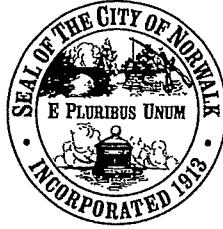


CITY OF NORWALK

LAW DEPARTMENT

CITY HALL
125 EAST AVENUE, P.O. BOX 5125
NORWALK, CONNECTICUT 06856-5125



TEL: (203) 854-7750
FAX: (203) 854-7901

BOARD OF ETHICS COMMITTEE

SPECIAL MEETING

October 3, 2017
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1. **ROLL CALL:**
2. **PUBLIC PARTICIPATION:**
3. **ACCEPTANCE OF MINUTES: April 27, 2017**
4. **OLD BUSINESS (possible action on):**
5. **NEW BUSINESS: (possible action on):**
 - a. **Review recommended revisions to the Code of Ethics (Chapter 32)**
 - b. **Review recommended revisions to the Guide and Forms for the Code of Ethics (Chapter 32)**
6. **EXECUTIVE SESSION:**
7. **ADJOURNMENT:**

**CITY OF NORWALK
BOARD OF ETHICS
APRIL 27, 2017**

ATTENDANCE: Michael Church, Chair; Kara Murphy, Haroldo Williams

STAFF: None

Call to Order

Mr. Church called the meeting to order at 7:06 p.m. and stated that the above members were in attendance and there was a quorum present.

Public Participation - none

Approve Minutes - Meeting of March 23, 2017

**** MR. WILLIAMS MOVED TO APPROVE THE MINUTES OF THE
MEETING OF MARCH 23, 2017.**

**** MOTION WAS UNANIMOUS.**

Old Business

Review of Ad-Hoc Committee Meeting

Mr. Church suggested that the next step would be for members to review the mark up copy of the revisions from the Ad-Hoc Committee on the Code of Ethics. Ms. Murphy went through the edits and reviewed the rationale in support of the changes. There was discussion on the comments and recommendations on the 'mark up' version of the Code.

Ms. Murphy suggested that the agreed upon recommendations be made to the document and an updated version be sent to Corporation Counsel Coppola for review.

There was further discussion on the various scenarios where potential conflicts would occur, and agreement on changes to the wording as noted in the document revisions.

Mr. Williams suggested that if an advisory opinion is requested it should be clear that the Board is not in the capacity to advise, as that can be implied as conjecture.

There was further discussion on ways to bring awareness to make employees more knowledgeable about the Code of Ethics

Ms. Murphy noted that there is an annual report to the Common council, and suggested that this updated revised code be used as the report of progress of the work being done.

Mr. Church added that he will prepare a draft of the Board expectations of an execution plan for the 2016-17 strategy and calendar of timelines for the tasks of communication and education.

Mr. Church thanked the members of the Board and Ad-Hoc Committee for all their work and efforts with the recommended changes and updates to the Code documents.

NEW BUSINESS

Vote on Code of Ethics Changes

It was agreed that a vote would be done next meeting after the revised documents were e-mailed to members and to Legal.

EXECUTIVE SESSION

There was no Executive Session.

**** MR. CHURCH MOVED TO ADJOURN THE MEETING.**
**** MOTION WAS UNANIMOUS.**

The meeting was adjourned at 9:05 p.m.

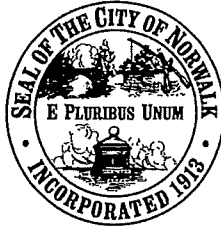
Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services

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Memorandum Of Law

To: Ethics Commission

From: Mario F. Coppola, Corporation Counsel
Brian Candela, Assistant Corporation Counsel

Date: September 21, 2017

Re: Analysis of recommended amendments/revisions to the Code of Ethics (Chapter 32)

We reviewed your proposed revisions to the Code of Ethics. Based on this review, we have also recommended some additional revisions that you may want to consider. Please note that this memorandum only details substantial changes to specific sections of the Code of Ethics. Minor changes can be found in the red-line revisions to the Code of Ethics. **See, Exhibit 1 (your prepared revisions to the Code of Ethics dated May 2, 2017); Exhibit 2 (our prepared revisions to the Code of Ethics dated June 23, 2017).** In doing our analysis, we did review ethics codes of other similar cities for comparison. **See, Exhibit (City of Stamford's Code of Ethics).** One of us would like to attend your next meeting in order to further discuss the revisions that you proposed, as well some additional revisions that we suggest you consider. Our analysis of the proposed revisions is as follows:

Section 32-3 (Definitions)

"Financial Benefit: Shall mean the receipt of an improper benefit, which may include, but is not limited to, financial compensation, tangible and intangible benefits or benefits and/or compensation to an Employee's or Officer's Immediate Family Member."¹

We propose the revised definition set forth above.²

"Immediate Family: A 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 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 persons who reside in the same household."

We agree with this revised definition.

¹ Please note that the quoted language displays passages taken directly from specific sections from Norwalk's Code of Ethics.

² Please note that the yellow highlighted language illustrates the differences in the language between Exhibit 1 and Exhibit 2. Substantial differences between the language in Exhibit 1 and Exhibit 2 will result in the entire section being highlighted in yellow. {00027783.DOCX 1}

"Ordinance List Employee: Non-union employees, including management and confidential employees."
Mario Coppola recommended the language for this definition.

"Year: Year shall mean the municipal fiscal year as established by the Connecticut General Statutes."
We agree with this revised definition.

Section 32-4 (Conflicts of Interest; interference with duties; prohibits interests; exceptions)

32-4(A)(5)

"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."

We propose that Section 32-4(A)(5) be revised as set forth above. See, Section 19-4 of the Stamford Code of Ethics had a more robust discussion of conflicts of interest than Norwalk's Code of Ethics.

Section 32-7 (Prohibited use of influence and information)

32-7(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 procedures or with appropriate authorization from the City."

We agree with the recommended revisions of this section.

Section 32-8 (Prohibited gifts)

Made changes to amount can be received in fiscal year to \$150.00.

We agree with the recommended revisions of this section. This revision increases the threshold amount that can be received in a fiscal year by an officer or employee from \$100 to \$150. See, Section 19-9 of the Stamford Code of Ethics which also provides that gifts should not exceed \$150.00 for the fiscal year.

32-8(C)(12)

This section does not prohibit:

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

We propose that Section 32-8(C)(12) be revised as set forth above. See, Section 19-9(B)(7) of the Stamford Code of Ethics provides for an officer or employee receiving something of value from the City from an incentive program. This would expand the types of awards or gifts that an officer or employee could receiving without being in violation of the Code of Ethics. It would also allow Norwalk to use a recognition/incentive program to award exceptional work without running afoul of the Code of Ethics.

32-8(C)(13)

This section does not prohibit:

“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.”

This is a new section that is recommended for insertion into the Code of Ethics. We propose that the following language be inserted as Section 32-8(C)(13) as set forth above. See, Section 19-9(B)(2) of the Stamford Code of Ethics provides for an officer or employee receiving a gift to celebrate a major life event. This is not provided for in Norwalk’s Code of Ethics. This would expand the type of gifts that an officer or employee could receive without being in violation of the Code of Ethics.

Section 32-11(A) (Subsequent employment)

“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; or appear before the agency in which he or she was a member or employed.”

We would not make the revision that your committee proposed whereby you would create a new rule that would prohibit an officer or employee from “appear(ing) before the agency in which he or she was a member or employed.”

We are not suggesting that Norwalk should not have this rule and/or restriction for its officers and employees.

However, we do not think that this rule and/or restriction should be set forth in the Code of Ethics. Rather, if Norwalk were to implement this rule and/or restriction it should do so by adopting an ordinance which addresses the issue.

Also, Norwalk would need to consult with its Personnel Director if it were to consider this rule and/or restriction in order to confirm whether or not adding the rule and/or restriction would violate any of Norwalk’s collective bargaining agreements with any of its unions.

Section 32-12 (Board of Ethics)

32-12(D) (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. 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 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.

We propose that Section 32-12(D) be revised as set forth above. See, Section 19-14(C)(1)(d) of the Stamford Code of Ethics mandates that Board of Ethics shall render an advisory opinion within 100 days of the receipt of request.

This is not provided for in Norwalk's Code of Ethics. It is important to provide timely hearings and advisory opinions. This 120 day deadline will ensure that the Board of Ethics completes advisory opinions in a timely fashion.

Section 32-12(E)(2)(c) (Investigation of probable cause; Confidentiality of Initial Proceedings)

"The Investigating Panel members shall investigate the complaint and any expansion thereto. For this purpose, hearings and meetings may be held to determine whether or not there is probable cause to believe that the respondent has violated the Code of Ethics. Any investigation and probable cause hearing, if held, shall be confidential and shall not be open to the public unless the Respondent requests that such investigation and hearing be open. Request by the Respondent for a public hearing shall waive the confidentiality requirement of the investigation and hearing. Pending the outcome of the probable cause hearing, no member of the Board of Ethics or Investigating Panel shall disclose his or her knowledge of the probable cause investigation to a third party. By filing a complaint with the Board of Ethics, the Complainant shall be bound by the requirement of confidentiality 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. 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."

We propose that Section 32-12(E)(2)(c) be revised as set forth above. See, Section 19-14(D)(2)(b) of the Stamford Code of Ethics mandates that a complainant, who files a complaint, be bound by the requirement of confidentiality during the investigative phase. A violation shall be grounds for the dismissal of the complaint at the discretion of the Board of Ethics. This is not provided for in Norwalk's Code of Ethics. It is important to provide the respondent with confidentiality during the investigation phase to prevent public disclosure of a complaint before a finding of probable cause. However, the respondent can waive confidentiality. For example, we had an issue come up in a recent complaint where the complainant (Police Union) provided a statement to the press regarding the complaint. Therefore, it is imperative that the code provides clear language which prevents the complainant from disclosing any information regarding the complaint unless the Respondent has requested a public hearing.

Section 32-13 (Effect of Violation)

32-13(A)

A. "A violation of this Code of Ethics:

- (1) By an elected Officer may 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 may 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 may 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."

We propose that Section 32-13(A)(1-3) be revised as set forth above. See, Sections 19-15(A)(1), 19-15(A)(2) & 19-15(A)(3) of the Stamford Code of Ethics provides discretion (may) to the Hearing Board. Norwalk's Code of Ethics provides no discretion (shall). This change in language would allow the Hearing Board to have discretion in passing judgment on an officer or employee who violated the Code of Ethics.

32-13(F)

"Where there has been a violation of the Norwalk Municipal 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."

This is a new section that is recommended for insertion into the Code of Ethics. We propose that the following language be inserted as Section 32-13(G) as set forth above. See, Section 19-15(E) of the Stamford Code of Ethics allows it to void any contract or purchase where there has been a violation of the Code of Ethics. This is not provided for in Norwalk's Code of Ethics. This would protect Norwalk from agreements that were reached in violation of its Code of Ethics. This language is taken directly from Connecticut General Statutes § 7-479.

Section 32-17 (Representation of Respondent 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. 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 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."

We agree with the recommended revisions of this section. Please note that we have only added the word Hearing Board into the second sentence of the paragraph.

Exhibit A

Board of Ethics Revisions through 5/2/2017

Chapter 32. Code of Ethics

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

GENERAL REFERENCES

Administration — See Ch. 9.

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

§ 32-1. Title; administration.

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

§ 32-2. Declaration of policy.

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

§ 32-3. Definitions.

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

AGENCY

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

CLEAR AND CONVINCING EVIDENCE

Sufficient evidence to support the allegation that the Respondent ~~respondent~~-has violated the Code of Ethics, when such evidence is considered fairly and impartially, and induces a reasonable belief in the minds of the ethics ~~hearing-board~~Hearing Board -members that the

allegations are true. Such evidence must indicate to the ethics ~~hearing board~~Hearing Board -members that the probability that the Respondent ~~respondent~~ has committed the alleged violation is substantially greater than the probability he or she has not.

EMPLOYEE

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

FINANCIAL BENEFIT

Shall mean the receipt of financial compensation, including but not limited to, 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.

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 clear and convincing evidence that the Respondent ~~respondent~~ has violated the Code of Ethics.

IMMEDIATE FAMILY

~~Includes, but is not limited to,~~ A 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 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 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 probable cause to proceed to a public hearing on such a complaint. No two members of an Investigating Panel ~~investigating panel~~ shall be registered members of the same political party, and ~~at least one member of the Investigating Panel~~ ~~investigating panel~~ shall ~~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]

PERSON

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

PROBABLE CAUSE

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

YEAR

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

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

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

A Municipal Employee or Officer shall:

—;

~~A Municipal Employee or Officer shall:~~

- (1) (i) —Not take any action, directly or indirectly, to coerce, command or require a Municipal Employee, Officer or Agency to appoint an Immediate Family member to a municipal position, whether paid or unpaid;
- (2) (ii) —Not have a role, directly or indirectly, in obtaining a financial benefit, hiring, promoting, demoting, disciplining, or taking other personnel action involving an Immediate Family member;
- (3) (iii) —Not take any action, directly or indirectly, to coerce, command or require a Municipal Employee, Officer or Agency to refrain from hiring, promoting, demoting, disciplining, or taking other personnel action involving an Immediate Family member;

~~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} C.E. 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)~~

- (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;
- (6) ~~(vi)~~ ~~—~~ ~~[KM5]~~—Not deliberate or participate in a decision or action by the Agency of which the individual is a member or is employed if such individual or any member of his or her Immediate Family has any interest in the matter or would be likely to gain or lose any benefit that is not common to the general interest of the public as a result of the decision or action before that 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)~~ ~~[KM6]~~—Not, by virtue of his or her office or position of employment with the City, grant any special consideration, treatment or advantage to any person beyond that which is generally available to the public;
- (8) ~~(viii)~~ ~~[KM7]~~—Not, by virtue of his or her office or position of employment with the City, receive any special consideration, treatment or advantage in any activity or business transaction beyond that which is generally available to the public or Officers and Employees of the City. ~~general~~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.~~

—(3)—

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

—(4)—

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

—(5)—

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

—(6)—

- (6) Employment of an ~~officer~~Officer or ~~employee~~Employee by a public utility regulated by the Public 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 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 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 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~~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 person having a matter pending before the agency of which the ~~officer~~Officer or ~~employee~~Employee is an ~~officer~~Officer or ~~employee~~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.^[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 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 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.

~~—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 \$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.

~~—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 \$ 100 \$50 in value per year) may be distributed or made available to all attendees, and which are not designed to influence the proper judgment or action of the ~~officer~~Officer or ~~employee~~Employee within the scope of his or her official responsibility and/or authority.

~~—(3)~~

- (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 \$100 ~~\$50~~ in value per year) provided to an ~~officer~~Officer or ~~employee~~Employee, which are not designed to influence the proper judgment or action of the ~~officer~~Officer or ~~employee~~Employee in a matter within his or her authority, at any meeting at which the ~~officer~~Officer or ~~employee~~Employee attends within the scope of his or her official responsibility and/or authority.

~~—(8)—~~

- (8) Goods or services provide to the City.

~~—(9)—~~

- (9) Meals and refreshments served in an 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 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.

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 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 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 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 person or company who has a substantial matter pending before the 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 person, other than the City, for monetary or other valuable compensation, before the 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.

B.

- B. No agency shall employ any individual who has served as an ~~officer~~Officer of the agency during the preceding 18 months or any ~~immediate family~~Immediate Family member of an individual who has served as an ~~officer~~Officer of the agency during the preceding 18 months. No ~~officer~~Officer of an agency or any ~~immediate family~~Immediate Family member of an ~~officer~~Officer of an agency shall apply for or accept employment by that agency during the time that said ~~officer~~Officer is serving for the agency and for a period of 18 months after said ~~officer~~Officer ceases to serve in the 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 officerOfficer, employeeEmployee, agency, or member of the public, or upon its own motion, may render advisory opinions concerning officerOfficers and employeeEmployees 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 officerOfficer or employeeEmployee involved, if agreed to by both the individual involved and the Board.

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

E. Probable cause hearings and subsequent procedures.

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

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

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

Any 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 officerOfficer or employeeEmployee or

an 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)

~~[21] (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 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 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 ~~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—State Marshal ~~sheriff~~, constable or indifferent person, any Respondent(s) ~~respondent~~ against whom a complaint is filed not later than 10 business days after the Investigating Panel ~~investigating panel~~ is formed. A copy of such complaint, the name of the Complainant(s) ~~complainant(s)~~ and any subsequent changes to the complaint shall accompany such notice. The Board shall also notify the complainant in writing of its receipt of such complaint not later than 10 business days after the Investigating Panel ~~investigating panel~~ is formed.

— ~~[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 person to the ~~respondent~~ Respondent(s) and Complainant(s) ~~complainant~~ within seven days of such amendment.

— ~~(b) (c)~~ [KM26]

(c) Investigation of probable cause; Confidentiality of Initial Proceedings. The Investigating Panel ~~investigating panel~~ members shall investigate the complaint and any expansion ~~supplement~~ thereto. For this purpose, hearings and meetings may be held to determine whether or not there is 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 ~~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

~~investigating panel~~ shall disclose his or her knowledge of the probable cause investigation to a third party. 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 probable cause hearings before 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 probable cause hearing process.

~~— Finding of Probable Cause, Written Report, Hearing Before~~

(d)

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

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

~~— (d) [11] Finding of Probable Cause, Written Report, Hearing Before~~

(i)

~~— (i) Finding of Probable Cause.~~ A decision regarding probable cause 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 probable cause to believe that the Respondent ~~respondent~~ has violated the Code of Ethics exists shall require two concurring votes from the members of the Investigating Panel ~~investigating panel~~.

(ii)

(iii) ~~(ii) Written Report of Investigating Panel; Public Hearing Before Hearing Board.~~ If the Investigating Panel determines that there is probable cause 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 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) ~~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 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 State Marshal, constable or indifferent person 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 board~~Hearing Board shall give notice of any report of probable cause made by the Investigating Panel ~~investigating panel~~in writing, and a copy of the report shall be sent by registered or certified mail or by personal service by a ~~sheriff~~State Marshal, constable or indifferent person to the Respondent ~~respondent~~ and Complainant ~~complainant~~ within 10 business days of its receipt by the ~~hearing board~~Hearing Board .

~~(b) [5]~~ Hearings

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

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

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

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

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

~~—(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 ~~complainant~~.

~~—[iii] [c]~~

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

~~—[i]~~

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

~~—[ii]~~

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

~~—4. [9] [KM35]~~

(4) Rules and procedure for public hearings.

~~—(a) [a]~~

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

~~—(b) [b]~~

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

~~—[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) [ii] 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) [c]~~ Rules of Procedure

The Board of Ethics shall have the power to adopt and amend rules of procedure for hearings conducted pursuant to the Code of Ethics, provided such rules are approved by a majority vote of the entire Common Council, after publication of the text of the proposed rules of procedure or amendments thereto in a newspaper having a general circulation in the City. Any rules of procedure or amendments thereto shall become effective 30 days after adoption, and the full text of the rules for procedure, adopted in accordance with this section, shall be published and maintained as part of Chapter 32 of the Code of the City of Norwalk.^[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 and agencies before March 31 of each year.

~~(1) ii~~

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

~~[10]~~

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

§ 32-13. Effect of violation.

~~—A.~~

A. A violation of this Code of Ethics:

~~—(1)~~

(1) By an elected ~~officer~~Officer 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 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 a ~~employee~~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.~~

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]

§ 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 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 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 determines that the complaint was brought in bad faith and a Respondent is not in violation of the Code, the Board of Ethics may recommend to the Common Council that a Rrespondent be reimbursed for any and all expenses incurred in defending an ethics complaint including the costs of the Rrespondent's counsel. The Council may authorize such reimbursement subject to the availability of funding by the City.

§ 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 B

Board of Ethics Revisions through 6/23/2017 5/2/2017

Chapter 32. Code of Ethics

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

GENERAL REFERENCES

Administration — See Ch. 9.

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

§ 32-1. Title; administration.

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

§ 32-2. Declaration of policy.

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

§ 32-3. Definitions.

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

AGENCY

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

CLEAR AND CONVINCING EVIDENCE

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

EMPLOYEE

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

FINANCIAL BENEFIT

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

HEARING BOARD

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

IMMEDIATE FAMILY

~~Includes, but is not limited to~~, A 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 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 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 probable cause to proceed to a public hearing on such a complaint. No two members of an Investigating Panel ~~investigating panel~~ shall be registered members of the same political party, and ~~at least one member of the Investigating Panel~~ ~~investigating panel~~ shall ~~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 probable cause there must be facts and circumstances within the ~~investigating panel~~ Investigating Panel members' knowledge, based upon trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of Ethics has occurred. The Investigating Panel ~~investigating panel~~ shall be guided by established law in the State of Connecticut in making a determination of what constitutes probable cause.

YEAR

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

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

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

A Municipal Employee or Officer shall:

~~A Municipal Employee or Officer shall:~~

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

-
- (5) (v) —~~Officer and employee of the City should avoid~~ Avoid engaging in any business or transaction and should refrain from having an interest, directly or indirectly, which is materially in conflict with or materially incompatible with the proper discharge of his or her official duties for the City or might otherwise influence or impair his or her independence of judgment and action in the performance of said duties for the City; Avoid engaging in any business or transaction or having a personal, immediate family or business interest, directly or indirectly, which is in material conflict with or incompatible with the proper discharge of his or her official duties or that by creating a divided loyalty might influence or impair his or her independence of judgment and action in the performance of said duties. A conflict of interest exists whenever an officer or employee will more likely than not benefit, disproportionately from other citizens of the city, directly or indirectly, from a decision over which they have influence.
 - (6) (vi) ~~—[KM5]~~ —Not deliberate or participate in a decision or action by the Agency of which the individual is a member or is employed if such individual or any member of his or her Immediate Family has any interest in the matter or would be likely to gain or lose any benefit that is not common to the general interest of the public as a result of the decision or action before that 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) ~~—[KM6]~~ —Not, by virtue of his or her office or position of employment with the City, grant any special consideration, treatment or advantage to any person beyond that which is generally available to the public;
 - (8) (viii) ~~—[KM7]~~ —Not, by virtue of his or her office or position of employment with the City, receive any special consideration, treatment or advantage in any activity or business

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

B. Conflicts of Interest^[KM8]:

y

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

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

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

—

~~B.~~

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

~~C.~~

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

~~D.~~

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

^[KM10]~~C.E.~~ **Exceptions**

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

—~~(1)~~

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

(1)

—~~(2)~~

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

(2)

—~~(3)~~

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

—

—~~(4)~~

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

—

—~~(5)~~

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

—

—~~(6)~~

(6) Employment of an ~~officer~~Officer or ~~employee~~Employee by a public utility regulated by the Public 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 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 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 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~~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 person having a matter pending before the agency of which the ~~officer~~Officer or ~~employee~~Employee is an ~~officer~~Officer or ~~employee~~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.^[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 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 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 \$150~~400~~ 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.

~~—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 year) may be distributed or made available to all attendees, and which are not designed to influence the proper judgment or action of the ~~officer~~Officer or ~~employee~~Employee within the scope of his or her official responsibility and/or authority.

~~—(3)~~

- (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 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 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 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 awards, plaques, gifts or 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 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 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 person or company who has a substantial matter pending before the 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 person, other than the City, for monetary or other valuable compensation, before the 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.

B.

- B. No agency shall employ any individual who has served as an ~~officer~~Officer of the agency during the preceding 18 months or any ~~immediate family~~Immediate Family member of an individual who has served as an ~~officer~~Officer of the agency during the preceding 18 months. No ~~officer~~Officer of an agency or any ~~immediate family~~Immediate Family member of an ~~officer~~Officer of an agency shall apply for or accept employment by that agency during the time that said ~~officer~~Officer is serving for the agency and for a period of 18 months after said ~~officer~~Officer ceases to serve in the 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, 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 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 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 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 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 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 ~~officer~~Officers or ~~employee~~Employees. The Investigating Panel ~~investigating panel~~members may delete, defer or reject any part of a complaint that does not conform to the requirements specified by the Board of Ethics. If any member of the Board of Ethics initiates or is involved in a complaint, he or she will recuse himself or herself from the Board of Ethics for the purposes of that complaint, including the appointment of the Investigating Panel ~~investigating panel~~and any ~~hearing board~~Hearing Board, and an alternate of the Board shall serve in his or her place as to all further proceedings on that complaint.

(b)

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

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

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

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

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

- (c) Investigation of probable cause; Confidentiality of Initial Proceedings. The Investigating Panel investigating panel members shall investigate the complaint and any expansion supplement thereto. For this purpose, hearings and meetings may be held to determine whether or not there is 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 respondent requests that such investigation and hearing be open. Request by the Respondent for a public hearing shall waive the confidentiality requirement of the investigation and hearing. Pending the outcome of the probable cause hearing, no member of the Board of Ethics or Investigating Panel investigating panel shall disclose his or her knowledge of the probable cause investigation to a third party. By filing a complaint with the Board of Ethics, the Complainant shall be bound by the requirement of confidentiality 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. 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 probable cause hearings before the Investigating the Investigating Panel investigating panel. The Investigating Panel investigating panel may, in its discretion, hear testimony or take written statements from the Complainant complainant and any other witnesses it deems necessary to its investigation. The Investigating Panel investigating panel may retain counsel or investigators to assist it in the probable cause 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 probable cause 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 probable cause to believe that the Respondent ~~respondent~~ has violated the Code of Ethics exists shall require two concurring votes from the members of the Investigating Panel ~~investigating panel~~.

(ii)

(iii) ~~(ii) Written Report of Investigating Panel; Public Hearing Before Hearing Board.~~ If the Investigating Panel determines that there is probable cause 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 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) ~~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 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 State Marshal, constable or indifferent person 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 board~~Hearing Board—shall give notice of any report of probable cause made by the Investigating Panel ~~investigating panel~~in writing, and a copy of the report shall be sent by registered or certified mail or by personal service by a ~~sheriff~~State Marshal, constable or indifferent person to the Respondent ~~respondent~~ and Complainant ~~complainant~~ within 10 business days of its receipt by the ~~hearing board~~Hearing Board .

~~—(b) [5]~~ Hearings

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

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

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

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

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

~~—(e) [8]~~

(e) Extension of time.

~~—[i] [a]~~

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

~~—[ii] [b]~~

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

~~—[iii] [c]~~

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

~~—[i]~~

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

~~—[ii]~~

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

~~—4. [9]~~ [KM35]

(4) Rules and procedure for public hearings.

~~—(a) [a]~~

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

~~—(b) [b]~~

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

~~[i]~~

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

~~—[i] [A]~~

- (i) To be represented by counsel.

~~—[ii] [B]~~

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

~~—[iii] [C]~~

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

~~—(c) [ii] 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) [c]~~ Rules of Procedure

The Board of Ethics shall have the power to adopt and amend rules of procedure for hearings conducted pursuant to the Code of Ethics, provided such rules are approved by a majority vote of the entire Common Council, after publication of the text of the proposed rules of procedure or amendments thereto in a newspaper having a general circulation in the City. Any rules of procedure or amendments thereto shall become effective 30 days after adoption, and the full text of the rules for procedure, adopted in accordance with this section, shall be published and maintained as part of Chapter 32 of the Code of the City of Norwalk.^[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 and agencies before March 31 of each year.

~~(1) iii~~

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

~~[10]~~

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

§ 32-13. Effect of violation.

~~—A.~~

A. A violation of this Code of Ethics:

~~—(1)~~

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

~~—(2)~~

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

~~—(3)~~

(3) By an ~~employee~~Employee of an 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 Municipal 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 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 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 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.~~

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

Exhibit C

CHAPTER 19. - ETHICS, CODE OF^[1]

GENERAL REFERENCES

City-owned property—See Ch. 9.

Officers and employees—See Ch. 40.

Personnel—See Ch. 47.

Footnotes:

--- (1) ---

History— Adopted by the Board of Representatives of the City of Stamford 3-1-1993 as Ord. No. 706. Amendments noted where applicable.

Editor's note— This ordinance also repealed former Ch. 19, Ethics, Code of, adopted 5-1-1989 as Ord. No. 640.

Sec. 19-1. - Title.^[1.1]

This chapter shall be known and referred to as "The Stamford Municipal Code of Ethics."

Footnotes:

--- (1.1) ---

Amended 11-14-2005 by Ord. No. 1049.

Sec. 19-2. - Declaration of policy.^[1.2]

- A. Public service is a public trust, and the proper operation of the City of Stamford 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 personal or financial gain or 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 Stamford must refrain from personal, business and financial activities that can reasonably be interpreted to reflect adversely on 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 for all city officers and employees.

Footnotes:

--- (1.2) ---

Amended 11-14-2005 by Ord. No. 1049; 2-4-2013 by Ord. No. 1155.

Sec. 19-3. - Definitions.^[2]

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

Agency. Includes a board, agency, commission, department or other entity of the city.

Business. An association, commercial entity, corporation, enterprise, firm, franchise, holding company, organization, partnership, sole proprietorship, trust or other legal entity established to earn money.

Business with which he or she is associated. A business in which an officer or employee or a member of his or her immediate family is a paid employee, director or officer, or is a limited or general partner, beneficiary of a trust or holder of stock constituting five percent (5%) or more of the total outstanding stock of any class, or the owner of five percent (5%) or more of the equitable ownership interest, provided an officer or employee, or a member of his or her immediate family shall not be deemed to be associated with a not-for-profit entity solely by virtue of the fact that the officer or employee or member of his or her immediate family is an unpaid director or officer of the not-for-profit entity.

Clear and convincing evidence. The evidence supports the allegation that the respondent has violated the Code of Ethics, when considered fairly and impartially, and induces a reasonable belief in the minds of the Hearing Board Members that the allegations are true. Said evidence must indicate to said members that the probability that the respondent has committed a violation is substantially greater than the probability he or she has not.

Employee. An individual employed by the city, whether as a classified employee, unclassified, permanent or temporary, full-time or part-time, or employed by contract on a continuing basis, and all employees of the Board of Education.

Hearing board members. Three (3) individuals who are selected by the Chairperson from among the members of the Board of Ethics, including alternates, 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. No more than two (2) hearing board members shall be registered with the same political party.

Immediate family. Includes a spouse, child, grandchild, brother, sister, in-laws, parent or grandparent or persons who reside in the same household.

Individual. A natural person.

Investigating board members. Three (3) individuals who are selected by the Chairperson from among the members of the Board of Ethics, including alternates, to investigate and to determine whether there is probable cause to proceed to a public hearing. No more than two (2) investigating board members shall be registered with the same political party.

Officer. An individual elected to a municipal office or appointed by the Mayor, including but not limited to ad hoc committee members and members of the Board of Education, but excluding Justices of the Peace and constables.

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

Probable cause. More than mere suspicion. There must be facts and circumstances within the Investigating Board members' knowledge, and of which they have trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of Ethics has occurred.

Prohibited source. Any person who: (1) is seeking official action by the officer, the employee or their agency; or (2) does official business or seeks to do official business with the officer, the employee or their agency; or (3) conducts activity regulated by the officer, the employee or their agency; or (4) has interests that might be substantially affected by the performance or non-performance of the official duties of the officer, the employee or their agency.

Footnotes:

--- (2) ---

Amended 11-1-1994 by Ord. No. 738; 11-14-2005 by Ord. No. 1049; 9-5-2006 by Ord. No. 1059; 2-4-2013 by Ord. No. 1155.

Sec. 19-4. - Conflicts of interests; interference with duties.^[2.1]

No officer or employee shall engage in any business or transaction or have 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.

Footnotes:

--- (2.1) ---

Amended 11-14-2005 by Ord. No. 1049.

Sec. 19-5. - Prohibited interests.^[2.2]

- A. Unless otherwise provided by law, an officer or employee shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if said individual or any member of his or her immediate family or a business with which he or she is associated would be likely to gain or lose a material benefit that is not common to the general interest of other citizens of the city.
- B. An officer or employee shall not grant special consideration, treatment or advantage to any person beyond that which is generally available to other citizens of the city.
- C.

An officer or employee shall not receive special consideration, treatment or advantage in any activity or business transaction in which the city is a client or a customer beyond that which is generally available to other citizens of the city.

D. Subsections A, B and C of this section do not prohibit:

- (1) An officer or employee being employed by a person having a contract of a kind available to all through open bidding with the city if the preparation, procurement and performance of the contract are not before the officer's or employee's agency.
- (2) A purchase or sale between the city and an officer or employee of the city of property or an interest in or acquisition by condemnation by the city, if the transaction is conducted according to applicable procedure. The officer or employee must take no part in the transaction on behalf of the city. The terms of the transaction must be approved, in writing, by an officer or board independent of or having authority over the officer or employee.
- (3) An officer or employee entering a contract or transaction with the city, not within his or her agency, of a kind available to all through open bidding.
- (4) Performance of a contract entered prior to an individual's having become an officer or employee of the city if the contract is disclosed in accordance with § 19-11 of this chapter.
- (5) An officer or employee being employed by a newspaper that publishes a public notice, resolution, ordinance or other document, the publication of which is required by law.
- (6) An officer or employee being employed by a public utility regulated by the Public Utilities Commission.
- (7) An officer voting on a proposed municipal or Board of Education budget or appropriation provided that the total financial interest to the officer's immediate family, including, but not limited to, salary, health benefits, and pension, is insubstantial compared to the budget or appropriation being considered, or the appropriation is substantially unrelated to such total financial interest, and it is reasonable to expect that any likely action on said budget or appropriation will not financially or otherwise impact such officer or his or her immediate family.
- (8) A municipal or Board of Education employee, or Commission or Board member preparing and advocating budgets that are acted upon by the Board of Education, and/or the Planning Board, Board of Finance and/or Board of Representatives.

Footnotes:

--- (2.2) ---

Amended 11-14-2005 by Ord. No. 1049; 2-4-2013 by Ord. No. 1155.

Sec. 19-6. - Prohibited representation.

- A. No officer or employee shall represent a person, other than the city, before the agency of which he or she is a member or by which he or she is employed, or an agency under his or her supervisory authority, except for representation of constituents by an officer in the course of his or her

responsibilities as such. No compensation or gift may be accepted in connection with such representation.

- B. An officer or employee who is employed or under retainer by a person having a matter pending before the agency of which the officer or employee is a member shall disclose that fact and shall abstain from participation in the matter. Participation includes but is not limited to discussion and/or voting on the matter.

Sec. 19-7. - 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, except:

- A. For city business;
- B. For purposes and on terms generally available to other persons; or
- C. According to a contract of employment with the city in which use of such property is part of the compensation or term of employment.

Sec. 19-8. - Prohibited use of influence and information.^[2.5]

- A. An officer or employee shall not attempt to influence any other officer or employee about any matter before any city agency from which said officer or employee would be likely to gain or lose a material benefit that is not common to the general interest of other citizens of the city. This subsection does not prohibit an officer or employee from communicating about a matter in which he or she has a property, contract or other legally protected interest as a citizen of the city, if the communication is:
 - (1) With an officer or employee responsible for the matter on behalf of the city; and
 - (2) Reasonable and necessary in transacting the matter and is conducted by means and in terms that other persons generally might lawfully use in the circumstances.
- B. Unless otherwise required by state law, an officer or employee shall not disclose city information other than in accordance with established city procedure where it is reasonably foreseeable that disclosure of the information will permit the officer or employee or any other person to obtain a material benefit that is not common to the general interest of other citizens of the city.
- C. An officer or employee shall not use information concerning the property or governmental affairs of the city, other than that which is generally available to the public, for the purpose of advancing the personal interest of himself, herself or others.

Footnotes:

--- (2.5) ---

Amended 11-14-2005 by Ord. No. 1049; 2-4-2013 by Ord. No. 1155.

Sec. 19-9. - Prohibited gifts.^[3]

- A. Except as provided for by his or her office or under the terms of his or her employment, no officer or employee, or member of his or her immediate family, or business with which he or she is associated, shall solicit or accept anything of value, including, but not limited to, a gift, service, loan, political contribution, or promise of future employment in exchange for providing confidential information or based on an understanding that the vote, official action, or judgment of the officer or employee is to be, or has been, influenced thereby.
- B. No officer or employee may knowingly accept, nor may the spouse, child or parent of an officer or employee, or any person who resides in the household of an officer or employee knowingly accept, with said officer's or employee's express or implied consent, anything having a value of fifty dollars (\$50.00) or more from a prohibited source, and the aggregate value of all things received from that source by any such recipient in a calendar year shall not exceed one hundred fifty dollars (\$150.00). Each officer or employee shall be bound by this section for a period of one (1) year after the officer or employee has left his or her position with the city.

This section does not prohibit:

1. Gifts or social courtesies between the officer or employee and donors who are immediate family (as defined in Section 19-3 above).
2. 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 from donors, who are: (a) other relatives that are not "immediate family" as defined in Section 19-3 above, or (b) close personal friends.

Gifts made under Section 19-9.B.(2) must be disclosed in writing within ninety (90) days to the Board of Ethics. In the event of a complaint of a violation of Section 19-9.B.(2), 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.

3. Public, governmental-sponsored or informational events generally accepted as a condition of office or employment, where food may be served and small souvenirs of the event, of a minor monetary value, may be distributed to all attendees, which are not designed to influence the proper judgment or action of the officer or employee in a matter within his or her authority.
4. Political contributions received in compliance with law.
5. Loans obtained according to commercial practice at the prevailing rate of interest.
6. Customary performance, merit awards, retirement gifts or honorariums, consistent with municipal practice.
7. Awards, plaques, gifts or other things of value given to employees as part of an official Employee Recognition/Incentive Program.

Footnotes:

--- (3) ---

Amended 7-1-1996 by Ord. No. 787; 11-8-2004 by Ord. No. 1037; 11-14-2005 by Ord. No. 1049; 9-5-2006 by Ord. No. 1059; 1-9-2006 by Res. No. 3020; 2-4-2013 by Ord. No. 1155.

Sec. 19-10. - Specific violations.^[4]

- A. Ordinances. It shall be a violation of the Stamford Municipal Code of Ethics for any city officer or employee to willfully violate the provisions of:
 - (1) Chapter 23, Article II of the Code of Ordinances, as amended, concerning the purchasing of supplies, materials, equipment and services.
 - (2) Chapter 52, Article II of the Code of Ordinances, guaranteeing legislative access [to] city records and data.
- B. Budget line items. It shall be a violation of the Stamford Municipal Code of Ethics for any city officer or employee to intentionally misrepresent any matter concerning budget line items.
- C. Board of Ethics' access to information. It shall be a violation of the Stamford Municipal Code of Ethics for any city officer or employee to intentionally deny access to information requested by the Board of Ethics in the course of an investigation or a public hearing, except to the extent that said city officer or employee is required or entitled to do so under relevant federal, state or local law.
- D. Additional specific violations. The Board of Representatives 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.
- E. Examples only. The violations listed in this section are merely specific examples of Code of Ethics violations. Violations of the code are not limited to said examples.

Footnotes:

--- (4) ---

Amended 4-4-2001 by Ord. No. 954; 2-4-2013 by Ord. No. 1155.

Sec. 19-11. - Disclosure of interests.^[5]

- A. *Disclosure of conflict of interest.* Any municipal officer or employee who has, knows he or she will have or later acquires a conflict of interest, as provided in Section 19-4, as a result of any matter under consideration before him or her, or his or her department, in his or her or its official capacity shall disclose the existence of the conflict of interest, in writing or on the record, to the chairperson of the agency, commission or board of which he or she is a member, or in the case of an employee, to his or her superior. Such persons shall not debate the matter in his or her official capacity as part of the agency, commission or board and shall disqualify himself or herself from voting or acting on such matter.
- B. *No discussion by disqualified individuals.* No officer or employee, disqualified due to a conflict of interest, shall discuss the matter under consideration with the intent of influencing any person who will participate in the action to be taken on that business. Prior to any public or private discussion on the

matter, the disqualified officer or employee must notify the person to whom he or she is speaking about his or her conflict of interest.

- C. *Cooperation with Board of Ethics.* Any officer or employee whose conduct occasions an inquiry by the Board of Ethics concerning his or her compliance with this code shall, upon request by the Board, supply relevant information as detailed by the Board, except to the extent he or she is entitled to decline to do so on the basis of constitutional rights or governing state or federal law. Failure to supply information as requested shall result in a violation of this code.

Footnotes:

--- (5) ---

Amended 11-8-2004 by Ord. No. 1037; 11-14-2005 by Ord. No. 1049; 9-5-2006 by Ord. No. 1059; 2-4-2013 by Ord. No. 1155.

Sec. 19-12. - 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 in which the officer or employee is employed during said period of employment or during the period of time said officer holds office. A matter is "substantial" if it involves a financial value of one thousand dollars (\$1,000.) or more or involves a question of policy of comparable significance.

Sec. 19-13. - Subsequent employment.

An individual who has served as an officer or employee shall not:

- A. Assist any person, other than the city, in any matter in which said individual participated personally and substantially during his or her service with the city.
- B. Within one (1) year after termination of his or her service, assist any person, other than the city, in any matter that was pending before the agency in which he or she was employed; or appear before the agency in which he or she was a member or employed, or assist any other person to make such an appearance.

Sec. 19-13.1. - Prohibited actions.^[5.3]

No person shall take or threaten to take official action against an individual in retaliation for such individual's good faith ethics complaint or disclosure of information to the Board of Ethics under the provisions of this Code of Ethics.

Footnotes:

--- (5.3) ---

Amended 11-14-2005 by Ord. No. 1049.

Sec. 19-14. - Board of Ethics.^[6]

A. *Appointment of members and alternates.*

- (1) The Board of Ethics shall consist of seven (7) members, no more than four (4) of whom shall be registered with any one political party, and two (2) alternates neither of whom shall be registered with the same political party.
- (2) All Board members and alternate Board members shall be resident electors of the City of Stamford. They shall be appointed by the Mayor and approved by a vote of two-thirds (2/3) of the members of the Board of Representatives present and voting. No nominee for appointment by the Mayor to be a Board member or alternate Board member shall have been an officer in a political party, a candidate for any office within the City of Stamford, or a chair of a campaign of a candidate for any office within the City of Stamford, for the period of one (1) year prior to such nomination. Upon appointment by the Mayor, all Board members and alternate Board members shall continue to refrain from such activity throughout their terms on the Board.
- (3) All members and alternates shall serve without compensation for a term of three (3) years, which shall expire on December 1 of the final year of a member's term, subject to continuance in office for a period not to exceed the lesser of six (6) months or until his or her successor has been nominated by the Mayor and approved by the Board of Representatives. No member may serve for more than three (3) consecutive terms, except that those members who are currently serving on the Board of Ethics may serve for an additional term beyond their present term.
- (4) In order to preserve continuity on the Board, the first terms of the two (2) alternates shall be staggered so that one (1) of the alternates serve a term of two (2) years and the other shall serve for three (3) years. Upon the expiration of the original terms, all alternates shall then serve three (3) year terms as stated in § 19-14A(3) above.
- (5) Notwithstanding the foregoing, the term of a member or an alternate shall not end until the conclusion of any case, initiated during the member's or alternate's term, provided that, in no event shall a member or alternate's term extend more than six (6) months beyond the expiration of such term.
- (6) Alternates shall be considered working members of the Board, and, at the discretion of the Chairperson, they may ask questions and otherwise participate in the hearing process. The Chairperson shall have the right to limit such participation in any manner that he or she deems necessary.

B. *Organization.* The Board shall elect a Chairperson and a Secretary. The Board shall keep minutes of its meetings, which shall be filed in the office of the Town and City Clerk, and shall hold meetings at the call of the Chairperson and at such times as the Board may determine. Four (4) members present shall constitute a quorum in order for the Board to conduct official business. For the purposes of this section, alternates may be considered as members for the purpose of establishing that a quorum is present.

C. *Opinions and advice.*

- (1) *Advisory opinions.*

- (a) The Board shall render advisory opinions pursuant to:
1. a written request from any officer or employee concerning his or her behavior with respect to this Code of Ethics; or
 2. a written request concerning any officer or employee or any group of officers or employees, made by the Mayor, Corporation Counsel, President of the Board of Representatives, any six (6) members of the Board of Representatives, Town and City Clerk, a majority of the Board of Finance or a majority of the Board of Education; or
 3. a written request concerning any member, alternate, employee or any group of members, alternates, or employees of any board or commission, made by the President, Chairperson or one-third (1/3) of the membership, including alternates, of any such board or commission; or
 4. a written request concerning any supervised employee or employees, made by an officer or employee with supervisory authority over such employee.
- (b) The Board may, by a majority vote of the entire Board, decline to consider any request or may expand the scope of the opinion to include other officers, board or commission members or alternates, or employees not specifically named in the request or to exclude any officer(s), member(s), alternate(s) or employee(s) named in the request.
- (c) An advisory opinion shall only be issued when all hearings concerning the request are held in open public meeting. Such advisory opinion shall be binding on the Board, the officer(s), board or commission member(s) or alternate(s), or employee(s) until amended or revoked, and reliance on it in good faith shall be an absolute defense in any action or proceedings brought under the provisions of this Code of Ethics.
- (d) Within one hundred (100) days of valid receipt of the request, the Board shall render its opinion, or act not to consider such request, and shall file such opinion or action with the office of the Town and City Clerk.
- (e) The Board of Ethics may amend or revoke any advisory opinion. Written notification of such amendment or revocation shall be made to the Mayor, Corporation Counsel, President of the Board of Representatives, and Town and City Clerk within thirty (30) days of such amendment or revocation.
- (2) *Personal advice.* Upon the written request from any officer or employee to obtain personal advice for that individual with respect to potential future official actions and this Code of Ethics, and a request that such advice or hearings be kept confidential, the Chairperson of the Board may request that one (1) member hear any such request and offer advice with respect to this Code of Ethics pursuant to that specific request. Said board member may offer such advice without holding open public hearings concerning the request, and, provided that the employee or officer appears to be acting in good faith and that no crime has been or will be committed, shall maintain any requested confidentiality, but only to the extent permitted by law and unless compelled by legal process. Such advice shall not be binding on the officer or employee, or the Board of Ethics.

Reliance on such advice shall not be a defense in any action or proceedings brought under the provisions of this Code of Ethics, although the Board may consider such advice in any such proceedings. The member so appointed for the purpose of giving such advice shall recuse himself or herself from any and all future action concerning the said officer or employee, including, but not limited to, ethics complaints or requests for advisory opinions on the issue or issues involved in the specific request.

D. *Ethics complaints, investigation and procedures.*

(1) *Filing of the complaint, notification and amendment.*

- (a) Any person may submit a written complaint, on 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 a person who was an officer or employee within the preceding year. The complaint shall contain the specific act or acts which allegedly constitute the violation.
- (b) Upon receipt of said complaint by the Chairperson, or by the Secretary of the Board in the Chairperson's absence, the Chairperson of the Board of Ethics shall select, on a rotating basis, as practical, three (3) members from among the regular and alternate Board members, to be the three (3) Investigating Board members, as defined above. If a complaint is brought against a Board member, the member may not participate in any proceedings until that complaint is resolved. The Investigating Board members may delete, defer or reject any part of a complaint that does not conform to its requirements. No member or alternate member of the Board of Ethics may initiate a complaint.
- (c) The Board 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 seven (7) days after receipt of such complaint. A copy of such complaint and any subsequent changes shall accompany such notice. The Board shall also notify the complainant in writing of its receipt of such complaint, and any subsequent changes, not later than seven (7) days after receipt of the complaint.
- (d) Subsequent to the filing of the original complaint, the Investigating Board members may, at their discretion, amend any complaint filed with the Board to include other violations which they reasonably suspect to have occurred, based on allegations in the original complaint. Any such amendments 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 (7) days of such amendment.

(2) *Investigation of probable cause.*

- (a) The Investigating Board members shall investigate the complaint and such amendments as they may have added. For this purpose, informal hearings may be held to determine whether or not there is probable cause to believe that the respondent has violated the Code of Ethics.
- (b)

Any investigation and hearing, if held, shall be confidential and shall not be open to the public unless the respondent requests that such investigation, hearing and disclosure be open or if there is a finding of probable cause. By filing a complaint with the Board of Ethics, the complainant shall be bound by the requirement of confidentiality in the investigative 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. Pending the outcome of the probable cause hearing, no member of the Board of Ethics shall disclose his or her knowledge of such investigation to a third party, except to the extent necessary to conduct their investigation. 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.

(3) *Finding of probable cause.*

- (a) A decision regarding probable cause shall be made by the Investigating Board members within sixty (60) days after the date that the Board received the complaint. A finding that probable cause to believe that the respondent has violated the Code of Ethics exists shall require two (2) concurring votes.
- (b) If the Investigating Board members determine that probable cause that the respondent has violated the Code of Ethics does not exist, they shall dismiss the complaint.
- (c) If the Investigating Board members determine that probable cause that the respondent has violated the Code of Ethics does exist, they shall submit a written report to the Chairperson of the Board of Ethics to initiate public hearings, unless they and the respondent reach a stipulated agreement to resolve the complaint. Once probable cause has been determined, any such stipulated agreement shall require the approval of a majority of the non-Investigating Board members. Notwithstanding the foregoing, in the event an agreement is stipulated to or a withdrawal of the complaint is filed prior to a determination of probable cause, approval by a majority of the non-Investigating Board members shall not be required. If no stipulated agreement is reached, public hearings shall commence within thirty (30) days of receipt by the Chairperson of the aforesaid written report.
- (d) In any public hearing held to determine a violation of the Code of Ethics, the Investigating Board members with the assistance of the Office of Legal Affairs or other counsel, shall have the responsibility of gathering and presenting evidence, together with the complainant, to the Hearing Board members. If necessary, outside counsel should be retained to represent the Hearing Board with respect to any public hearings, assuming the Office of Legal Affairs will be unable to do so because of its prior and/or continuing representation of the Investigating Board. The Investigating Board members shall not participate in any manner in the vote to determine a violation of the Code of Ethics.
- (e) The complainant and respondent shall be notified in writing of the decision regarding probable cause not later than seven (7) 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.

- (4) *Extension of time.* Upon extraordinary circumstances, reasonable extensions of time to any of the time limitations specified herein may be granted by the Board upon a vote of four (4) sitting members.
- (a) The Board shall give written notice of any extension(s) of time to the respondent and the complainant.
- (b) Exceptions.
1. No extensions may be given for time periods required for notification(s).
 2. No extensions may be given for the time limitation for ruling on actions unless otherwise specified herein.
- (5) *Rules and procedure for public hearings.*
- (a) Public hearings shall be conducted under the Board's rules and regulations, 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 Board shall be given the opportunity to compare the copy to the original; and the complainant and respondent shall have the right:
1. To be represented by counsel.
 2. To present oral or written documentary evidence which is not irrelevant, immaterial or unduly repetitious.
 3. To examine and cross-examine witnesses required for a full and true disclosure of the facts.
 4. To receive by registered or certified mail, or by personal service by a sheriff, constable or indifferent person, copies of the memorandum of decision by the Board within thirty (30) days after the conclusion of hearings on said complaint.
- (b) The Board of Representatives shall have the power to adopt rules of procedure for hearings conducted pursuant to the Code of Ethics, in addition to those contained in Subsection C(4)(a) above, by resolution adopted by a majority vote of the entire Board, 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 thirty (30) days after adoption, and the full text of the rules for procedure, adopted in accordance with this section, shall be available for public inspection at the office of the Town and City Clerk.
- (c) All Board of Ethics hearings shall be conducted in a manner in which they provide the respondent(s) with all due process that is required by federal, state and local law.
- (d) Upon the request of either the complainant, the respondent or any member of the Board, the Board shall cause the hearings to be recorded and a transcription to be made. If a copy of the transcript is requested by either the respondent or complainant, the requesting party shall

bear the costs for the same.

- (e) The Board may subpoena witnesses to testify and may compel production of documents and other effects as evidence, and failure to obey such subpoena shall constitute a misdemeanor.

(6) *Finding of a violation of the Code of Ethics.*

- (a) A finding of a violation of the Code of Ethics shall require the affirmative vote of two (2) of the three (3) Hearing Board members that there is clear and convincing evidence that the respondent has violated the Code of Ethics.
- (b) The written final decision shall specify the code section violated and a factual explanation supporting each violation and shall be on the form prescribed.
- (c) The Board shall file its memorandum of decision with the Mayor, Town and City Clerk, Corporation Counsel, Clerk of the Board of Representatives and any other public office it deems appropriate or is required under section 19-15.C of this chapter.

E. *Other powers and responsibilities.*

- (1) *Freedom of Information Act.* In order to ensure the public's right of access to the proceedings held in accordance with the provisions of this chapter, the Board of Ethics shall follow the requirements of the Connecticut Freedom of Information Act. ^[7]
- (2) *Annual Advisory Report.* On or before June 1 of each year, the Board shall submit to the Mayor and the President of the Board of Representatives a written report which shall include but not be limited to:
 - (a) A summary of its activities; and
 - (b) Recommendations for improvements in the Municipal Code of Ethics.

Footnotes:

--- (6) ---

Amended 11-1-1994 by Ord. No. 738; 11-14-2005 by Ord. No. 1049; 9-5-2006 by Ord. No. 1059; 2-4-2013 by Ord. No. 1155; 3-3-2014 by Ord. No. 1167.

--- (7) ---

Editor's note— See Sec. 1-19 et seq. of the Connecticut General Statutes.

Sec. 19-15. - Effect of violation.^[8]

A. *Grounds for removal.* A violation of this Municipal Code of Ethics:

- (1) By an elected officer may be considered dereliction of official duty, a cause of removal from office under Sec. C1-90-1 of the Stamford Charter.
- (2) By a member of an appointed board or commission may be considered misconduct in the performance of duties, a ground for removal under Sec. C6-00-3(c)(1) of the Stamford Charter.
- (3)

By a municipal employee may be a ground for demotion in rank or grade discharge, suspension with or without pay and/or a recommendation to his or her supervisory authority for appropriate disciplinary action under Sec. C6-140-8(14) of the Stamford Charter.

- B. *Public reprimand.* Any individual who is found in violation of this chapter may be issued a public reprimand by the Board of Ethics.
- C. *Recovery of damages by city.* Any individual who is found in violation of this chapter may be subject to a lawsuit 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 Ethics Ordinance hearing process shall not be included in the aforementioned damages and shall not be recoverable under the provisions of this subsection.
- D. *Placement in File.* Any city 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.
- E. *Voiding of action.* Where there has been a violation of the Stamford Municipal 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.

Footnotes:

--- (8) ---

Amended 11-14-2005 by Ord. No. 1049; 9-5-2006 by Ord. No. 1059; 2-4-2013 by Ord. No. 1155.

Sec. 19-16. - Jurisdiction.^[8.1]

- A. Time limitation for ruling on actions. No allegation in a complaint of a violation of the Stamford Municipal Code of Ethics shall be ruled upon by the Board of Ethics if three (3) years or more have 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 three (3) years of the filing of the complaint to the Board may be ruled upon.
- B. Tolling of period of limitation. 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.
- C. *Continuing investigations.* If an officer or employee under investigation leaves office or employment, the Board by a majority vote shall have the power to continue the investigation and, if necessary, hold a public hearing.

Footnotes:

--- (8.1) ---

Amended 2-4-2013 by Ord. No. 1155.

Sec. 19-17. - Legal Representation and Attorney's Fees.^[8.2]

- A. *Right to legal representation.* Any appointed or elected officer or employee of the city who is the subject of an ethics complaint shall have the right to legal representation by Corporation Counsel in such ethics action unless Corporation Counsel determines that a conflict of interest prevents such representation. If Corporation Counsel determines that a conflict of interest exists, such officer or employee shall have the right to retain outside counsel for legal representation in such ethics proceedings.
- B. *Reimbursement of attorney's fees.* If an appointed or elected officer or employee retains outside counsel for legal advice or representation in an ethics action due to a conflict of interest as determined by the office of Corporation Counsel, the City of Stamford shall reimburse such officer or employee for reasonable attorney's fees incurred in the action subject to the following conditions:
- (1) A written agreement defining the proposed scope of work and hourly rate or other fee agreement of such outside counsel shall be submitted to Corporation Counsel for review and approval prior to the start of covered services.
 - (2) Corporation Counsel shall have the authority to establish a reasonable scope of work, maximum hourly rate, a schedule of reimbursable and non-reimbursable fees and expenses, and/or a reasonable monetary cap on the fees and expenses that may be paid by the city as a part of such written agreement. Attorney's fees for services outside the scope of work or in excess of the approved fees in the written agreement shall be the responsibility of the officer or employee.
 - (3) The city shall reimburse such attorney's fees in accordance with the terms of the written agreement at the conclusion of the ethics proceedings if the complaint is withdrawn, dismissed, settled by stipulation (except as provided hereinafter) or there is no finding of probable cause of violation of the Code of Ethics. The city shall not reimburse attorney's fees in the event the Board of Ethics finds a violation of the Code of Ethics or if an officer or employee has stipulated in a settlement agreement to violating the Code of Ethics.

Footnotes:

--- (8.2) ---

Added 2-4-2013 by Ord. No. 1155.

Sec. 19-18. - Ethics training.^[9]

- A. *Ethics training.* The Director of Human Resources is responsible for developing and delivering, or contracting with other entities to develop and deliver, training programs for all officers and employees of the City of Stamford, whether elected or appointed, paid or unpaid, concerning the requirements of ethical behavior, as encompassed in the Code of Ethics. Such training shall be required promptly following the initial appointment, election or hiring of any officer or employee of the City of Stamford and mandatory follow-up training shall take place every four (4) years. The Director of Human Resources shall be responsible for certifying and maintaining records that all officers and employees have received such training.
- B.

Ethics Handbook. The Director of Human Resources shall create and maintain a handbook regarding the Code of Ethics, to be distributed, together with a copy of the Code of Ethics, to all officers and employees during training. A copy of the handbook shall be kept at the office of the Town and City Clerk.

Footnotes:

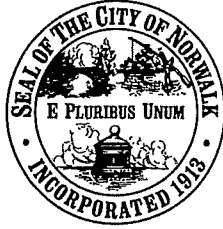
--- (9) ---

Added 7-9-2012 by Ord. No. 1145; § 19-17 amended and renumbered as 19-18 on 2-4-2013 by Ord. No. 1155.

CITY OF NORWALK

LAW DEPARTMENT

CITY HALL
125 EAST AVENUE, P.O. BOX 5125
NORWALK, CONNECTICUT 06856-5125



TEL: (203) 854-7750
FAX: (203) 854-7901

Memorandum Of Law

To: Ethics Commission

From: Mario F. Coppola, Corporation Counsel
Brian Candela, Assistant Corporation Counsel

Date: September 22, 2017

Re: **Analysis of recommended amendments/revisions to the Guide and Forms for the Code of Ethics (Chapter 32)**

We reviewed the guide and forms associated with the Code of Ethics. Based on this review, we have recommended revisions to these documents that you may want to consider. **See, Exhibit A (our proposed revisions to the City of Norwalk Board of Ethics Citizens' Guide to the Code of Ethics).** As indicated in our September 21, 2017 memorandum of law, one of us would like to attend your next meeting in order to further discuss these revisions. Our analysis of the proposed revisions is as follows:

Page 2, Section 1 – Conflicts of interest; influence or interference with duties:

Original language: "Officers and employees of the City of Norwalk should avoid engaging in any business or transaction and should refrain from having an interest, directly or indirectly, which is materially in conflict with or materially incompatible with the proper discharge of the individual's official duties."

Amended language: "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."

Page 3, Section 2 – Gifts:

"An officer or employee of the City of Norwalk shall not personally solicit, no accept any gift, form of service or item of a property value of \$150.00 or more in aggregate over the period of one year.¹

¹ Please note that the yellow highlighted language illustrates the differences in language between the December 3, 2009 City of Norwalk Board of Ethics Citizens' Guide to the Code of Ethics and our proposed revisions to the City of Norwalk Board of Ethics Citizens' Guide to the Code of Ethics.
{00027848.DOCX 1}

- 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 \$150.00 in value in aggregate over the period of one year, and 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 other ceremonial awards having a value of not more than \$200 as well as any awards, plaques, gifts or other things of value given to employees 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 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."

Page 3, Section 3, Subsection b – Subsequent Employment:

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

Page 4, Section 5, Subsection B – Use of Public Property:

"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;"

Page 5 – How does a citizen file a Complaint?

"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.”

Ethics Complaint Form, Page 3, Section 6:

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

Ethics Complaint Form, Page 4, Note 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.”

Exhibit A

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City of Norwalk, Connecticut
Board of Ethics
Citizens' Guide to Code of Ethics

December 3, 2009

Citizens' Guide to Code of Ethics

Contents:

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

Key Aspect of Ethical Behavior for Employees and Officers

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

Requirements for Filing a Complaint:

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

Complaint Process

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

Resources

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

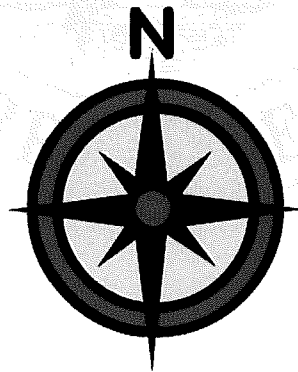
1. Introduction:

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

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

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

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



2. Guidelines for Ethical Behavior

Key Aspects of Ethical Behavior for Employees and Officers

What is expected?

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

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

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

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

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

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

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



2). Gifts

32-8

\$150



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

in aggregate over the period of one year.

Not included are:

- o Gifts or social courtesies related to family relationships. (c)(1)
- o Established personal friendships which are not designed to influence judgment or actions.
- o 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. (c)(2)
- o Political contributions received within applicable laws and regulations. (c)(3)
- o Loans obtained according to prevailing commercial practices and rates. (c)(4)
- o Customary performance and merit awards or honorariums. (c)(5)
- o Awards, gifts, etc, given as an official employee recognition program. (c)(6)(12)
- o Meals and refreshments not exceeding \$50 in value, not intended to influence judgment or actions. (c)(7)
- o Rebates, discounts obtained on the price of anything sold in the normal course of personal business. (c)(10)
- o Printed or recorded information, photographs and maps related to governmental functions/actions. (c)(11)
- o Certificates, plaques or ceremonial awards having a value of no more than \$200. see rest of 32-8 (c)(12)

Add § (c)(8)(9) →
Add § (c)(13) →

\$150

in aggregate over the period of one year

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. § 32-10

b) Subsequent Employment:

There is a minimum of one year before a terminated employee or officer shall be able to work or assist any agency by representing that agency to his or her former department, for monetary or valuable compensation. § 32-11

person or, other than the city,

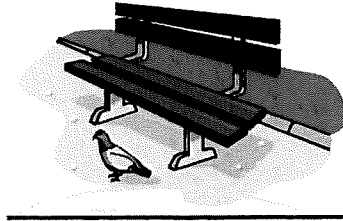
There are also requirements to prevent the appearance of nepotism that restrict the hiring of family members within the same department for which an officer or employee works or recently worked. § 32-11

Refer to the Code of Ethics for more detailed information.

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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 procedure or with appropriate authorization from the City. Further detail is available in the Code of Ethics.



Requirements

Who may file a Complaint?

Any person may file a Complaint with the Norwalk Board of Ethics. This Complaint alleges that a violation of the Code of Ethics has occurred. Those filing a Complaint or providing truthful information as part of an investigation are protected against retaliation under the Code of Ethics. § 32-12 (E)(1)

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. § 32-12 (E)(2)(c)

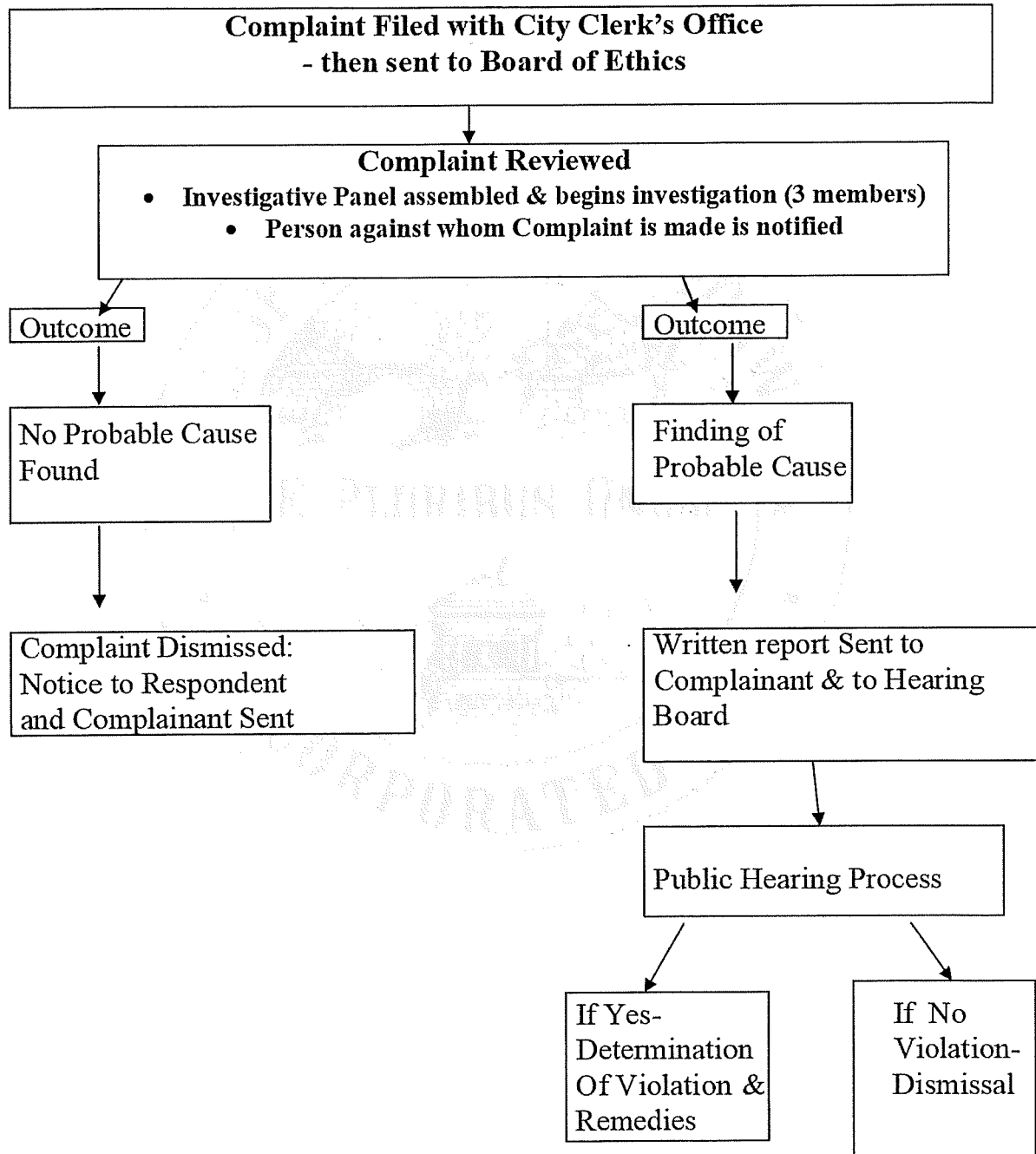
Once submitted, the Complaint may not be withdrawn by the Complainant without the approval of the Norwalk Board of Ethics. Unless the Board of Ethics advises you otherwise, the allegations in the Complaint and other information received from the Board of Ethics may not be disclosed to any third party,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

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

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 disallow the complaint.

City of Norwalk Code of Ethics Complaint Process

1). Diagram of Process:



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2). Process Explanation:

Investigation Process: § 32-12 (E)

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: § 32-12 (E)

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

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

3). Resources:

a). City of Norwalk Code of Ethics:

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

b). Training Available:

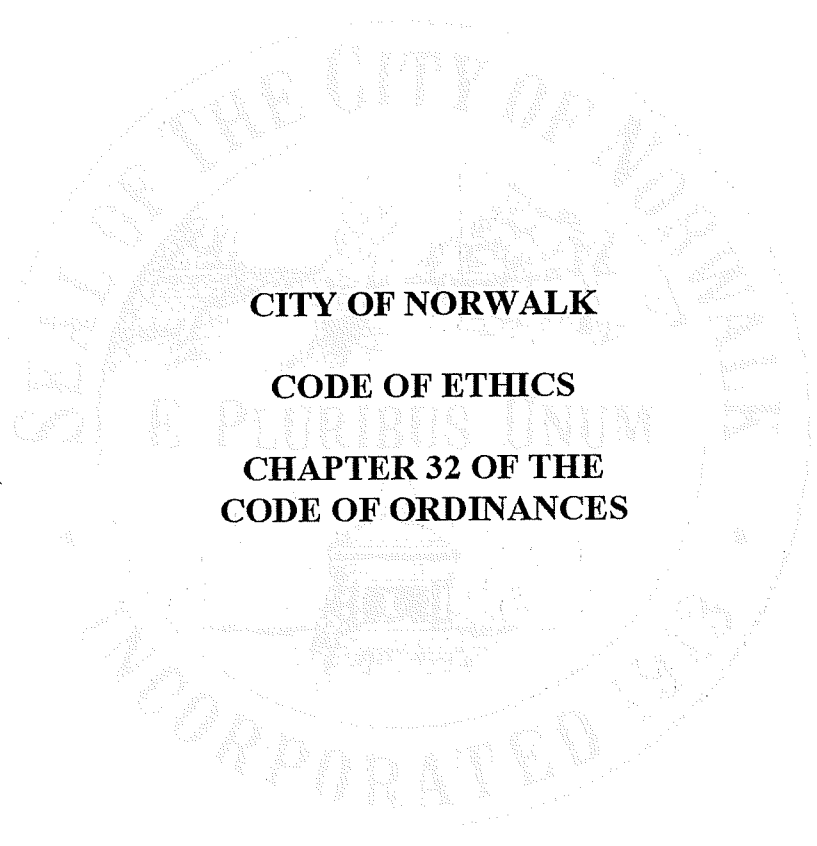
The State of Connecticut also provides On line training available at : www.ct.gov/ethics.

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

- c). Contact the City of Norwalk Board of Ethics:
Board of Ethics
c/o Norwalk City Clerk
125 East Avenue
Norwalk, CT 06852

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



The seal of the City of Norwalk is a circular emblem. It features a central shield with a landscape scene, including a building and trees. Above the shield is a banner with the motto "E PLURIBUS UNUM". The outer ring of the seal contains the text "SEAL OF THE CITY OF NORWALK" at the top and "INCORPORATED 1913" at the bottom.

CITY OF NORWALK

CODE OF ETHICS

**CHAPTER 32 OF THE
CODE OF ORDINANCES**

Chapter 32, CODE OF ETHICS

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

GENERAL REFERENCES

Administration -- See Ch. 9.

§ 32-1. Title; administration.

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

§ 32-2. Declaration of policy.

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

§ 32-3. Definitions.

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

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

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

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

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

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

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

INDIVIDUAL -- A natural person.

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

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

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

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

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

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

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

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

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

§ 32-5. Prohibited representation.

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

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

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

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

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

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

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

procedure or with appropriate authorization from the City.

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

§ 32-8. Prohibited gifts.

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

authority.

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

§ 32-9. Specific violations.

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

enforced through the ethics process.

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

§ 32-10. Negotiation of future employment.

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

§ 32-11. Subsequent employment.

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

§ 32-12. Board of Ethics.

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

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

C. Powers and duties.

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

(2) Probable cause hearings and subsequent procedures.

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

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

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

all further proceedings on that complaint.

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

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

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

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

[8] Extension of time.

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

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

[c] Notwithstanding the foregoing:

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

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

[9] Rules and procedure for public hearings.

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

[b] Rights of panel and respondent.

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

[A] To be represented by counsel.

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

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

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

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

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

available for inspection by the public.

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

§ 32-13. Effect of violation.

A. A violation of this Code of Ethics:

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

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

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

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

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

§ 32-14. Time limits on complaints.

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

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

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

§ 32-15. Proposed revisions.

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

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

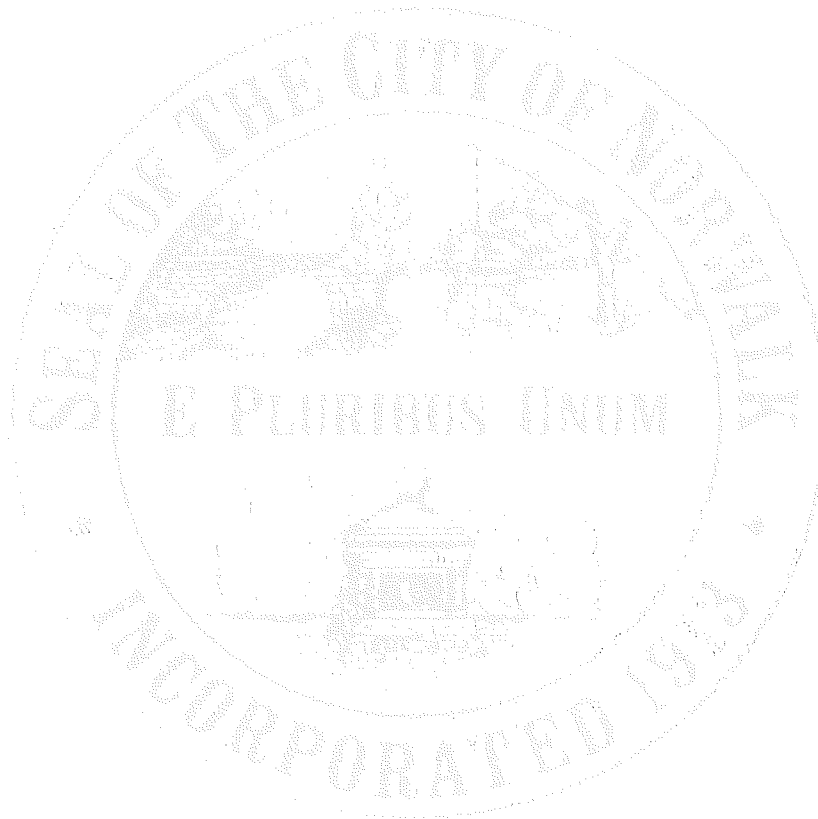
- A. The Board of Ethics shall be authorized to incur costs in investigating and prosecuting any alleged ethics violation and in responding to requests for advisory opinions, subject to the City's annual budget process. The Board of Ethics shall seek an annual appropriation to be used to cover its costs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

§ 32-17. Representation of respondents by City.

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

§ 32-18. Effective date.

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



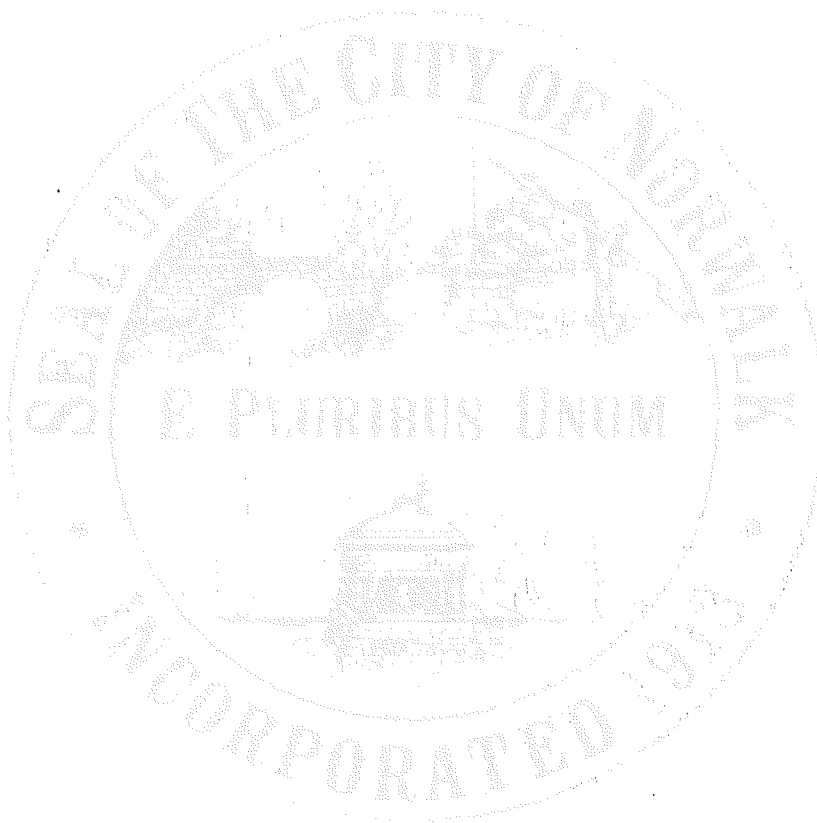
Endnotes

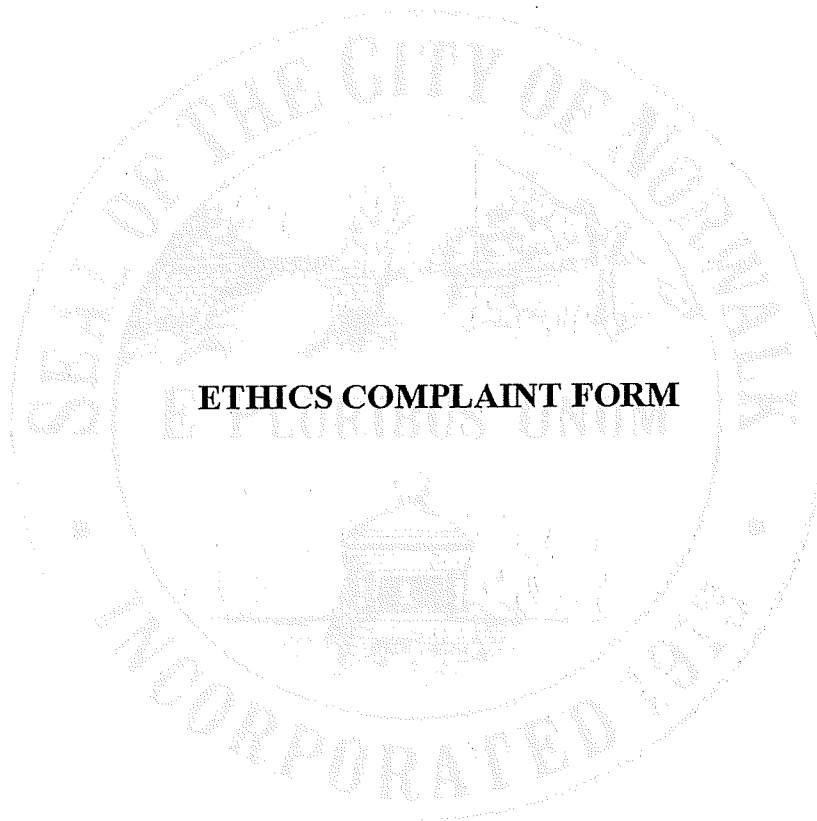
1 (Popup)

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

2 (Popup)

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





ETHICS COMPLAINT FORM

**BOARD OF ETHICS
ETHICS COMPLAINT**

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

Name: _____ Date: _____

Address: _____

Telephone Number(s): _____

Email Address: _____

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

____ City employee ____ Elected official ____ Appointed official ____ Other

Name: _____

City Commission, Board, Agency or Department: _____

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

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

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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*):

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

Signature: _____ Date: _____

I also certify under penalty of ~~perjury~~ ^{false statement} that I will not violate the requirement of confidentiality as stated in the Norwalk Code of Ethics.

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).
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.

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.