; MR. LANGELLA; MR.
LIVINGSTON; MR. ROBERTS; MS. SHANAHAN)**

NEW BUSINESS

Discuss and Vote on Norwalk Facilities Construction Commission: Sections 30-15 through 30-17

Mr. Livingston explained that this Ordinance is to eliminate the NFCC. Mr. Lo gave an overview of the history of the NFCC. Mr. Livingston explained that he has been a member of the Commission for five years and it is a layer of bureaucracy that is not

needed. The responsibilities of the Commission would be taken over by the Land Use and Building Management Committee.

Mr. Lo proposed that each month a presentation is made to the Land Use and Building Management Committee to update them on contingencies. He explained that it would help him to properly advise the Common Council and they would be up to date on contingencies.

The Committee members the Ordinance and proposed changes to the language.

**** MR. LIVINGSTON MOVED TO HOLD A PUBLIC HEARING FOR NORWALK FACILITIES CONSTRUCTION COMMISSION: SECTIONS 30-15 THROUGH 30-17 AT THE NEXT REGULARLY SCHEDULED MEETING**

**** MOTION PASSED UNANIMOUSLY BY ROLL CALL VOTE (MR. HEUVELMAN; MS. JOHNSON; MR. KEEGAN; MR LANGELELLA; MR. LIVINGSTON; MR. ROBERTS; MS. SHANAHAN)**

OLD BUSINESS

Discuss and Vote on Code of Ethics Section 32-12 – Board of Ethics

Mr. Candela explained that the Ordinance included an educational portion.

Mr. Candela presented the proposed revisions to the Code of Ethics Section 32-12. A discussion ensued and Common Council members offered recommendations for changes to the Ordinance. Ms. Johnson said she wanted to be sure the Ethics Board would be empowered to carry out their responsibilities.

**** MS. JOHNSON MOVED TO HOLD A PUBLIC HEARING FOR THE CODE OF ETHICS SECTION 32-12 AT THE NEXT REGULARLY SCHEDULED MEETING**

**** MOTION PASSED UNANIMOUSLY BY ROLL CALL VOTE (MR. HEUVELMAN; MS. JOHNSON; MR. KEEGAN; MR LANGELELLA; MR. LIVINGSTON; MR. ROBERTS; MS. SHANAHAN)**

NEW BUSINESS (continued)

Discuss and Vote on Enterprise Zone: Chapter 36

Ms. Casey presented the proposal to expand the Enterprise Zone. She explained that Norwalk has a number of economic development tools in place. She reviewed the goals of the Enterprise Zone and how it works. Ms. Casey explained that an Enterprise Zone is

set out by State Statute. Based on State Statute, the Enterprise Zone tract has to meet one of three criteria. In Connecticut, 17 municipalities have Enterprise Zones.

Ms. Casey presented the existing Enterprise Zones and data on how the Census Tract was used. The developments added \$6.8 million to the Grand List. Since 2009 South Norwalk has seen 10 major developments. The developments include apartments, mixed use, residential, retail and a hotel.

Ms. Casey presented the proposed expansion into the Wall Street/West Avenue area. She said it is contiguous with the existing Census Tract. She said it does not hit the percentage of individuals below the poverty level, but it hits the other two criteria. She reviewed the demographic information from 2010-2020.

Ms. Casey explained that in 2019, there were only two major projects in this area, Waypoint and Head of the Harbor. They want to use the Enterprise Zone as a catalyst for growth.

Ms. Casey reviewed the potential growth sites. Mr. Livingston asked if permits were pulled for any of the sites. Ms. Casey said no permits were pulled.

Ms. Casey explained that there needs to be a revision to the language in the Ordinance. She added that there are some inconsistencies in the language between the City and the State.

Ms. Casey said she knows that tax abatement programs are not popular and there is a lot of misinformation about the program. She said she learned that the Enterprise Zone in South Norwalk was passed with a 10 year look back. She suggested adding a sunset clause for the full Enterprise Zone.

Mr. Candela presented slides showing the proposed changes to the geographical section of the Enterprise Zone Ordinance.

The Committee members discussed the language in the Ordinance and updated the language to create consistency between the State and the local Ordinance.

Ms. Shanahan asked if any Committee members had general questions. Mr. Heuvelman commented that all of the improvements eventually raises property values. He asked Ms. Casey if she is seeing the lower income people leaving the area. Ms. Casey said that any developments with over 12 units are required to have 10% affordable or workforce units.

The general consensus of the Committee was to move forward with this item. Mr. Keegan said he wants to be sure they have a discussion on the Sunset Clause. Ms. Shanahan added that she wants to see some kind of accountability built into the Sunset

Clause. Ms. Johnson said she agreed with the Sunset Clause and suggested having public input as they draft the Sunset Clause.

Ms. Shanahan suggested that she and Mr. Candela and others review the language and prepare for a public hearing in July.

DISCUSSION ITEM

Mr. Candela reported that a request was made about gender-neutral language. He said he has been going through the chapters of the Ordinances and went through over 50 to be sure gender-neutral language is inserted. He will update the Committee on his progress at the next meeting.

ADJOURNMENT

There was no further business and the meeting was unanimously adjourned by voice vote at 9:46 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

Enterprise Zone

Chapter 36 – Enterprise ~~Zone~~Zones

§ 36-1 **Applicability.**

The provisions of this chapter shall apply to such areas within the City of Norwalk ~~which~~as the Common Council shall from time to time designate by resolution as Enterprise Zones in accordance with ~~the~~ provisions of Connecticut General Statutes § 32-71, as amended. ~~Norwalk's Enterprise Zone consists of the following Census Tracts: [List/D the tracts].~~ A map of ~~these~~the Enterprise Zones as so designated ~~can~~ shall be ~~available~~ ~~obtained~~ from the Department of Economic and Community Development ~~or its duly appointed successor (DECD).~~

§ 36-2 **Benefits; ~~eligibility~~Eligibility.**

- A. ~~The DECD is designated as the administrator of Enterprise Zones in the City of Norwalk.~~
- B. All real property in ~~the~~an Enterprise Zone which is improved during the period when such area is designated as an Enterprise Zone shall have its real estate assessment fixed in accordance with Connecticut General Statutes § 32-71, as amended. Such fixed assessment shall be for a period of seven years from the time of such improvement and shall defer any increase in assessment attributable to such improvement, according to the following schedule:

Year	Percentage of Increase Deferred
First	100
Second	100
Third	50
Fourth	40
Fifth	30
Sixth	20
Seventh	10

- ~~BC.~~ Notwithstanding the provisions of this subsection, ~~a municipality~~the City may negotiate the fixing of assessments on the portion of improvements, by a taxpayer, which exceed a value of eighty million dollars to real property which is to be used for commercial or retail purposes. Notwithstanding the provisions of chapter 203 of the Connecticut General Statutes, no such improvements shall be subject to property taxation while such improvements are being constructed.

- ~~C. — The Department of Economic and Community Development, in coordination with other agencies, is designated as the administrator of the Enterprise Zone in the City of Norwalk.~~

- ~~D. — Any owner of property within a designated Enterprise Zone who seeks to take advantage of the additional deferments available under this chapter shall submit his or her application to Norwalk's Department of Economic and Community Development. The application, together with the requisite determination certificate, must be submitted by the property owner to the Tax Assessor's office within 30 days of the establishment of the October 1 grand list, to be eligible for Enterprise Zone benefits during the~~D tax year.

- ~~E. — The Economic and Community Development Department shall prepare a report no more than every 36 months/3 years detailing the number of projects which occurred in the Enterprise Zone, the type of project (manufacturing, residential, retail or commercial), the number of square feet impacted, the~~

~~amount of new investment generated and the gross and net impact on the grand list and tax collections. The report shall also serve as a means to monitor any changes in occupancy, use or ownership in facilities and firms which have been granted benefits. The report shall be submitted to the Mayor and the Planning Committee.~~

- FD. The Common Council shall have the power ~~to grant additional deferments, by resolution, to grant additional deferments~~ of up to 100% of assessment attributable to such improvements for a period of up to seven years from the date of the improvement referred to in Subsection AB above.
- (1) Any owner of property within a designated Enterprise Zone who seeks to take advantage of the additional deferments available under this subsection shall submit his ~~or~~/her application to the ~~Norwalk's Economic and Community Development Department~~ DECD on forms to be supplied by said department.
- (1) — The ~~Economic and Community Development Department, in coordination with other agencies,~~ DECD shall review the application and determine if such additional deferment is necessary in order to promote the further development of industrial, commercial or residential property upon the real estate of the applicant.
- (2) — The ~~Economic and Community Development Department, in coordination with other agencies,~~ (2) The DECD shall make a recommendation to the Common Council on the applicant's request and shall specify its reasons for recommending approval or denial of the application.
- (3) Upon receipt of the recommendation of the ~~Economic and Community Development Department and the other coordinating agencies,~~ DECD, the Common Council may approve or reject the application in question by a majority vote. Said additional deferment of assessment shall become effective upon its approval by the Common Council.
- (4) The approved application must be submitted by the property owner to the Tax Assessor's office no later than 30 days prior to the establishment of the October 1 grand list, to be eligible for Enterprise Zone benefits for that tax year.
- EE. Any fixed assessment on any residential property shall cease if: (1) for any residential ~~rental~~ property, any dwelling unit in such property is rented to any person whose income exceeds 200% of the median income, as determined by the United States Department of Housing and Urban Development, for the area in which the ~~municipality containing the~~ residential real property is located; or, (2) for any conversion condominium declared after the designation of the Enterprise Zone, any unit is sold to any person whose income exceeds 200% of the median income, as determined by the United States Department of Housing and Urban Development, for the area in which the ~~municipality containing the~~ residential real property is located.
- DF. In the event of a general revaluation by the City of Norwalk in the year in which such improvement is completed, resulting in any increase in the assessment on such property, only that portion of the increase resulting from such improvement shall be deferred. In the event of a general revaluation in any year after the year in which such improvement is completed, such deferred assessment shall be increased or

decreased, in proportion to the increase or decrease in the total assessment on such property as a result of such revaluation.

EG. No improvements of any real property ~~which~~**that** qualifies as a manufacturing facility under Section 32-9p(d) of the Connecticut General Statutes shall be eligible for the benefits under this chapter.

FH. In the case of any real property ~~which~~**that** qualifies for the deferred assessment granted under the provisions of Chapter 78 of the Code of the City of Norwalk (Phased Increased Assessment), for each year of the deferment, said property shall qualify for the deferment under Subsection **AB** of this section or the deferment under § 78-4, whichever is greater, for the year in question.

§ 36-3 Sunset Provision Reports.

~~Version # 1: This chapter shall be evaluated by the Economic and Community Development Department within 10 years from the effective date. Within 10 years and 6 months of the effective date, the Economic and Community Development Department and other coordinating agencies, The DECD shall prepare and deliver to the Mayor and the Common Council a report upon request, and no less frequently than every three years, detailing the number of projects which occurred in the Enterprise Zone that have received benefits under this chapter, the type of project (manufacturing, residential, retail or commercial), the number of square feet impacted developed, the amount of new investment generated and, the gross and net impact on the grand list and tax collections in the past 10 years. This, and such other information as it shall deem appropriate or as requested by the Mayor or Common Council. The report shall also serve as a recommendation of the Economic and Community Development Department and other coordinating agencies, on whether or not the Enterprise Zones should be extended. The report shall be submitted to the Mayor and the Planning Committee. means to monitor any changes in occupancy, use or ownership in facilities and firms that have received benefits under this chapter.~~

§ 36-4 Sunset Provision.

This chapter shall expire ~~11 years from the effective date of this ordinance~~ and be repealed on July 1, 2030, unless extended by the Common Council, ~~or removed from code on or before the expiration date.~~

~~Version # 2: This chapter shall remain in effect for ten years from the date of its enactment and as of that date is repealed unless extended by the Common Council.~~



Enterprise Zone

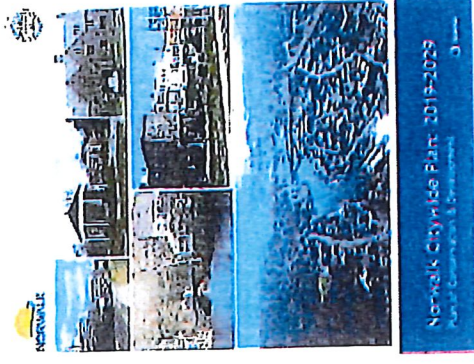
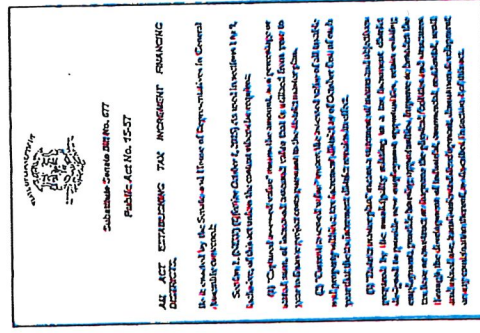
5/19/2019

Overview

- Economic Development Tools
- Goal of the Enterprise Zone
- How an Enterprise Zone works
- Enterprise Zone Criteria
- Census Tracts that Qualify – in the Urban Core
- The Existing Enterprise Zone
 - Geography
 - Development since 2009 in the Existing Enterprise Zone
 - Demographic Information
- Proposed Expansion of the Enterprise Zone into Census 437
 - Geography
 - Criteria
 - Demographic Information
 - Potential Growth Sites
- Considerations, for Discussion

Economic Development Tools

- Enterprise Zone adoption, adopted in 1982
- Opportunity Zone program, announced in 2017
- Wall Street/West Avenue Redevelopment Plan, May 2019
- Zoning adopted in the Central Business District, June 2019
- Small Business and Main Street Program, November 2019
- Plan of Conservation and Development, December 2019
- New development interest and investment



Goal of the Enterprise Zone Program

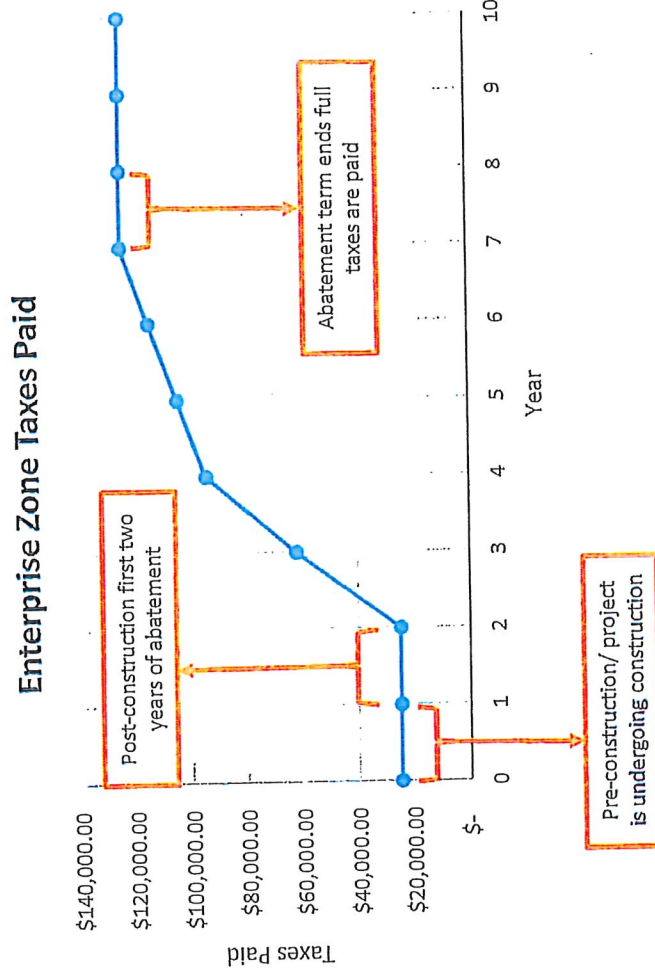
An Enterprise Zone is an area in which local tax incentives are offered to encourage business investment and jobs for residents in disadvantaged Census Tracts.

How an Enterprise Zone Works

Taxes on improvements to any property within the geography are deferred for a period of 7 years according to the following schedule:

- 100% for the first two years
- 50% for the 3rd year
- 40% for the 4th year
- 30% for the 5th year
- 20% for the 6th year
- 10% for the 7th year
- After the 7 year term, taxes will be at the true rate.

*If used for housing development, units must be affordable to 200% of the area median income or abatement will be revoked.



*Note: This graph does not account for property deterioration or mill rate adjustments

Enterprise Zone Criteria

Eligible Census Tracts must meet one of the following criteria:

- 25% or more people below the poverty level
- 25% or more of the families receive public assistance or welfare income; or
- The unemployment rate is at least two hundred per cent of the state's average.

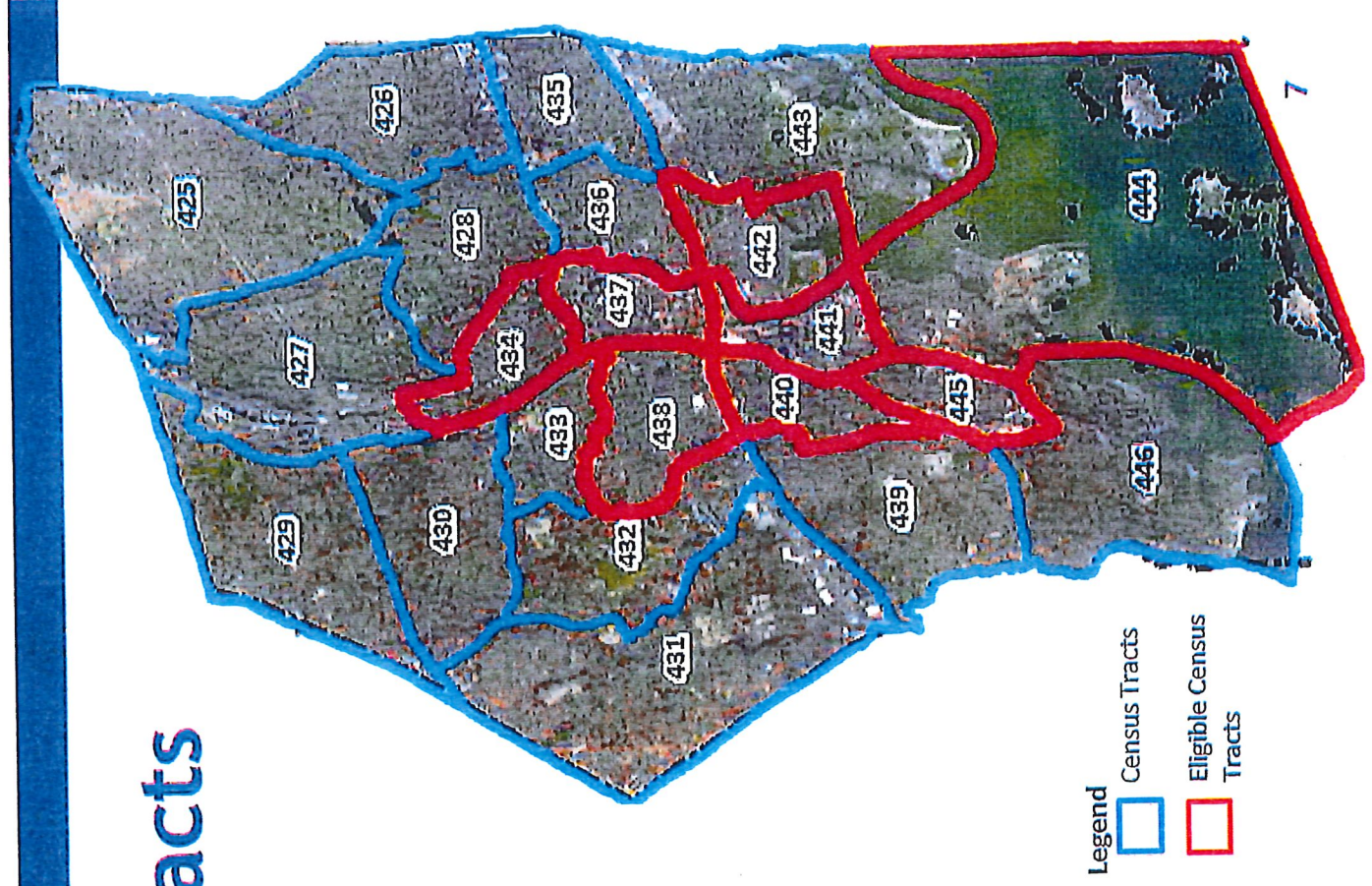
Connecticut:

In Connecticut, 17 municipalities have Enterprise Zones

Qualified Census Tracts

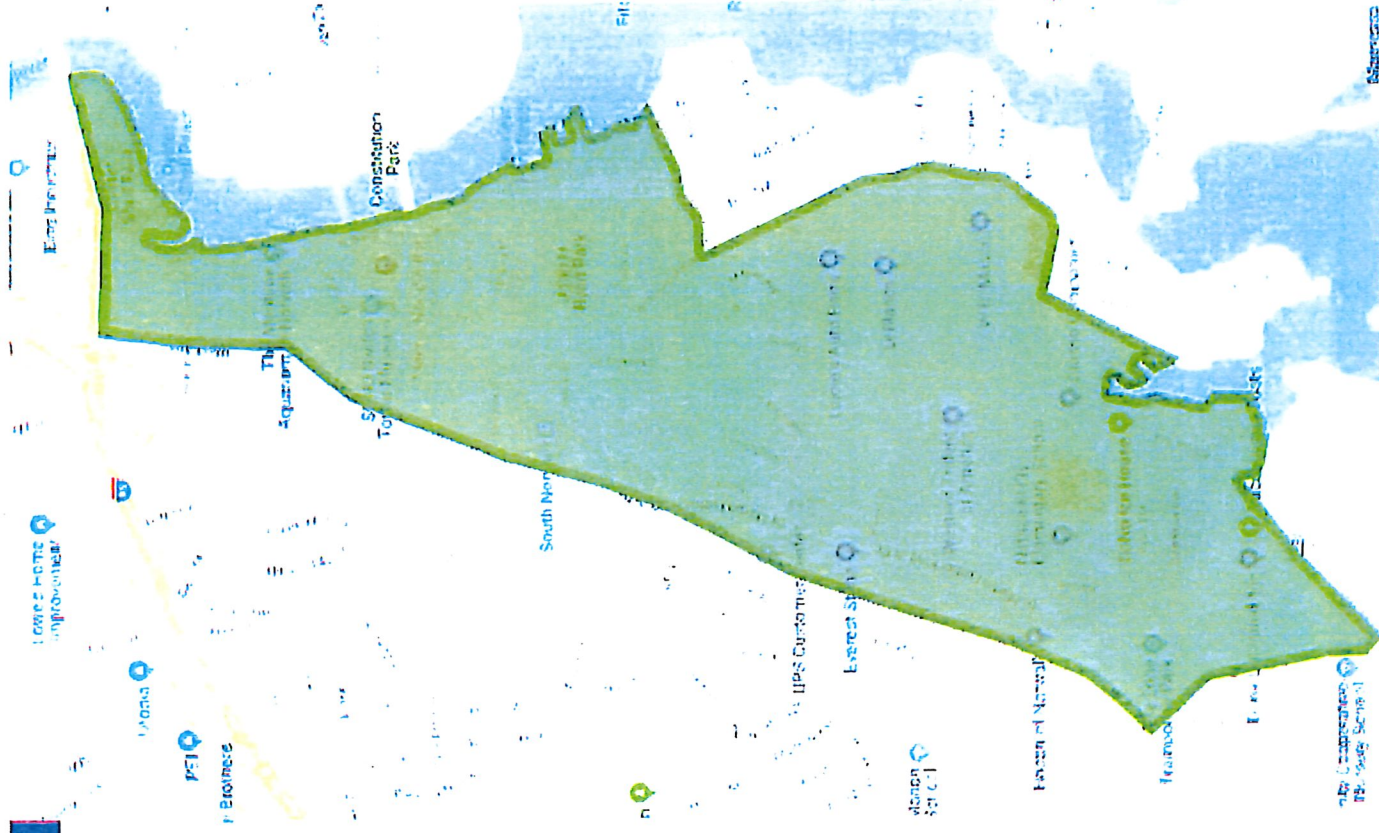
Census Tracts must meet one of the following criteria:

1. 25% or more people below the poverty level; *(0 out of 8 census tracts highlighted meet this criteria although 437 is close at 24.2%)*
2. 25% or more of the families receive public assistance or welfare income; or *(4 out of 8 census tracts highlighted meet this criteria)*
3. The unemployment rate is at least two hundred percent of the state's average. *(7 out of 8 census tracts highlighted meet this criteria – unemployment is 3.6% in CT)*



The Existing Enterprise Zone:

- Includes Census Tracts 441 and 445.
- North boundary is I-95.
- West boundary is MLK Boulevard.
- East boundary is along the waterfront to Mack Street/Burritt Avenue, then south along Woodward Avenue to Dock Road. It then follows the waterfront to Route 136.



Development since 2009, in the Enterprise Zone:

- Since 2009, South Norwalk has seen ten major developments, including but not limited to Ironworks, The Pearl, Maritime Village (19 Day Street), Soundview Landing, SoNo Collection and the SoNo Residence Inn.
- These developments have included apartments, mixed-use, residential, retail and a hotel.
- These developments represent more than \$100M in appraised value, more than 2.7M sqft in development and more than 330 residential units.
- The program added \$6,855,500 of tax revenue to the grand list while the abatement totaled \$1,341,980* *this calculation does not yet include the SoNo Collection as it recently completed construction

-
- Of the ten projects, three have been awarded the Enterprise Zone program: The Ely Avenue Project, Ironworks and the SoNo Residence Inn.
 - Eligible projects that are in the process of being awarded the Enterprise Zone: SoNo Collection and 19 Day Street.

The Ely Avenue Project

- 310 Ely Avenue Units, A-H – began receiving Enterprise Zone credits in 2010 after it was built.
 - Previously, the parcel was vacant and the land generated about \$2,500 annually in taxes.
 - Over the course of the seven year phase-in, the value of the tax abatements totaled roughly \$49,000.
 - Now, the units bring in more than \$25,000 in annual property taxes.
- This represents a 1000% increase in taxes between 2010 and 2018.**

Ironworks

- 1 North Water Street – began receiving Enterprise Zone credits in 2016.
- The property was once assessed at \$3 million and now has an assessment of nearly \$30 million.
- From 2007-2012, the property generated about \$50,000 a year in property taxes – or about \$300,000 over the six years leading into construction.
- In the first year, the highest tax abatement year, the property owner paid about \$50,000 in taxes. That is as much as the annual taxes before the property was beautifully developed.
- In 2018, the property tax paid, with the Enterprise Zone abatement, was \$373,670. **An increase in taxes of 1129% since 2007.**
- After seven years, instead of \$300,000 in taxes, the property will bring in about \$4.9 million.

The Residence Inn, by Marriott SoNo

- The Enterprise Zone was awarded in 2018.
- The property was once assessed at less than \$1 million, and now has an assessment of \$15.6 million.
- From 2007-2013, the two parcels generated roughly \$17,000 a year in property taxes – or about \$120,000 in total over that time.
- In the first year, the highest tax abatement year, the property owner paid about \$48,000 in taxes. In 2007, taxes for this property were approximately \$13,000. **This is a 262% increase in taxes from 2007.**
- In three years, the property taxes will have more than covered what was there previously.
- In addition, the Hotel is operating (in non-COVID-19 times) at approximately 80% occupancy, meaning more than 400 people are visiting the South Norwalk neighborhood on a daily basis.

Demographic Information, 2010 - 2020

Population	
2010	6,358
2018	7,190
% Change	13%

Median Household Income	
2010	\$32,077
2018	\$62,726
% Change	49%

Families in Poverty, %	
2010	38%
2018	19%
% Change	-17%

Households that Receive Cash – Public Assistance or SNAP	
2010	34%
2018	25%
% Change	-9%

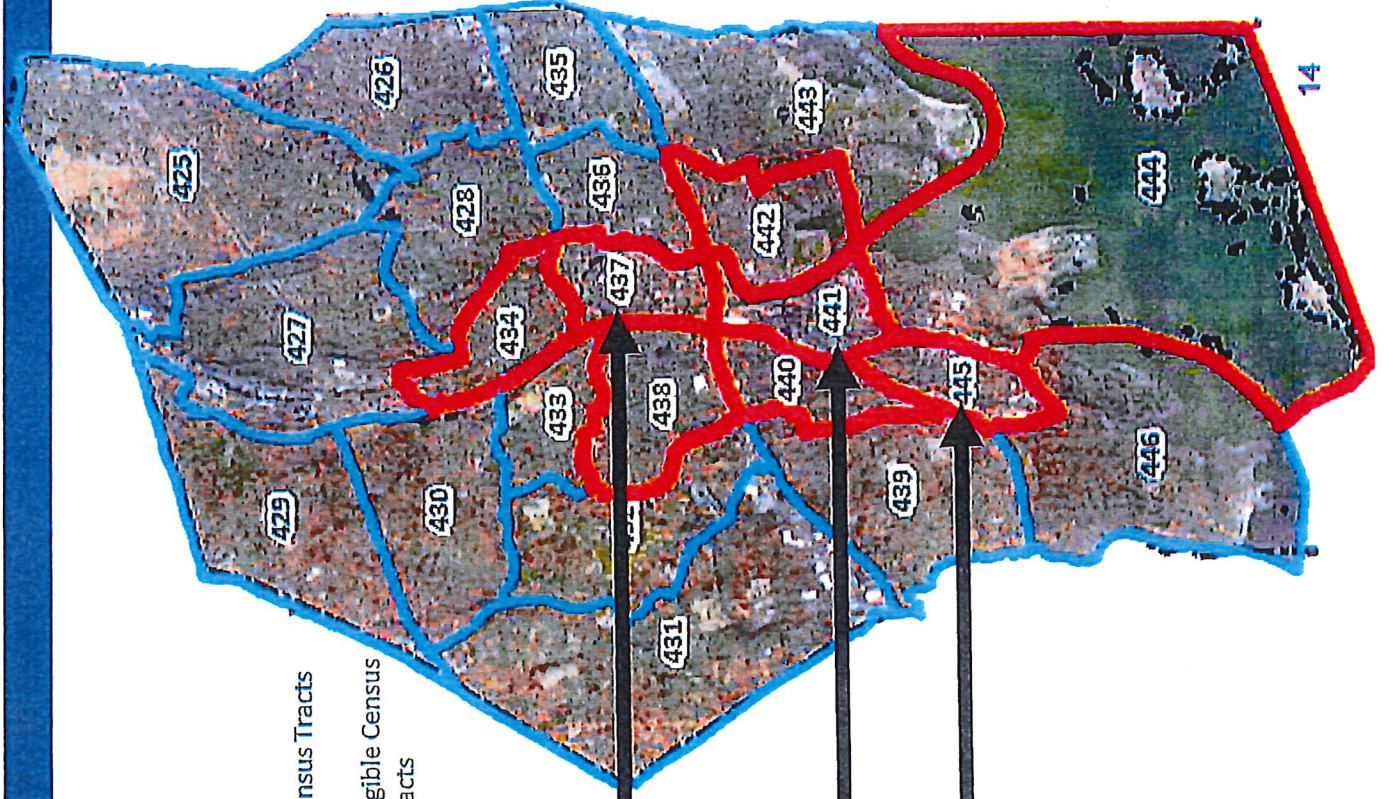
Unemployment Rate	
2010	16%
2018	8%
% Change	-7%

Source: Table S1702 ACS 2010 and 2018

Existing Enterprise Zone Census Tract 441 and 445

Proposed Expansion: Geography

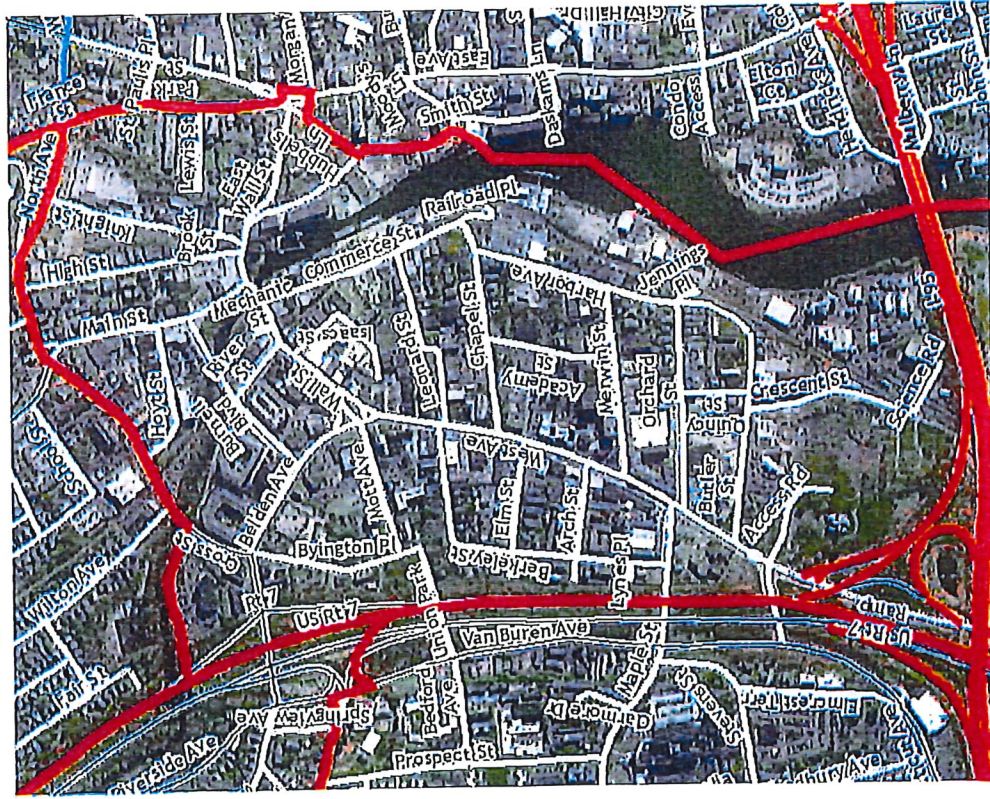
Legend
Census Tracts
Eligible Census Tracts



Proposed Expansion

Currently in the
Enterprise Zone

Proposed Expansion: Criteria



Criteria	Meets Criteria?
Percentage of individuals below poverty level – 24.2%	N
Percentage of the families who receive public assistance or welfare income – 33.5%	Y
Unemployment rate – 8.6%	Y

Demographic Information, 2010 - 2020

Population		
2010	2,020	
2018	2,455	
% Change	22%*	

Median Household Income		
2010	\$37,434	
2018	\$67,607	
% Change	45%	

Families in Poverty, %		
2010	16%	
2018	17%	
% Change	1%	

Households that Receive Cash – Public Assistance or SNAP		
2010	15%	
2018	12%	
% Change	-3%	

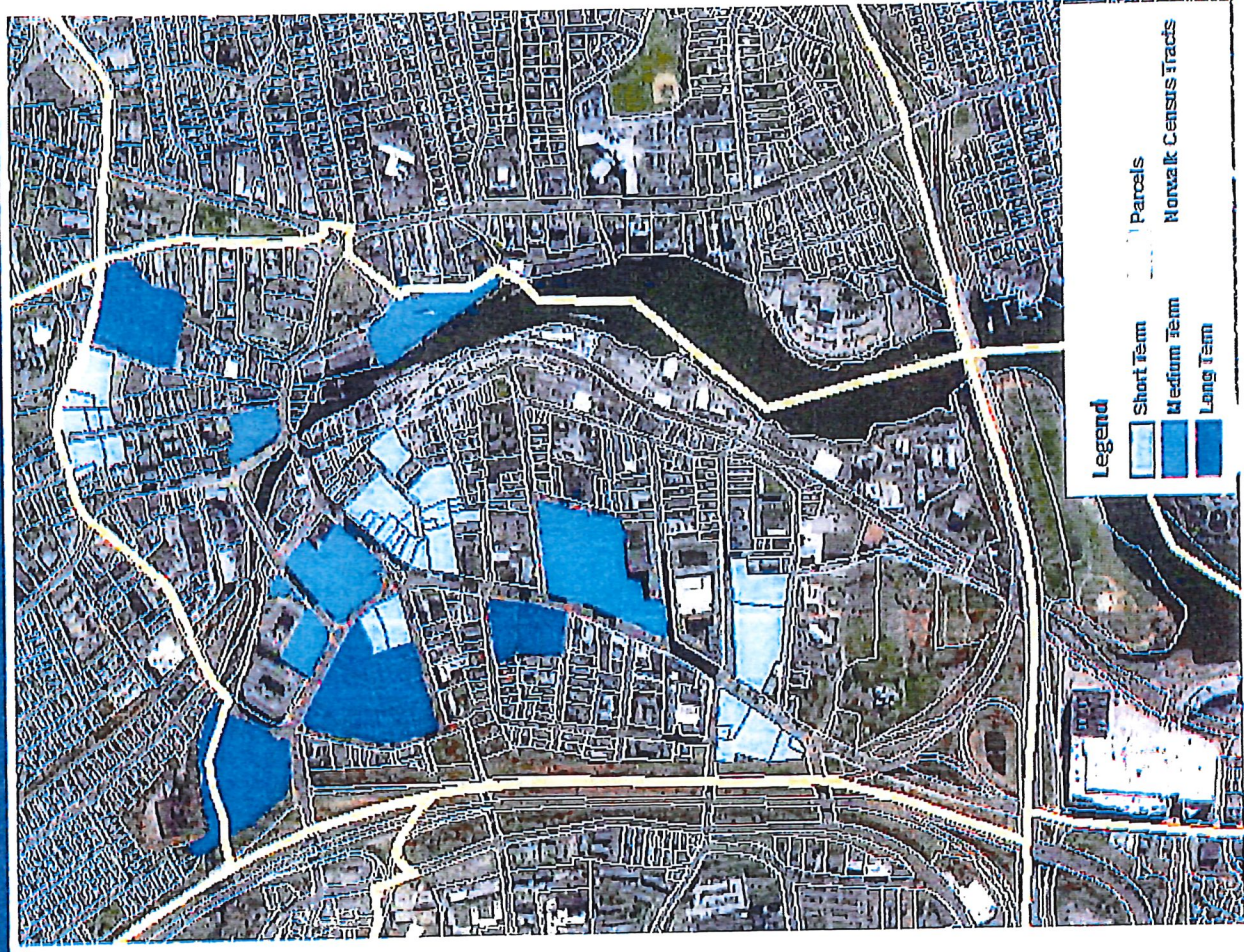
Unemployment Rate		
2010	8%	
2018	5%	
% Change	-3%	

Source: Table S1702 ACS 2010 and 2018

Proposed Expansion Census 437

Potential Growth Sites

- **Short Term:** Loehmanns Plaza site, YMCA site, Wall Street Place, Highpointe, Norwalk Public Library
- **Medium Term:** Yankee Doodle Block, Pulse Point/Riverview Plaza, Head of the Harbor North, Smith Street
- **Long Term:** Library Block, Lillian August site, Auto Zone and medical office sites, CVS and Dunkin Donuts site



Considerations, for Discussion

Additional items to consider at the Ordinance Committee:

- Adding the additional geography (Census Tract 437) and revising the language to reference geography
- Updating the language to create consistency between the State Statute and the Local Ordinance
- Adding a sunset clause for the full Enterprise Zone Program

Discussion - Geography

- Revise language to clearly refer to the Enterprise Zone.
- Amend Enterprise Zone map to include Census Tract 437.
- Recommendation

§ 36-1 Applicability.

The provisions of this chapter shall apply to such areas within the City of Norwalk which the Common Council shall from time to time designate by resolution as Enterprise Zones in accordance with provisions of Public Act No. 81-445 of the Connecticut General Statutes § 32-71, as amended. A map of the Enterprise Zone can be obtained from the Department of Economic and Community Development.

Discussion - updating language to create consistency between State Statute and Local Ordinance

- Recommendation:

Any fixed assessment on any residential property shall cease if, for any residential property, any dwelling unit in such property is rented to any person whose income exceeds 200% of the median family income of the City of Norwalk, as determined by the United States Department of Housing and Urban Development, for the area in which the municipality containing the residential real property is located; or, for any conversion condominium declared after the designation of the Enterprise Zone, any unit is sold to any person whose income exceeds 200% of the median family income of the City of Norwalk, as determined by the United States Department of Housing and Urban Development, for the area in which the municipality containing the residential real property is located.

Discussion - updating language for consistency

§ 36-2 Benefits; eligibility.

- A. All real property in the Enterprise Zone which is improved during the period when such area is designated as an Enterprise Zone shall have its real estate assessment fixed in accordance with Connecticut General Statutes § 32-71, as amended. Such fixed assessment shall be for a period of seven years from the time of such improvement and shall defer any increase in assessment attributable to such improvement, according to the following schedule:

Year	Percentage of Increase Deferred
First	100
Second	100
Third	50
Fourth	40
Fifth	30
Sixth	20
Seventh	10

Notwithstanding the provisions of this subsection, a municipality may negotiate the fixing of assessments on the portion of improvements, by a taxpayer, which exceed a value of eighty million dollars to real property which is to be used for commercial or retail purposes. Notwithstanding the provisions of chapter 203 of the Connecticut General Statutes, no such improvements shall be subject to property taxation while such improvements are being constructed.

Discussion - Sunset Clause

- Open discussion

Possible Next Steps

- Public hearing and discussion
- Action to move the updated Ordinance to the Common Council for adoption

Code of Ethics

Section 32-8: Prohibited Gifts

Board of Ethics Revisions through 5/29/20

Chapter 32. Code of Ethics

§ 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 \$150~~400~~ in aggregate over the period of one ~~y~~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 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 ~~il~~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 ~~p~~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 ~~as well as any -other things of value given to Employees as part of an official Employee Recognition/Incentive Program.~~

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~~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.