

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

January 15, 2019
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1. **ROLL CALL**
2. **PUBLIC HEARING (possible action on):**
3. **PUBLIC HEARING DISCUSSION**
4. **PUBLIC COMMENT**
5. **ACCEPTANCE OF MINUTES:**
 - December 18, 2018 - ordinance committee regular meeting
6. **OLD BUSINESS:**
 - Real Estate Tax Agreement Ordinance for Wall Street – West Avenue Neighborhood Plan Area (formerly known as the Innovation District).
 - Code of Ethics and Citizen's Guide to the Code of Ethics
7. **NEW BUSINESS:**
8. **DISCUSSION ITEM:**
9. **ADJOURNMENT**

**Draft Meeting Minutes from
the 12/18/2018 Ordinance
Committee Meeting**

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
DECEMBER 18, 2018**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello, Thomas Livingston, Chris Yerinides

STAFF: Atty. Brian Candela, Corporation Counsel's Office.

OTHERS: Alexandra Hart, Asia Bentley, Mary Holten, Donna King, Kelly Calderon, Betty Ball, Jack Egan, Joe Schierlien, Dick Harris, Stephane Collett, Elsa Peterson Obuchowski, Diane Lauricella, William Roberts, Louise Washer, Mary Finnigan, David Buea, Kyle Baker, Roma Stibravy, Amy Callafron, Kathy Leeds, Stan Griffith, Ms. Jaeger, Andrew Colabella, Ms. Nicole, Johnnie Flynn, Stephen Bencover, Liz Milwe, Westport State Representative Jonathan Steinberg, Rodney Musick, Scott Jenner

CALL TO ORDER

Ms. Melendez called the meeting to order.

ROLL CALL

She called the roll. A quorum was present.

PUBLIC HEARING
(possible action on)

- Proposed revision to Chapter 74 – Recreation & Parks, Article 1
- Use of Carryout bags by Retail Establishment (Plastic Bags)

Ms. Alexandra Hart came forward with Estay Bentley, Mary Holten who are members of a New Canaan High School environmental club to speak about the plastic bags. She said that a few weeks earlier the club members had gone to Pear Tree Point beach to do a beach clean up that removed 300 pounds of trash. One of the young ladies went on to informed the Committee members that that they removed 25-50 plastic fragments smaller than a quarter and 125-250 larger plastic fragments. She explained that the clean up occurred only a few days after the beach was cleaned. One of the students stated that the next generation wishes to save the environment.

Ms. Melendez thanked them for their comments. She said she had forgotten to let everyone know that they had three minutes to speak.

Ms. Donna King of Aiken Street came forward and said that she believed that everyone was present to protect the planet and particularly Long Island Sound. She then spoke about her experiences with shopping with re-useable bags both in Norwalk and Westport. Her bags are in her car and she has enjoyed using them. Westport adopted a plastic bag ban a few years ago and brown paper bags are available for those who do not have their own bags. At Whole Foods, they have brown paper bags available, but they will reduce your grocery bill by ten cents per bag that you bring. It's not a lot of money but it provides an incentive to bring your own bags. In Maryland, a grocery was charging fifteen cents per bag that they provide. She used her reusable bags, but it proved that Norwalk was not alone in making such changes.

Finally, while this may not fall into the category of legislation, but she would recommend that all retailers replace their plastic bags with paper bags with handles. She also encouraged the Committee to insure a reasonable lead time for retailers to re-tool in order to be in compliance before the ordinance takes effect. This is not a controversial change that is being contemplated. Ms. King said that she applauded the Committee for taking this important step.

Ms. Kelly Calderon of Elmwood Avenue in Norwalk then came forward to address the Committee. She said that she had graduated from the Norwalk Public School system and was currently attending NCC with the goal of becoming a nurse. This issue is very important because it affects future generations. It is necessary for everyone to have a role in this and participate.

Ms. Calderon said that she came from a single parent home and had to use public transportation. Because of this, the smartest option was re-usable bags. The plastic bags would rip. When she and her mother and sister went to Person To Person, they would bring their re-usage bags to bring the groceries home.

She said that she wanted to commend everyone for coming out today to support the plastic bag ban.

Ms. Betty Ball of Green Beech in Norwalk came forward to speak to the Committee. She thanked everyone for the opportunity to speak about the plastic shopping bags. Ms. Ball said that she has lived in Norwalk for about 30 years. As a member of "Skip the Plastic Norwalk" a group focused on raising the awareness of plastic in our environment, health and economy, she said that she supported an ordinance banning plastic check out bags and promoting re-usable bags.

She said the reason for the plastic bag ban was told by the numbers. Americans use 100 billion plastic bags a year, which requires 12 million barrels of oil to manufacture. The

Hartford Courant estimates that Connecticut uses 1 billion plastic bags each year, breaking that number down to Norwalk using approximately 30 million plastic bags a year. According to the EPA, when it rains, storm sewers and drainage overflows transport litter to rivers which eventually carry the plastic into waterways such as Long Island Sound. More than 100,000 plastic bags end up in Long Island Sound every year. Plastic bags take hundreds of years to degrade and don't break down completely but photo degrade into micro plastics, which absorb toxins and continue to pollute the environment.

In the Sounds and in the oceans around the world, micro plastics are ingested by marine life. According to Scientific American, these toxic micro plastics are entering our food chain. Another recent study found that 90% of table salt contains micro plastics. As of October 1st, Norwalk no longer accepts plastic bags for recycling in our blue bins. Plastic bags are used for an average of 12 minutes. Only 1% of the bags are ever returned to the certain drop off locations that recycle them.

With market such as China no longer accepting as much plastic from other countries, the impact is two fold. First of all, the market will have to pay more to have their recyclables carted away whereas before the recyclables were a source of revenue. Secondly, finding buyers for plastic bags to return the bags to retail outfits is becoming increasingly difficult. According to "Reuse this Bag.com" studies by two hundred cities and municipalities that have enacted this type of ordinance in the U.S. have benefited with a reduction of plastic bags in storm drains, rivers and residential areas; a reduction of plastic bags in both residential and commercial waste and savings through plastic processing fees.

Ms. Ball said that her group believes that Norwalk needs to be perceived as a progressive city noted for sustainability in order to attract people who want to live here. Stamford, Greenwich, Weston and Westport have all passed ordinances banning plastic check out bags. She said that her group believes that Norwalk needs to do the same in order to stay competitive. Over the course of a few months, nearly 1,500 Norwalk residents have signed a petition supporting a plastic bag ban in addition to 150 students that have signed it.

Ms. Ball concluded her remarks by thanking the Committee for the opportunity to speak about why a plastic bag ban in conjunction with promoting re-usable bags is in Norwalk's best interest.

Ms. Ball said that she had additional petitions to add to the ones that had been submitted.

Mr. Jack Egan of Bridge Street in Stamford came forward to speak to the Committee. He thanked the Committee for holding the hearing. Mr. Egan said that Norwalk has been fantastic with the level of openness and transparency and allowing the public to engage in dialog. Many of those in attendance have been to other towns and cities regarding this issue.

Mr. Egan said he was the volunteer chair of the Surefire Foundation. He said in order to make the strongest ordinance, his organization has found that having a minimum fee of .10¢ for plastic and paper is very important and secondly, setting the mill thickness at least 10.

This will help prevent loop holes. San Francisco and Hawaii both had ordinances which did not have fees. Later the ordinances were modified to include a .15¢ fee for plastic and paper. The fee is very important in changing behavior.

With the mill rate thickness, the ordinance should not create a loop hole, so Surefire is very cautious in supporting a 10 mill minimum because this results in the bags becoming thicker and thicker. He suggested including washable and re-usable bags. San Francisco has criteria for re-usable bags that include: the bag must be used 125 times, it must be able to carry 22 lbs. for 175 feet. Mr. Egan suggested that including the washable criteria would help because one can not wash plastic. This would encourage people to bring their own canvas totes.

Mr. Egan thanked the Committee for their time.

Mr. Joe Schierlien of Grandview Avenue came forward to address the Committee. He said that he was the Chairman of the Mayor's Water Quality Committee in Norwalk. He said that all the members of the Mayor's Water Quality Committee in Norwalk would like to express their support for the plastic bag ban. It will protect the Sound and it is a good thing that the City should do. The show Sixty Minutes had a program addressing this during the past week end and showed how bad things can get. Mr. Schierlien said that he has pulled plastic bags off of water valves, lobster traps, sail boat keels and motor boat engines. He thanked the Committee for their time.

Mr. Dick Harris came forward to address the Committee. He said that he had spent the last 30 odd years doing water quality work of various kinds and had a few observations for the Committee. The plastic bags were banned in Westport a number of years ago and the residents have adjusted to it. They bring their own bags or take paper bags.

Mr. Harris said that he wondered where the plastic bags went because they are stored separately at the dump and grocery stores collect them. Mr. Harris spoke to Jessica Paladino who manages the Norwalk recycling and found out that they can't recycle the bags because they gum up the machines, so the bags are burned. Mr. Harris said that for a one use item, that was not practical. He said that many times when people go to a store, various items are place in one plastic bag and then double bagged. Mr. Harris concluded his remarks by saying that he was totally in favor of the ordinance.

The next speaker was Stephane Collett of Red Barn Lane. Mr. Collett said that he was from France and moved to the U.S. in the 1990's. Growing up in France, he had never seen a plastic bag in a store. At Costco, they have a large bin of cardboard boxes and the

customers take what they need. His mother had a rolling bag that she used. He said that he was a plastic Nazi and just hates the plastic. He has shopped at Shoprite for the past 20 years and has seen people wrapping one lemon in two plastic bags. He uses net bags used to wash pantyhose as grocery bags. He said that he finds the double bagging and sometimes triple bagging that the clerks do makes him crazy.

Every year, he camps on Grassy Island with his family for two nights. The first thing his family does when they arrive is to pick up plastic bags and garbage so that when the island is cleaner when they leave it.

There is no reason for plastic bags anymore. He uses his canvas bags at Trader Joe's. They can be washed and used forever.

Ms. Elsa Peterson Obuchowski then came forward to address the Committee. She said that looking around the room, it doesn't appear that those present represents the population of Norwalk. She asked for a show of hands of those who did not have a car and had to use public transportation or walk to the grocery store. If someone has a car, it's very easy to store the re-usable bags in the car and have them handy when one stops at the store. However, if someone doesn't have a car, chances are that they have a low wage job without a desk or a locker to store their belongings at work. They also might have a boss that says don't bring stuff to work. For those people, they might need to stop at the store on their way home and if it's pouring rain, the canned goods, milk and juice will fall out of the paper bags before they get home.

Most of the people in this room are very compassionate people who would normally advocate for low income people and disadvantaged people in the community, but all of a sudden, when it comes to plastic bags, they have to pay an extra .15¢ to get a plastic bag. This is not right. It should be available upon request if the customer needs it.

Ms. Peterson Obuchowski said that she wanted to talk about reasonable solutions and referred to an article she had about the particular issue. Secondly, she was glad to hear the comments about plastic because in the stores, it's hard to buy items that were already encased in plastic. While there may be a choice about a lemon, there are many other items in the store that are pre-packaged and are encased in plastic. She mentioned that her husband bought a staple gun the previous week and the staple gun was encased in plastic. There needs to be a larger conversation about the use of plastic for items bought in the stores.

She said that the article was about a store that has started a no plastic section and the items are wrapped in waxed paper and other types of materials.

Ms. Diane Lauricella came forward and thanked the Committee for the time they spent doing research along with the newly formed group, Skip the Plastic, Norwalk. She said that she was present to urge the Committee to pass some form of the ordinance that is

currently before it. Ms. Ball and others will speak about the deluge of plastics that are used daily. This is a good step and the first of many for the future to make the City more sustainable and cost of the contamination in the trash collected as well as in the recycling bins. It is important to reduce that and Ms. Lauricella said that she hoped that one day, the City would look at zero waste efforts to try to reduce some of the materials.

Ms. Lauricella said that she wanted to ask the Committee to do more research on the use of the paper bags particularly as people are requesting that they have handles on them. The problem with those are they are much more expensive. As a waste management expert, the life cycle analysis of what a paper bag costs and the cost of making it, the process is very un-environmental. It could be a bridge bag as the City tries to urge people to utilize re-usable bags.

The issue of the low income residents that Ms. Obuchowski mentioned is something to think about. However, the reusable bags that can be donated by all of the various stores like Shoprite and others, are sturdier in the rain and on the bus. She said that it would be important to change people's habits, which is why she would like the Committee to consider adding a component, plan or policy for marketing and education to get people jazzed about this as quickly as possible. This will help all the businesses that fall under this ordinance. There needs to be clear signage that makes this idea sexy and fun to encourage people that this is one step, one small step.

Having the staff from Weights and Measures doing the check to make sure the regulated community is handling this properly is one step, but those staff members usually don't have an environmental background. Ms. Lauricella asked that either the Conservation Commission or the DPW Waste Management Coordinator, both of whom are well paid, would be the ones that help the City provide good education, along with marketing that is sexy. She thanked the Committee for their time.

Ms. Melendez called for the next speaker, Diane Keefe, who was not present.

Mr. William Roberts of South Main Street then came forward to address the Committee. He thanked the Committee and community for holding this hearing. He said that he was also going to mention the environmental impact of paper bags, which he was sure the Committee had researched. He said that he would like to read a bit from a research article called "An Exploratory Comparative Study on the Eco-impact of Paper and Plastic Bags."

The maximum amount of contribution made by paper bags on the impact categories such as carcinogens, respiratory organics, inorganics and climate change is attributed to the fact that these impact categories significantly depend on the amount of energy consumed. Since the amount of energy by paper bags is very much higher compared to plastic bags, these factors turn to be much higher in paper bags. The emphasis on the interpretation phase of this

analysis is not on concluding which one is better. Actually, the conclusion is to be drawn on how to reduce the environmental impacts by both of them. One of the possible ways to decipher this is by means of finding ways to reduce, reuse and recycle both of them. In fact, many retail stores have started utilizing the philosophy of reducing, recycling and using the grocery bags. Building up public awareness and motivation to reduce and reuse and recycle both of the bags would definitely help to resolve the environmental problems to a greater magnitude."

Mr. Roberts said that he would like add his support to the previous speakers and encourage the Committee to find ways to engage the community in reducing all forms of things that have environmental impact.

Ms. Louise Washer was the next speaker who addressed the Committee. She said that she was a resident of Norwalk and also President of the Norwalk River Watershed Association. She thanked the Committee for holding this hearing and working hard on this issue. The Norwalk River Watershed Association does river clean ups and this year, the group removed almost 2,000 pounds of trash out of the river. The largest amount of that trash was single use plastic, which includes plastic grocery bags. This would be a great first step in raising awareness and changing people's habits. She said that they need to carry around bags and get this stuff out of the waterways. She thanked the Committee for considering the ban and added that the Norwalk River Watershed Association would support a fee on paper, also.

Ms. Melendez called Ms. Mary Finnigan as the next speaker. Ms. Finnigan said that she was overwhelmed by the amount of plastic that we use in our daily lives. This is just the tip of the iceberg and the work needs to go every aspect of our society. She said that she had seen the Sixty Minutes segment and was blown away by it. Ms. Finnigan said that she had spent two years at sea working for NOAA (National Oceanic and Atmospheric Administration) serving the Alaska coastline and Hawaii with a home port in Seattle. This was 30 years ago and this was not a problem then. Now it is far too late and the City needs to get going. Everyone needs to go down to the beaches twice year to clean up the plastic. There was a show at a art gallery in Greenwich where an artist brought in the plastics in conjunction with a clean up at Todd's Point where over 4 tons of plastic was removed in under 4 hours.

Mr. David Buea of Westport came forward and said thanked the Committee for allowing him to speak. He said that he admired Westport when they got started years ago and the town often bragged that they were one of the best at recycling in the State. However, since then, they have stalled out in their efforts. He said that when he had heard Norwalk was taking this step, he was ecstatic and hope that Norwalk would put Westport to shame with not only the plastic, but the paper. He encouraged the Committee to charge .10¢ for the paper bags. He said that he was a cheapskate and felt it was a great thing. A reusable bag costs about \$2.50 and he's got 40 or 50 bags in his car that he gives away to people. In France, everybody brings their own bags and packs their own purchases, so

they pollute less than we do. We need to do more. We can't just be volunteers, we need encouragement from the government. He said that it took him years to remember to get the bags and more years to get in to the habit of bringing the bags into the store. He said that he admired the Committee and would be willing to do anything to help them make this happen. He concluded his remarks by wishing the Committee luck.

Ms. Gillian Marshall was the next speaker called forward. She was not present.

Ms. Kyle Baker was the next speaker on the list. She came forward and said that she was not pleased when they took plastic bags off the recycling list in October because now her garage is filled with plastic bags that she has no idea what to do with. There are technologies but the plastic ends up in the landfills or end up in the ocean and this stuff does not break down for thousands of years. Micro plastic is a major issue that is threatening the quality of fresh caught seafood that eventually ends up in the food supply. One way to encourage bio-degradable as alternatives to plastic bags and reduce their use is to get more states and cities on board with the plastic bag ban. It will send a message to the companies to decrease the production of items that cause the most damage to our environment. This seems to be the most reasonable answer. Ms. Baker said that she stands in agreement with everyone else in favor of the ban and that everyone should work on making the recycling of plastic bags a bit easier.

Ms. Melendez said that Ms. Baker was the last name on the sign up sheet and asked if there was anyone else present who would like to speak.

Ms. Roma Stibravy, the President of UN NGO Sustainability, Inc. came forward and said that she done a special edition of their group's newsletter about outlawing plastic bags and the reasons for it during the past summer. It is major health issue because these miniscule pieces of plastic are now getting into the food supply. It kills turtles and whales, so will eventually kill us.

Ms. Stibravy said that she had a global perspective on the problem and two of the countries have outright plastic bags. These are among the poorest countries of the world and are located in Africa. One is Rwanda and the other is Kenya. She said that she would be happy to invite the ambassadors from either of those countries to come to explain how this was done. The people who are poor in the U.S. would be considered very rich in these countries, which are among the poorest in the world. They do not have electricity, and often have to go great distances to get water and wood for cooking. She also disagreed with the comment about people who travel on public transportation without bags by saying she bought a bag at Stop N Shop for a dollar and it is small enough to keep in a pocket or handbag. This is not an issue. The issue is whether they want to protect the planet or not.

Ms. Amy Callafron came forward and said that she does not live in Norwalk but shops in Norwalk a lot. As the co-chair of Weston's Sustainability group, they passed their Bring

Your Own ordinance in October of this year. It was re-ratified in November and December due to technicalities, but will go into effect in March. She thanked the Committee for considering this ordinance and it will have a big impact in Norwalk because Norwalk is a large city. She said that she would be happy to discuss their conclusions. The ordinance passed successful in Weston without objections from the businesses. There is a .10¢ charge on paper bags and they felt their needs were considered in terms of cost. Ms. Callafron said that she agreed with what Ms. Washer said about the paper bags being an intermediate step. A number of people on the committee are from Europe and this is a given there. She added that she has a market bag from France that she has been using for 25 years. When she goes to the grocery store here, people think it is her purse and tries to pack her groceries in plastic bags. There's a huge need for education. One step is to pass the ordinance but the other step is to make it sexy and get people involved, such as the cashiers and the people who work at the transfer station. There are solutions for the plastic bags, such as the WRAP program. It will be important to make this easier and get a lot of community spirit and involvement.

She added that Jamaica has recently banned plastic bags, Styrofoam and plastic straws. If entire countries can do this, the city can do this, too. People are leaving an environmental holocaust for their children. It is to remind everyone of the inconvenient truth that we can't keep doing business the way we have. This is an urgent thing and a very small step.

Ms. Callafron said that she applauded Norwalk for taking it and joining Westport, Weston and Greenwich in this effort.

Ms. Kathy Leeds from Norwalk came forward and said that she was President of the Rowayton Gardeners. She said that she was present to applaud the efforts of the Committee and that the Rowayton Gardeners support this ban. They are committed to environmental awareness and building it in the community. This has been a focus for a long time and they were glad to see this moving forward. Last month, there was a program about this in Rowayton and there were over 75 people for attendance. The online survey got a response of about 82%. She said that the Committee has their backing and would like to know how they could help.

Mr. Stan Griffin came forward and said that he was a long time resident of Norwalk. He said that he was impressed with the number of people that were present for the issue. There is an alternative disposal for those who have plastic bags. Both Stop N Shop and Walmart have bins for plastic bags disposal. He said that this ordinance would be a solution in search of a problem because there are solutions right now. He said that he knew many of the people saw the Sixty Minutes segment on plastics and that plastics are a tremendous problem. Having the ordinance approved would be like just cleaning a tiny corner of the room. He urged those present to talk to their legislators about creating state wide policies and laws to encourage plastic recycling. In the meantime, the individual localities passing ordinances does not make sense to him, particularly as there is tremendous cost involved for the merchants. In Weston, there are not that many

merchants, so people shop elsewhere. The fact that the ordinance has a .10¢ for those on food stamps shows that it is an expensive proposition for everyone associated with it. Mr. Griffin encouraged everyone to give this proposal some second thoughts.

Ms. Jaeger came forward and said that she has lived in Norwalk for 43 years. She said that she picks up trash in her neighborhood and has also done beach clean ups. Ms. Jaeger said that she picked up 7 pounds of plastic in Stamford in 2 hours. She added that a Styrofoam ban would also good. Her sister walks on the Fairfield beach every day and picks up garbage as she goes along. The beaches just have so much trash on them. Plastic bags are a good place to start and she suggested that Styrofoam might be a good next step.

Mr. Andrew Colabella, of Westport, came forward and explained that he works for the Department of Public Works. He said that he could vouch for Ms. Jaeger's diligence in picking up garbage. Mr. Colabella said that he was a Westport RTM District 4 Representative and was happy to see that Norwalk was also about to ban plastic bags. Norwalk has between 60,000 to 100,000 people residing in it at any given time and Mr. Colabella said that Norwalk uses a tremendous amount of plastic. He said that he was working on moving the plastic bag ban forward. Even though Norwalk is just one city, they are leading the rest of cities and towns to follow. Plastic bags can be brought in for disposal. This is a petroleum based product that take hundred of years to degrade. The only way to dispose of the bags are to burn them and Norwalk sends its garbage to Bridgeport's Resco plant for incineration. The energy that is released produces electricity. The smoke from that process turns into one ton of soot a year, which is amazing when most places in the United States are using land fills. The micro plastics are breaking up and mixing into the soil. No one knows how that will affect things. In the Dominican Republic they just removed 186 tons of plastic and waste from a beach. This is scary to think about since the plastics that were first produced in the 1950's are still around today. There are sixteen major pools of plastics in the world and the amount is increasing, but we have no place to put this. At the same time, we are using more and more. He said that as an RTM representative, he was considering how to change the environment but also wanted to benefit the suppliers. Right now he's working on a ban for single use plastics that would include Styrofoam and plastic straws, stirrers and plastic cups. It's when it is disposed of improperly that it becomes an issue. As a Norwalk City employee, the amount of garbage that he daily picks up is out of control. This is a major step forward. This is a great path and the first step in addressing a major issue.

A Norwalk resident named Nicole came forward next to share a story about how she grew up in a lower income family. Her mother would shop at PriceRight in Bridgeport and they charge people for plastic bags. Many of the customers use the cardboard boxes that the produce arrives in. Most of the customers there are lower income and they didn't use plastic bags. They would bring their own bags or use the cardboard boxes that were already there. So she didn't see this being a lower income problem because if people

know they are going to be charged for the bag, they will bring their own. This is a step in the right direction. Kids growing up will learn and they won't need a plastic bag.

Mr. Johnnie Flynn of Quintard Street came forward and said that banning plastic bags was a total waste of time. He said that there were 600 companies that dump tons of toxic waste into the Sound. Jim Himes, Bob Duff signed the bill and Chuck Schumer fought the bill. New York blames Connecticut for half the waste that pollutes Long Island Sound. He said that he was present speak about real issues, such as the fact that the oysters above the Walk Bridge have PCBs along with 17 other sites in Norwalk that are located in flood areas. There are 10,000 brown fields in Connecticut and 680 of them are located in Norwalk, 10 of them within blocks of Quintard Avenue. There's companies like Lajoie's, City Carting, F&G Cement Crushing. Mr. Flynn said that he had just filed a lawsuit about this because there were 280 asthma and/or cancer cases in Norwalk that are related to cement crushing.

Ms. Melendez said that while these comments were important, the public hearing was specifically about plastic bags.

Mr. Flynn said that they were 40 years behind France and 20 years behind Germany. Last week, Bridgeport passed a law to stop contractors from throwing lead and asbestos from buildings under demolition unless it is properly handled. There are construction projects all over the City that do not have permits.

Ms. Melendez asked how this pertained to plastic bags. Mr. Flynn said that while there were plastic bags in the Sound, they don't cause cancer or asthma. There is so much going on in Norwalk that The Hour will not print. People should get pitchforks and form an angry mob because spending money on plastic bags is a joke. Talking to Brian Candela is a waste of time.

Mr. Stephen Bencover came forward and said that he has lived in Norwalk since 1991. He grew up in Queens in the 50's and 60's before there were plastic shopping bags. The bags were paper and did not have handles. When he was sent to the grocery store, he'd come home with up to four grocery bags. While it wasn't fun, it worked. Mr. Bencover said that he has traveled all over the world and seen people in poorer countries with fish or dead chickens wrapped in newspaper and put into some kind of container to carry it home. These people carried their parcels onto buses in great heat and people who think it is wrong to deny the poor people use of plastic bags are not using their smartest brain cells. You can't project the hardship of doing without a plastic bag to the hardships that people all over the world have faced without plastic bags for many, many years. He pointed out that the meat in the stores is packaged on a Styrofoam tray wrapped in plastic wrap, which is then put in another plastic bag to prevent the blood from leaking out. Then that is put in another plastic bag with the other groceries that are also wrapped in plastic. It doesn't make sense. There are many problems, such as single use, disposal bottled water. Someone had the great idea of charging a \$1.00 for a bottle of water and

now everyone walks through the streets with bottles of water. When they are done with the water, they toss the bottle in the trash. Mr. Bencover said that while he appreciates the fact that the Committee is having this hearing to discuss the problem, he thinks it would be a wonderful first step to make Norwalk a more progressive city.

Ms. Liz Milwe came forward and said that she was one of the four people who helped sponsor the ban on plastic bags in Westport ten years ago. Many people asked why they didn't have a fee on the paper, but she explained that they never discussed it. They did consider a tax, but that is not allowed. The discussion then was about whether or not plastics were dangerous at all. There has been such an incredible change in education over the last ten years. It's so great to be here and see this. If the Westport ban was being done now, Ms. Milwe said that she would have a fee on paper at point of purchase so that Peapod and other companies couldn't come in with plastic bags.

There are retail stores in Weston and there are many people who live there. The plastic bag movement is really about changing behavior for the children and the future generations. This is about changing a small habit for the betterment of everyone.

State Representative Jonathan Steinberg of Westport came forward and said that he was on the RTM ten years ago when Ms. Milwe and the others introduced the plastic bag ban in Westport. There was a lot of resistance and people said that it could not be done. The petroleum industry was dead set against it and the grocery industry was also against it. It's hard at first. Representative Steinberg said that in the beginning, he forgot the bags, but over time, it became second nature. It can be done. The issue about whether people should be penalized for using paper is arguable, but if it helps promote the transition, it is probably worthwhile. Representative Steinberg said that there have been attempts at a State wide ban and the resistance from the lobbyists has been significant. They will try again with plastic bags, and plastic straws.

The argument that Representative Steinberg finds hardest to understand is that one city can't do very much. This is the argument that has been going on for too many years and why the world is where it is today. If every town and city, community and State and country does what needs to be done, it will address the issues of pollution and climate change. It's not all of us because this started off as a grass roots effort.

Representative Steinberg said that he was proud that Norwalk was willing to stand up and take responsibility for its use of disposal products. Last of all, he said that manufacturers need to stand up and take responsibility for the entire life cycle of their products. They should be designing products including clamshells and other packaging with full consideration of how they will be responsible for disposing of those items and making sure they are biodegradable. That's a bigger mission for another day, but this is a good first step.

Mr. Rodney Musick, a Roton Middle School student, came forward and said that he came to listen to the discussion about the use of plastic bags. Several people talked about generations and getting into the habit of reusable bags for the future. Mr. Musick said that they could start now by getting the students involved and reaching out to them. They could start right now.

Mr. Scott Jenner came forward and said that he has lived in Norwalk for six years or so. The discussion has been about the impact right here on Long Island Sound. He and his wife have sailed around the world twice in small sailboats. The amount of plastic garbage that they have seen during their travels in the middle of the Pacific Ocean is incredible. There was one island and inside of the reef, the beach was pristine white. But when they moved out to the ocean, there was plastic garbage all over the sand. This is not just a Connecticut or Long Island Sound problem. It is a world wide problem. It is important to start somewhere and even if just a few people stop using plastic bags, then it will start to change their lifestyle. Then others will start doing the same thing. After a while, hopefully, everyone will be able to save the world.

Ms. Melendez asked if there was anyone else present who wished to speak. Hearing none, she closed the public hearing on plastic bags at 8:13 p.m.

PUBLIC HEARING DISCUSSION

Proposed revision to Chapter 74 – Recreation & Parks, Article 1

Ms. Melendez announced that the first discussion would be on the Proposed revision to Chapter 74 -- Recreation & Parks, Article 1. She asked if there were any comments or motions from the Committee.

****MR. LIVINGSTON MOVED TO SUBMIT THE PROPOSED REVISION TO CHAPTER 74 – RECREATION & PARKS, ARTICLE 1 TO THE FULL COMMON COUNCIL AT THEIR NEXT MEETING.
** THE MOTION PASSED UNANIMOUSLY.**

Use of Carryout bags by Retail Establishment (Plastic Bags)

Mr. Livingston said that he had a few points that he would like to clarify. First of all, regarding the low income individuals, arrangements have been made with the Mayor's Office to provide re-usable bags around the City such as the Norwalk Housing Authority and the Senior Center. He added that there would be a six month delay between the approval of the ordinance and the actual start date. This will be an opportunity to educate people and help them become aware of the change.

Ms. Melendez then spoke about the effect on the low income residents and said that Norwalk was a very diverse City. People who use public transportation need to be

considered. She said that the members of her family that use public transportation actually use re-usable bags because they are reliable and they have been using them for years. This is an ordinance that is being considered by the elected officials and they keep everyone in mind when they craft the proposal. However, if something doesn't work, the issue can be revisited. It is not set in stone. The point is to change of behavior. That was always Ms. Melendez's first thought when it comes to this issue and public transportation.

Mr. Livingston said that after the last meeting he had heard from the Health Department and they would rather not be the agency responsible for enforcing this. He said that there was a suggestion to change Section 6A from stating that it would be enforced by the Health Department to being enforced by the Code Enforcement Office. Mr. Livingston said that he checked with Mr. Ireland about this.

Atty. Candela said that he had spoken with Mr. Ireland and that Mr. Ireland indicated that his department would be able to do this. Mr. Ireland also indicated that he understood that this was not an intent to penalize but to change lifestyle.

Mr. Livingston said that he would like to propose this amendment to the item. Ms. Melendez said that they should keep a running list and then make all the changes at once.

Mr. Corsello said that he enjoyed the public comment. This is the third time that the Committee has considered this item and it is time to move forward.

Mr. Corsello said that he had a change for 6D. In the body of the ordinance, it requires retailers to post a sign indicating that if the customers desired to use plastic bags, they would be available at a cost not to exceed .10¢ but then in clause 6D, it states that there will be no penalty if the retailers fail to comply with that aspect of the ordinance. He reminded everyone that the goal was not to penalize people, but to change habits. Having the sign prominently displayed at the check out, it will further educate the public. If the retailer ignore the ordinance then they should be subject to the fine.

Ms. Melendez pointed out that the charge would be for paper bags. She said she actually tended to agree with Mr. Corsello and already bring her own bags. People who work at the retail establishment automatically bag the items.

Mr. Corsello said he thought that this was a major component of the ordinance. Mr. Livingston said that he was the one that included the language and it was based on a New York City statute. He said that he was not opposed to removing that at all.

**** MR. LIVINGSTON MOVED TO AMEND THE ORDINANCE WITH THE FOLLOWING AMENDMENTS:**

- AMEND SECTION 6A TO CHANGE THE REFERENCE TO THE HEALTH DEPARTMENT TO THE CODE ENFORCEMENT OFFICER;
AND

- TO DELETE CLAUSE 6D.

**** THE MOTION TO AMEND PASSED UNANIMOUSLY.**

**** MR. LIVINGSTON MOVED TO FORWARD THE ORDINANCE TO THE FULL COMMON COUNCIL AS AMENDED FOR THE FIRST MEETING IN JANUARY.**

**** THE MOTION PASSED UNANIMOUSLY.**

Ms. Melendez said that for those who might be interested in this issue, the Common Council meets each month in the Common Council Chamber on the second and fourth Tuesday of each month at 7:30 p.m. The next Council meeting will on January 8th. The vote will be taken at that time.

Mr. Yerinides left the meeting.

ACCEPTANCE OF MINUTES

- November 20, 2018 – Ordinance Committee Regular Meeting

**** MR. CORSELLO MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 20, 2018 ORDINANCE COMMITTEE REGULAR MEETING.**

**** THE MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 20, 2018 ORDINANCE COMMITTEE REGULAR MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

- November 28, 2018 – Ordinance Committee Special Meeting

**** MR. LIVINGSTON MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 28, 2018 – ORDINANCE COMMITTEE SPECIAL MEETING.**

**** THE MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 28, 2018 – ORDINANCE COMMITTEE SPECIAL MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

OLD BUSINESS

Innovation District.

(Tabled until January 15, 2019)

**** MR. CORSELLO MOVED TO TABLE THE ITEM REGARDING THE INNOVATION DISTRICT TO THE JANUARY 15, 2019 MEETING.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

Code of Ethics and Citizen's Guide to the Code of Ethics.

A brief discussion took place about the need to include the Council Members in the language of the code. Mr. Corsello and Mr. Livingston recommended adding the words "or the public" to the proposal.

ADJOURNMENT

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

S. L. Soltes

Telesco Secretarial Services

**Real Estate Tax Agreement Ordinance for
Wall Street – West Avenue Neighborhood
Plan Area
(formerly known as the Innovation District)**

Real Estate Tax Agreement Ordinance

For

The Wall Street - West Avenue Neighborhood Plan Area

§99-1. Concept

This ordinance provides the Common Council the authority to negotiate and approve tax agreements associated with new real estate investment within the Wall Street – West Avenue Neighborhood Plan Area. The tax agreements are limited to new real estate investment that increases the taxable valuation of a parcel of real estate by one hundred percent (100%) or more, exclusive of land value. The tax incentive may not exceed fifty percent (50%) of the incremental tax assessment associated with the new investment, and the term of the tax agreement may not exceed seven (7) years.

Tax agreements under this ordinance shall be consistent with the provisions of Connecticut General Statutes Sections 12-65b and 12-65h and the subject real estate investment must contribute to creating a developed environment that is conducive to attracting industries that are growing or mature and/or are attraction and retention priorities as determined by the Approved Market Feasibility Study.

The Common Council, having the authority to consider tax agreements as granted to it by the State of Connecticut, has determined that (a) this ordinance will assist in advancing the City's public policy objective of revitalizing the Plan Area by allowing the use of incentives to promote private sector real estate investment that contributes to and supports industry sectors appropriate to the Plan Area and therefore expands economic opportunity and job creation within it, and (b) without the ability to use such incentives, the public policy objective of revitalizing the Plan Area will not be sufficiently achieved in a timely manner.

§99-2. Objective

The objective of this ordinance is to strengthen the economic competitiveness of the Plan Area in attracting new real estate investment. Attracting this investment is intended to (a) increase the Plan Area's overall economic value, which is currently recognized by the United States Department of Housing and Urban Development (HUD) and the United States Department of Treasury as economically distressed, and (b) improve the Plan Area's physical condition, which is recognized by the City of Norwalk as blighted and substandard.

This ordinance seeks to incentivize new private real estate investment by suspending the City's realization of up to 50% of the full taxable value of new real estate investments that meet or exceed one hundred percent (100%) of the underlying property's existing taxable value, exclusive of the land value, for a term of no more than seven (7) years. This ordinance requires that the City continue to collect not less than the full value of the property taxes collected on the subject property immediately prior

to the new investment and further assures the City's immediate realization of not less than 50% of the taxes resulting from such investment.

This ordinance provides an opportunity to increase property values, increase municipal tax revenue, improve infrastructure, enhance transportation services, and create long-term employment opportunities within the Plan Area by (a) leveraging the existing urban infrastructure to target infill development that has the potential to reduce the existing blight and vacancies within the Plan Area, (b) increasing the Plan Area's contribution to the City's Grand List by using limited tax incentives to realize development that requires such support and that the City wants realized as well as encouraging economic partnerships, (c) directly supporting the creation of new jobs in the Plan Area, and (d) assisting in meeting regional demand and need for industry, consumer services, health care, employment and housing in the Plan Area.

§ 99-3. Available Tax Incentives

- (a) Tax incentives under this ordinance may not exceed fifty percent (50%) of the incremental tax assessment associated with the proposed real estate investment, and the term of the Final Tax Agreement may not exceed seven (7) years.
- (b) The aggregate maximum amount of tax incentives available under this ordinance shall be ten million dollars (\$10,000,000), or such other amount as may be determined by the Common Council from time to time.

§ 99-4. Definitions

- (a) Applicant: Any person or entity that files an application under this ordinance.
- (b) Approved Market Feasibility Study: The Connecticut Economic Resource Center (CERC) Market Feasibility Study for the Wall Street – West Avenue Redevelopment Area dated November 2018, as amended from time to time, or any subsequent document approved by the Common Council as reflecting an appropriate industry analysis for the Plan Area.
- (c) Arts and Entertainment: Establishments that operate facilities or provide services to meet the cultural, entertainment, and recreational interests of their patrons.
- (d) Artist Workspace: Space within an existing building used for the creation, rehearsal, or teaching of any visual art or craft and occasional exhibition of artwork, including, but not limited to, painting, photography, sculpture, print making, video, film, and pottery, or any performing art, whether for live or recorded performance, including music, dance, and theater, and accessory sales of such art.
- (e) Artist Live/Workspace: A building or any portion thereof used by a Certified Artist, as verified by the City of Norwalk, as both their Dwelling Unit and Artist Workspace.
- (f) Final Tax Agreement: The tax agreement executed by the parties setting forth the terms of the application approved by the Common Council.
- (g) Boutique Manufacturing: The custom manufacturing of certain products by hand in limited quantities for distribution primarily to a local or regional market; including but not limited to: confections and other custom-made food and beverage items,

ceramics, furniture, artwork including painting, printmaking and sculpture, and similar products.

- (h) Light Manufacturing: Product production that is characterized by less capital-intensive and more labor-intensive operations. These products tend to be targeted toward end consumers rather than other businesses.
- (i) Manufacturing: Any business that uses components, parts, or raw materials to make a finished good. These finished goods can be sold directly to consumers or to other manufacturing businesses that use them for making a different product.
- (j) Mixed Use: A real estate development that blends two or more eligible uses.
- (k) Municipal Impact Analysis: An analysis of the impact of the proposed project on the City's infrastructure and public services, and shall include a quantitative assessment as to whether the tax revenues expected to be generated by the proposed project will be sufficient to cover the infrastructure and public service costs expected to be incurred by the City as a result of such project.
- (l) Office: A location, usually a building or portion of a building, where a company conducts its business.
- (m) Plan Area: The Wall Street – West Avenue Neighborhood Plan Area, as set forth in the Plan Area map approved by the Common Council.
- (n) Related Entity: Any corporation, limited liability company, partnership, sole proprietorship, joint venture, trust, estate, foundation, association, business, company or other organization, whether or not operated for profit, that controls, is controlled by, or is under common control with the Applicant.
- (o) Research & Development Facilities: An establishment in which facilities for scientific research, investigation, testing or experimentation are located, but not facilities for the manufacture of products, except as incidental to the main purpose of the laboratory.
- (p) Retail: Business or firms engaged in offering goods and services directly to consumers at that particular location.

§99-5. Eligible Land Uses

The following land uses are eligible for tax incentives under this ordinance:

- (a) Arts and Entertainment;
- (b) Artist Workspace;
- (c) Artist Live/Workspace;
- (d) Colleges, universities, and schools including business and trade schools, and studios;
- (e) Light Manufacturing;
- (f) Boutique Manufacturing;
- (g) Manufacturing;
- (h) Mixed;
- (i) Office;
- (j) Research and Development Facilities;
- (k) Residential, but only as part of a Mixed Use development; and
- (l) Retail.

§99-6. Eligibility

- (a) An Applicant shall not be eligible for tax incentives under this ordinance if it or a Related Entity has:
 - (1) obtained a building permit with respect to the proposed real estate project, or a substantially similar project, prior to January 1, 2019;
 - (2) had past due debt totaling five thousand dollars (\$5,000) or more owed to the City of Norwalk for more than one (1) year within the five (5) years immediately preceding the filing of an application for incentives under this ordinance or during the term of the Final Tax Agreement; or
 - (3) had two (2) or more gross violations of any provision of the Norwalk City Code, including, without limitation, health, safety or building violations, within the two (2) years immediately preceding the filing of an application for incentives under this ordinance or during the term of the Final Tax Agreement.
- (b) The proposed real estate investment must evidence a minimum value of not less than 100% of the existing property valuation, as determined by the Norwalk Tax Assessor, exclusive of land valuation.
- (c) The Municipal Impact Analysis for the proposed project must demonstrate a positive financial benefit to the City from such project.
- (d) The applicant must demonstrate that BUT FOR the proposed tax incentives the proposed project would NOT achieve investment returns consistent with a similar private real estate investment at the time of the application.
- (e) The proposed real estate investment must contribute to creating a developed environment that is conducive to attracting and retaining industries that are growing or mature and/or are potential attraction or priority retention industries as identified in the Approved Market Feasibility Study.
- (f) The proposed real estate investment must be consistent with the provisions of Connecticut General Statutes Sections 12-65b and 12-65h, the City of Norwalk Plan of Conservation and Development, and the Wall Street – West Avenue Neighborhood Plan, as each of the same may be amended from time to time.

§99-7. Application and Review Process

- (a) Applications for tax incentives under this ordinance shall be submitted to the Chief of Economic and Community Development with an estimated processing fee on a form approved by the Common Council. Applications involving improvements of 50,000 square feet or more shall be accompanied by an independent third party Municipal Impact Analysis. For improvements of less than 50,000 square feet, the Municipal Impact Analysis may be performed by the Chief of Economic and Community Development, in his or her discretion.
- (b) Upon receipt of a complete application, the Chief of Economic and Community Development shall, within thirty (30) days, make a written determination as to whether the application meets the eligibility criteria set forth in this ordinance.

Upon a determination that the application meets such criteria, he or she shall forward to the Planning Committee of the Common Council the application, the Municipal Impact Analysis, and such determination.

- (c) The Planning Committee, upon receipt of the above information from the Chief of Economic and Community Development, shall seek written comment on the application from the Chief of Finance, Chief of Operations, the Executive Director of the Redevelopment Agency, and the Board of Estimate and Taxation (BET). If any of the above does not provide comments within forty five (45) days of the date of request for same, the application shall advance for further review by the Planning Committee noting lack of said comment.
- (d) The Planning Committee shall make the application and the materials provided in subsections (b) and (c) of this Section 99-7 available to the public for a forty-five (45) day public comment period. The Planning Committee shall hold a properly noticed public hearing on the application at its first regular meeting following the conclusion of the forty-five (45) day public comment period. At any point after such public hearing, the Planning Committee may in its discretion determine to advance the application to the Common Council.
- (e) The Final Tax Agreement must be executed by all parties and effective within three (3) months following the date of approval of the application by the Common Council.
- (f) If the application is approved by the Common Council, the tax incentives shall be effective in the first fiscal year following the issuance of a Certificate of Occupancy for the property that is the subject of the Final Tax Agreement.
- (g) Approved Applicants must commence construction of the proposed project within six (6) months following the date of execution of the Final Tax Agreement.
- (h) Approved Applicants must complete the proposed project, as evidenced by receipt of a Certificate of Occupancy, within thirty-six (36) months following the date of execution of the Final Tax Agreement.

§ 99-8. Post-Award Compliance

Should the Applicant: (a) relocate its business from Norwalk; (b) become non-compliant with the provisions of this ordinance, including, without limitation, subsections 99-6(b) or (c); (c) declare bankruptcy; (d) substantially reduce its operations on the subject property during the term of the Final Tax Agreement, with "substantially reduced operations" meaning for purposes of this ordinance, among other things, a reduction in square feet occupied within the project by more than 20%, a reduction in workforce by more than 20%, a failure to construct upon additional phases of construction, and/or sale or lease of some or all of the property subject to the Final Tax Agreement; and/or (e) in any other way fail to comply with the Final Tax Agreement, this ordinance, and/or Connecticut General Statutes Sections 12-65b and 12-65h, the Final Tax Agreement shall be deemed breached and may be terminated by the Common Council. In the event of such action by the Common Council, the private party(s) to the Final Tax Agreement shall be required to pay all assessments and fees that were abated under such agreement.

CODE OF ETHICS

MEMORANDUM TO FILE

Date: January 11, 2019

From: Brian Candela

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

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

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

Exhibit 1

City of Norwalk, CT
Wednesday, December 12, 2018

Chapter 32. Code of Ethics

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

GENERAL REFERENCES

Administration — See Ch. 9.

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

§ 32-1. Title; administration.

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

§ 32-2. Declaration of policy.

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

§ 32-3. Definitions.

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

AGENCY

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

CLEAR AND CONVINCING EVIDENCE

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

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

EMPLOYEE

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

HEARING BOARD

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

IMMEDIATE FAMILY

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

INDIVIDUAL

A natural person.

INVESTIGATING PANEL

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

OFFICER

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

PERSON

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

PROBABLE CAUSE

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

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

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

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

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

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

§ 32-5. Prohibited representation.

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

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

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

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

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

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

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

§ 32-8. Prohibited gifts.

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

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

§ 32-9. Specific violations.

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

§ 32-10. Negotiation of future employment.

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

§ 32-11. Subsequent employment.

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

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

§ 32-12. Board of Ethics.

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

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

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

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

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

[b] Rights of panel and respondent.

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

[A] To be represented by counsel.

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

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

[ii] All decisions regarding the introduction and admissibility of evidence not hereinbefore specified and which is to be introduced or precluded, is to be determined by a majority of the hearing board.

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

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

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

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

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

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

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

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

[j] The Board of Ethics may create and maintain a handbook to be distributed, together with this chapter, to all officers and employees. If created, a copy of the handbook shall be kept at the City Clerk's office and shall be available for inspection by the public.

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

§ 32-13. Effect of violation.

A. A violation of this Code of Ethics:

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

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

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

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

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

§ 32-14. Time limits on complaints.

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

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

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

§ 32-15. Proposed revisions.

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

administration of the Code of Ethics.

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

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

§ 32-17. Representation of respondents by City.

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

§ 32-18. Effective date.

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

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

Chapter 32. Code of Ethics

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

GENERAL REFERENCES

Administration — See Ch. 9.

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

§ 32-1. Title; administration.

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

§ 32-2. Declaration of policy.

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

§ 32-3. Definitions.

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

AGENCY

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

CLEAR AND CONVINCING EVIDENCE

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

EMPLOYEE

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

FINANCIAL BENEFIT

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

HEARING BOARD

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

IMMEDIATE FAMILY

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

INDIVIDUAL

A natural person.

INVESTIGATING PANEL

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

OFFICER

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

ORDINANCE LIST EMPLOYEE

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

PERSON

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

PROBABLE CAUSE

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

YEAR

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

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

A: ~~A~~-Prohibited Actions and Transactions

A Municipal Employee or Officer shall:

~~A Municipal Employee or Officer shall:~~

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

-
- (5) (v) — ~~Officer and employee of the City should avoid~~ Avoid engaging in any business or transaction and should refrain from having an interest, directly or indirectly, which is materially in conflict with or materially incompatible with the proper discharge of his or her official duties for the City or might otherwise influence or impair his or her independence of judgment and action in the performance of said duties for the City; Avoid engaging in any business or transaction or having a personal, Immediate Family or business interest, directly or indirectly, which is in material conflict with or incompatible with the proper discharge of his or her official duties or that by creating a divided loyalty might influence or impair his or her independence of judgment and action in the performance of said duties. A conflict of interest exists whenever an Officer or Employee will more likely than not benefit, disproportionately from other citizens of the city, directly or indirectly, from a decision over which they have influence.
 - (6) (vi) — [KMS] — 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 a Agency, unless otherwise provided by law. 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;
 - (7) (vii) [KMS] — Not, by virtue of his or her office or position of employment with the City, grant any special consideration, treatment or advantage to any Person beyond that which is generally available to the public;
 - (8) (viii) [KMS] — 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. general

B. Conflicts of Interest^[KM8]:

y

~~B. Conflicts of Interest^[KM9]:~~

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

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

~~B.~~

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

~~C.~~

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

~~D.~~

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

~~[KM10] CE. Exceptions~~

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

~~(1)~~

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

(1)

~~(2)~~

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

(2)

~~(3)~~

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

~~(4)~~

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

~~(5)~~

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

—(6)—

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

—(7)—

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

—(8)—

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

—(9)—

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

§ 32-5. Prohibited representation.

—A.—

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

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

~~B.~~

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

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

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

~~A.~~

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

~~B.~~

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

~~C.~~

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

~~D.~~

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

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

~~A.~~

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

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

~~—(1)~~

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

~~—(2)~~

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

~~—B.~~

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

~~—C.~~

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

~~—D.~~

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

§ 32-8. Prohibited gifts.

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

~~A.~~

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

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

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

~~(1)~~

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

~~(2)~~

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

~~(3)~~

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

~~(4)~~

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

~~—(5)—~~

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

~~—(6)—~~

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

~~—(7)—~~

(7) Meals and refreshments (not exceeding ~~\$150~~~~100~~ ~~\$50~~ in value per ~~y~~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)—~~

(8) Goods or services provide to the City.

~~—(9)—~~

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

~~—(10)—~~

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

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

~~—~~

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

~~—(12)—~~

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

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

B.

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

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

§ 32-9. Specific violations.

A.

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

B.

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

C.

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

D.

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

E.

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

F.

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

G.

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

§ 32-10. Negotiation of future employment.

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

§ 32-11. Subsequent employment.

A.

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

B.

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

§ 32-12. Board of Ethics.

A.

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

B.

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

C.

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

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

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

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

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

E. Probable cause hearings and subsequent procedures.

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

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

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

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

(a)

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

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

(b)

~~[31]~~ ~~(2)~~ ~~[KM24]~~ Investigation of Complaint, Notification of Parties, Investigating Panel

(2)

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

~~[41]~~ ~~[KM25]~~

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

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

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

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

Finding of Probable Cause, Written Report, Hearing Before

(d)

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

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

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

(i)

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

(ii)

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

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

(e)

~~(e) [2] [KM30]~~

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

~~[3] [KM31]~~

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

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

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

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

~~(b) [5] Hearings~~

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

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

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

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

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

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

~~—(e) [8]~~

(e) Extension of time.

~~—[i] [a]~~

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

~~—[ii] [b]~~

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

~~—[iii] [c]~~

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

~~—[ii]~~

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

~~—[iii]~~

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

~~—4. [9] [KM35]~~

(4) Rules and procedure for public hearings.

~~—(a) [a]~~

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

~~—(b) [b]~~

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

~~—[i]~~

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

~~—[i] [A]~~

(i) To be represented by counsel.

~~—[ii] [B]~~

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

~~—[iii] [C]~~

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

~~(c) [iii] Evidentiary rules.~~

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

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

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

~~(a) Due Process~~

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

~~(b) Recording and transcription of hearings.~~

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

~~(c) Witnesses; Issuance of Subpoenas~~

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

~~(d) [g]~~

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

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

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

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

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

G. Educational Programs and Materials ^[KM40]

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

~~(1) (i)~~

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

~~[10]~~

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

§ 32-13. Effect of violation.

~~—A.~~

A. A violation of this Code of Ethics:

~~—(1)~~

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

~~—(2)~~

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

~~—(3)~~

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

~~—B.~~

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

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

~~C.~~

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

~~D.~~

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

~~E.~~

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

§ 32-14. Time limits on complaints.

~~A.~~

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

~~B.~~

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

~~C.~~

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

§ 32-15. Proposed revisions.

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

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

~~—A.~~

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

~~—B.~~

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

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

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

§ 32-18. Effective date.

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

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

Exhibit 2

City of Norwalk, Connecticut

Board of Ethics

Citizen's Guide to the Norwalk Code of Ethics

March 23, 2018

Citizen's Guide to the Norwalk Code of Ethics

Contents:

1. Introduction
2. Guidelines for Ethical Behavior

Key Aspect of Ethical Behavior for Employees and Officers

- Conflicts of interest; influence or interference of duties
- Gifts
- Employment
- Examples
- Procurement
- Use of Public Property
- Use of Influence and Information

Requirements for Filing a Complaint:

- What is expected?
- Who files a Complaint?
- Who is the subject of the Complaint?
- How does a citizen file a Complaint?

Complaint Process

- City of Norwalk Code of Ethics Complaint Process
- Process Explanation - Investigation and Hearing Processes

Resources

3. Code of Ethics
4. Complaint Form

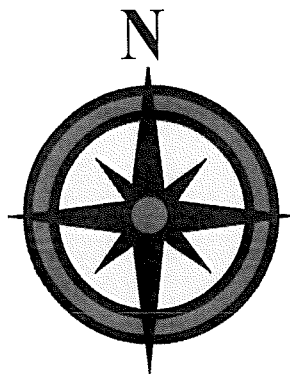
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The *City* of Norwalk Board of Ethics *is* an independent *commission* charged with administering, and enforcing the City of Norwalk's Ethics Complaint Process. This Guide provides general information to the public, the City of Norwalk employees, contractors,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

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

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

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



2. Guidelines for Ethical Behavior

Key Aspects of Ethical Behavior for Employees and Officers

What is expected?

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

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

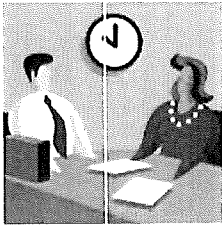
As you read through this Guide, be aware that the Code of Ethics was enacted to prevent individuals from using their public position or authority for personal gain or benefit. The State of Connecticut and its agencies may also have their own ethics policies, which in some cases differ from what is to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

1) *Conflicts of interest; influence or interference of duties*

Officers and employees of the City of Norwalk should avoid engaging in any business or transaction 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. If the individual has encountered a known conflict, he or she is to disclose this in writing to the Norwalk City Clerk, and if necessary, to recuse himself or herself from taking action, as necessary.

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

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



-2-

2). *Gifts*



An officer or employee of the City of Norwalk shall not personally solicit, nor accept any gift, form of service or item of a property value of \$150.00 or more. Not included are:

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

3). *Employment*

a) Future Employment:

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

b) Subsequent Employment:

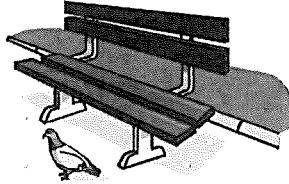
There is a minimum of one year before a terminated employee or officer shall be able to work or assist any individual, person, agency, other than the city, by representing that individual, person or agency in front of his or her former department, for monetary or valuable compensation.

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

Refer to the Code of Ethics for more detailed information.

4). *Procurement*

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



5). *Use of Public Property*

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

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

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

6). *Use of influence and information*

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



Requirements

Who may file a Complaint?

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

Who is the subject of the Complaint?

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

How does a citizen file a Complaint?

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

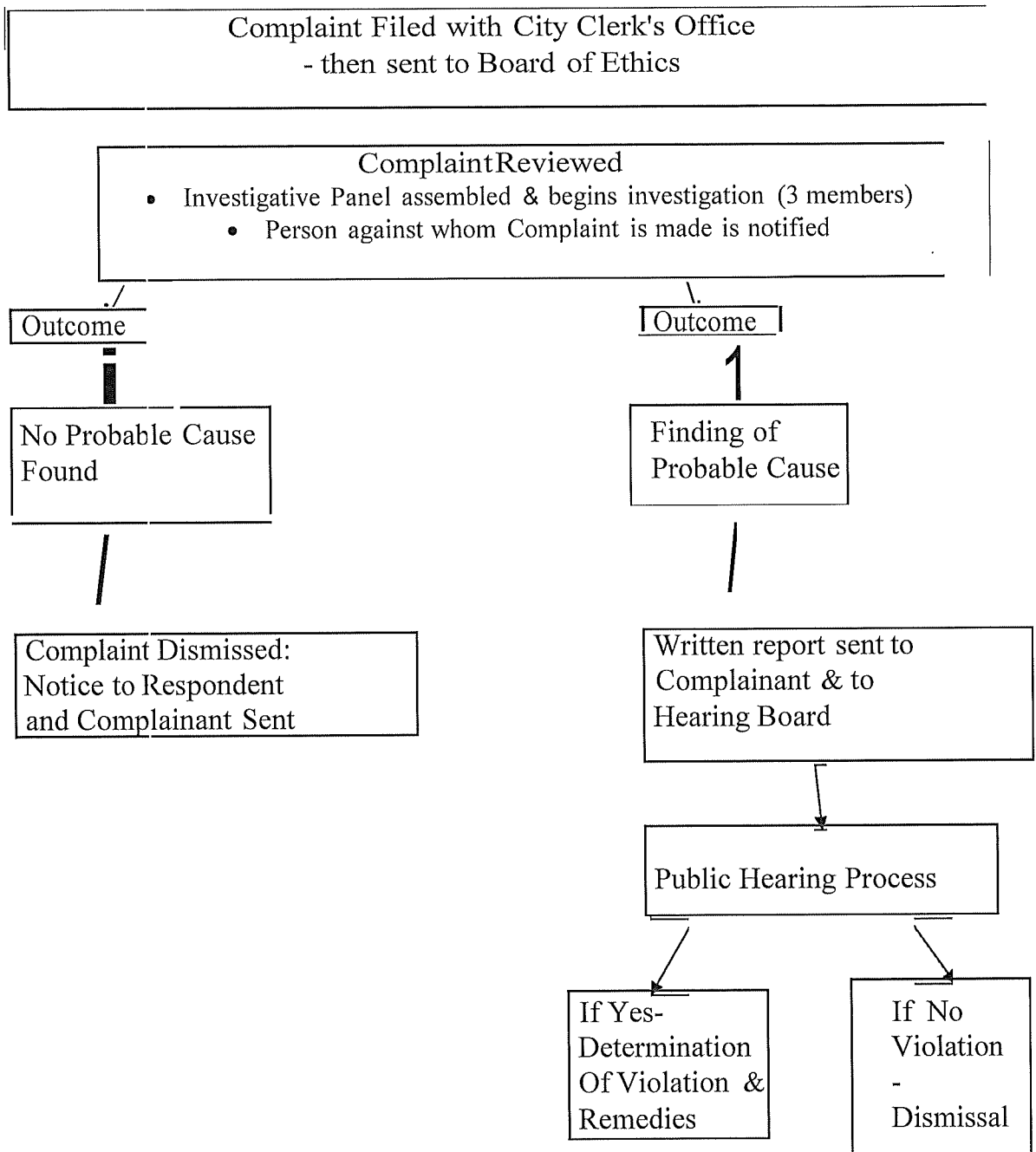
Norwalk City Clerk
Board of Ethics
125 East Avenue
Norwalk, CT 06852

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

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

City of Norwalk Code of Ethics Complaint Process

1). Diagram of Process:





2). Process Explanation:

Investigation Process:

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

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

Hearing Board:

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

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

3) Resources:

a). City of Norwalk Code of Ethics:

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

b). Training Available:

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

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

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

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

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

ETHICS COMPLAINT FORM

BOARD OF ETHICS
COMPLAINT

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

Name: _____ Date: _____

Address: _____

Telephone Number(s): _____

Email Address: _____

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

____ City employee ____ Elected official ____ Appointed official ____ Other

Name: _____

City Commission, Board, Agency or Department: _____

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

Conflict of interest (§32-4)

Prohibited representation (§32-5)

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

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

Prohibited gifts (§32-8)

Specific violations (§32-9)

Negotiation of future employment (§32-10)

Subsequent employment (§32-11)

other (Describe & cite ordinance or statute): _____

ETHICS COMPLAINT

Page 2 of 4

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

[illegible]

CITY OF NORWALK

ETHICS COMPLAINT

Page 3 of 4

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

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

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

Signature: _____ Date: _____

CITY OF NORWALK

ETHICS COMPLAINT

Page 4 of 4

NOTE:

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

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

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

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

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

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

City of Norwalk, Connecticut

Board of Ethics

Citizen's' Guide to the Norwalk Code of Ethics

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

Citizen's Guide to the Norwalk Code of Ethics

Contents:

1. Introduction
2. Guidelines for Ethical Behavior

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~~Emp-loyment~~

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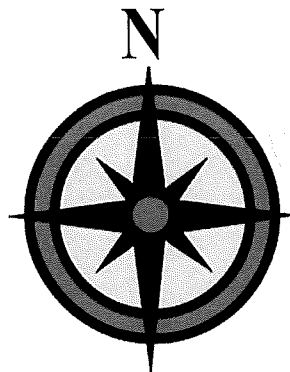
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 - o Attendance at events of a ~~charitable~~ charitable, public, ~~governmental~~ governmental, informational or business ~~nature~~ nature where refreshments may be ~~served~~ served and small souvenirs of the event may be distributed, not intended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

3). ~~Employment~~ Employment

a) ~~Future~~ Future Employment:

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

b) Subsequent Employment:

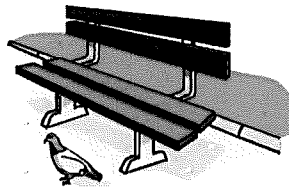
There is a minimum of one ~~year~~ before a ~~terminated~~ year before a terminated employee or officer shall be able to work or assist any individual, person, agency, other than the city, by representing that individual, person or agency to in front of his or her ~~former~~ former department ~~deprutment~~,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

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

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

4). *Procurement*

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



5). *Use of Public Property*

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

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

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

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

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



RequirementsRequirements

Who may file a Complaint?

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

Who is the subject of the Complaint?

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

How does a citizen file a Complaint?

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

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

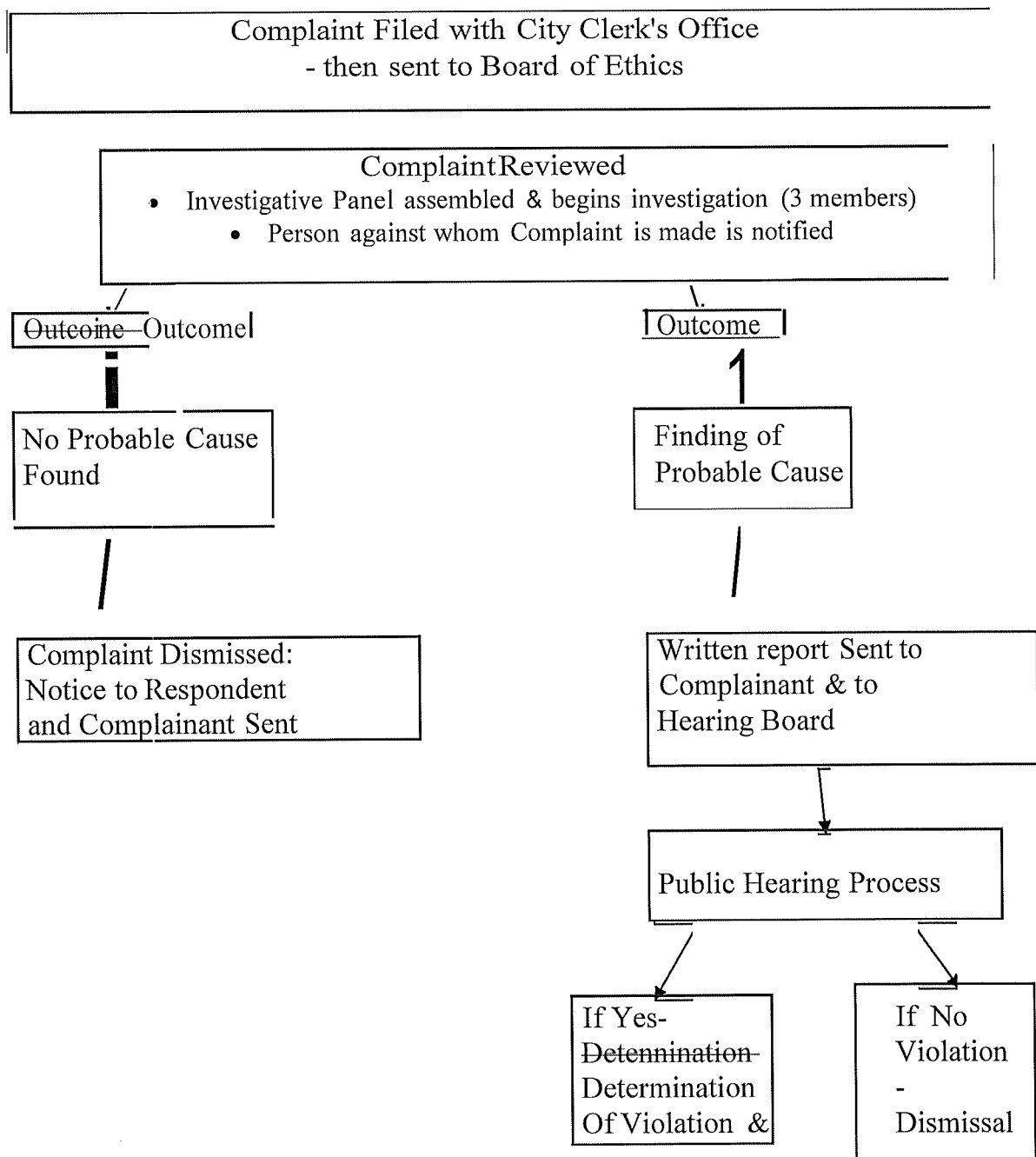
All Complaints will be handled-handled with care and confidentiality. Once submitted, the Complaint may not be withdrawn by the Complainant without the approval of the Norwalk Board of Ethics. Unless the Board-Board of Ethics advises you otherwise-otherwise, the allegations in the Complaint and other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

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

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City of Norwalk Code of Ethics Complaint Process

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



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2). Process -Explanation:

Investigation Process:

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

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

Hearing Board:

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

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

3). Resources:

a). City of Norwalk Code of Ethics:

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

b). Training Available:

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

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

Hartford, CT 06106
860/263-2400

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

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

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

~~CITY OF NORWALK~~

~~CODE OF ETIDCS~~

~~CHAPTER 32 OF THE
CODE OF ORDINANCES~~

Chapter 32, CODE OF ETHICS

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

GENERAL REFERENCES

~~Administration—See Ch. 9.~~

§ 32-1. Title; administration.

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

§ 32-2. Declaration of policy.

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

§ 32-3. Definitions.

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

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

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

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

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

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

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

~~INDIVIDUAL—A natural person.~~

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

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

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

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

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

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

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

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

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

~~§32-5. Prohibited representation.~~

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

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

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

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

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

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

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

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

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

proceedme or with appropriate authorization from the City.

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

§32-8. Prohibited gifts.

- A. An officer or employee itl the course of his or her work for the City shall not personally solicit or accept any gift, foim of service, compensation or any item of propeity of a value exceeditlg \$50. Notwithstanditlg the foregoing, this subsection does not prohibit the followitlg:
- (1) Gifts or social comtesies related to a fahnily relationship or established personal friendship between all officer or employee and the donor, which are not designed to influence the judgment or action of the officer or employee withitl the scope of his or her official responsibility aliellor authority.
 - (2) Attendance at events of a chalitable, public, governmental, infonnational or busit less-nature where refreshments may be served and small souvenirs of the event, of a mitlor monetaly value, (not exceeding \$50 in value) may be distributed or made available to all attendees, and which are not designed to influence the proper judgment or action of the officer or employee withitl the scope of his or her official responsibility aliellor authority.
 - (3) Political contributions received in complialee with applicable laws alld regulations.
 - (4) Loans obtaitled accorditlg to prevailing e0lmmnercial practices at the prevailing public rates of interest.
 - (5) Customaly pelonnance and merit awards or honorariums, bestowed in complialee with applicable City practices.
 - (6) Awards, gifts or other items of value given to employees as part of an official employee recognition/it leptive program.
 - (7) Meals and refreshments (not exceeding \$50 in value) provided to an officer or employee, which are not designed to itlfluence the proper judgment or action of the officer or employee in a matter within his or her authority, at any meetitlg at which the officer or employee attends withitl the scope of his or her official responsibility alld/or

authenticity.

- (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 or employee of the City.
 - (11) Printed or recorded information, photographs, and maps given 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, 2009.

§ 32-9. Specific violations.

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

enforced through the ethics process.

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

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

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

~~§ 32-11. Subsequent employment.~~

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

~~§ 32-12. Board of Ethics.~~

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

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

~~C. Powers and duties.~~

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

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

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

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

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

all further proceedings on that complaint.

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

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

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

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

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

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

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

~~6J If the investigating panel determines that there is probable cause that the respondent has violated the Code of Ethics, it shall submit a written report to the Board of Ethics stating the basis for the finding of probable cause. Upon receipt of the report of the investigating panel finding probable cause, the Board of Ethics shall appoint a hearing board, which shall initiate a public hearing process within 30 days, to determine whether the respondent(s) committed a violation of the Code of Ethics. In any public hearing held to determine a violation of the Code of Ethics, the investigating panel members shall have the responsibility of gathering and presenting evidence to the hearing board.~~

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

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

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

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

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

~~18J Extension of time.~~

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

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

~~1cJ Notwithstanding the foregoing:~~

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

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

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

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

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

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

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

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

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

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

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

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

available for inspection by the public.

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

~~§ 32-13. Effect of violation.~~

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

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

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

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

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

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

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

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

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

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

~~§32-15. Proposed revisions.~~

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

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

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

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

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

City of Norwalk
~~PC Code Book for Willdows~~

~~§32-18. Effective date.~~

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

Endnotes

1(Popup)

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

2(Popup)

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

~~ETIDCS~~-ETHICS
COMPLAINT FORM

BOARD OF ETHICS
ETHICS COMPLAINT

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

Name: _____ Date: _____

Address: _____

Telephone Number(s): _____

Email Address: _____

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

____ City employee ____ Elected official ____ Appointed official ____ Other

Name: _____

City Commission, Board, Agency or Department: _____

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

Conflict of interest (§32-4)

Prohibited representation (§32-5)

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

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

Prohibited gifts (§32-8)

____ Specific violations (§32-9)

Negotiation of future employment -(§32-10)

Subsequent employment (§32-11)

other (Describe & cite ordinance or statute): _____

CITY OF NORWALK

ETHICS -COMPLAINT

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

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

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

Signature: _____ Date: _____

CITY OF NORWALK

ETHICS COMPLAINT

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NOTE:

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

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

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

2. Once filed, this Complaint may not be withdrawn by the Complainant without the approval of the Norwalk Board of Ethics.
3. The Board of Ethics Investigating Panel's preliminary investigation of a Complaint is confidential unless the Respondent requests that it be open. Unless the Board of Ethics advises you otherwise, the allegations in the Complaint and any information supplied to or received from the Board of Ethics may not be disclosed to any third party by the Complainant, Respondent, witness, designated party, Board of Ethics, Investigating Panel or Staff member(s). A violation of the requirement of confidentiality by the Complainant, whether direct or indirect, shall be grounds, at the discretion of the Board of Ethics, to dismiss the complaint.
4. Complaints shall be deemed to have been received by the members of the Norwalk-Norwalk Board of Ethics at the first regularly scheduled meeting of the Board following delivery of the Complaint to the Norwalk City Clerk.