CITY OF NORWALK
BOARD OF ETHICS
REGULAR MEETING
SEPTEMBER 26, 2019

ATTENDANCE: Michael Church, Chair, Kara Murphy, Miklos Koleszar, Haroldo Williams, Kelly Straniti, Nora Niedzielski-Eichner (7:15 p.m.)

STAFF: Brian Candela, Corporation Counsel

CALL TO ORDER

Mr. Church called the meeting to order at 7:06 p.m.

ROLL CALL

Mr. Church called the roll. There was a quorum present.

NEW INTRODUCTIONS

There were none.

PUBLIC PARTICIPATION

There was no one from the public present.

ACCEPTANCE OF MINUTES

August 15, 2019

On Page 1, in the heading change **"ETHICS COMMISSION"** to **"BOARD OF ETHICS"**
On Page 2, under OLD BUSINESS third paragraph delete "some" after proposed.
On Page 2, final paragraph capitalize "Board".
On Page 3, after They returned to Public Session at insert "8:15 p.m."
On Page 3, after The meeting adjourned at insert "8:16 p.m."

** **MS. MURPHY MADE A MOTION TO APPROVE THE MINUTES AS AMENDED.**
** **MR. KOLESZAR SECONDED.**
MOTION PASSED 5-0 WITH ONE ABSTENTION (MS. STRANITI)

OLD BUSINESS

Attorney Candela reported on the last Ordinance Committee Meeting. He said 32-9, 32-11, 32-13 and 32-15 of the Code of Ethics were all approved by the Common Council. Those have been sent to the code. Attorney Candela added 32-15 and 32-16 have been sent to public hearing. Mr.

Church asked about the schedule of the Ordinance Committee with an election approaching in November. Attorney Candela said only 2 members are seeking re-election (Mr. Hostin and Mr. Livingston). Ms. Murphy said there will be a transition period when the new Ordinance Committee comes in. (Ms. Niedzielski-Eichner entered the meeting at 7:15). Mr. Church said he recommended getting the last few sections done and have the Ordinance Committee completing its work.

Attorney Candela said 32-4 Conflict of Interests and 32-8 Gifts, 32-12 and 32-18 are the outstanding sections.

Mr. Church said we are good with our language on 32-4 and 32-8.

The Board entered a discussion on 32-8 Section C-2. The Board was concerned with gifts of a minor monetary value (not exceeding $150). They debated whether or not to remove the dollar value. Ms. Straniti said her suggestion was to remove "a minor monetary value". Mr. Church suggested removing of a minor monetary value not exceeding $150 in value per year. The Board discussed whether the word business should be removed. Ms. Murphy said she has gone to many Ordinance Committee meetings and said the Committee would be hesitant about anything that made the code more restrictive.

Mr. Church said it is the intent of the law and our intent isn't to restrict council members from attending charity events or being involved in the community but our intent is to prevent undue influence.

In C-13, the Board debated whether or not to remove the monetary value of gifts in excess of $500.

**** THE BOARD DECIDED TO REMOVE SECTION C-13**
**** THE VOTE WAS UNANIMIOUS.**

The board went on to discuss 32-8 Prohibited Items – Section A. Ms. Straniti raised concerns about the wording "including but not limited to an Immediate Family Member". Mr. Church gave an example if the police chief chose to provide security on the City's dime for his son's wedding. He said it's an issue when the family member who receives the gift comes before an officer or an employee and gets a benefit. Mr. Church said the concern is nepotism.

Attorney Candela said if you eliminate the line regarding immediate Family member it still is restrictive enough that the Ordinance Committee would not have a problem with it. He proposed removing including but not limited to an Immediate Family member.

The board decided to change 32-8 to read:

Except as otherwise provided in 32-8, Subsection A. An Officer or Employee within the scope of his or her official responsibilities and or authority for the City shall not directly or indirectly, solicit or accept any gift, form of service, compensation of any item of property of a value exceeding $150 in aggregate over the period of one Year, from anyone or any institution covered by this code.

**** MR. KOLESZAR MOVED TO APPROVE THE CHANGES TO 32-8 PROHIBITED GIFTS.**
**** MS. MURPHY SECONDED.**
**** THE MOTION WAS APPROVED UNANIMOUSLY.**

The board next discussed 32-4: <u>Conflicts of Interests; interference with duties; prohibited interests; exceptions</u>

Under Exception the Board made the following changes:

(3) after process add should make written disclosure of the transaction to the City Clerk.

(4) after hire add employment or election

(5) change newspaper to media organization

(6) remove the entire Section

**** MS. MURPHY MADE A MOTION TO REMOVE SECTION 6.**
**** MS. NIEDZIELSKI-EICHNER SECONDED.**
**** THE MOTION WAS APPROVED UNANIMOUSLY.**

On Section 7, Attorney Candela said you can serve on the board but you can't take action. A decision was made to remove "and the Officer or employee shall take no action with regard to the City related to such charitable or nonprofit entity or Agency".

Mr. Church gave an example. He explained he serves on the board of the Riverbrook Regional Y (Wilton/Norwalk/Redding) and if the Norwalk YMCA comes back into Norwalk looking for funds but if I'm on the Common Council would it be appropriate for me to vote on that or let it stand on its own merits and I recuse myself. Niedzielski-Eichner said non-profits have been vehicles for the worst scandals. She said she is very leery to give carte blanche to non-profits. Mr. Williams said if the people recuse themselves and can't participate in the discussion are they working against what the city intended for the participation of officers of non-profits.

Ms. Straniti said the intent of the recusal is not to influence anyone. She said you should not be able to have any discussions at all if you are not going to vote. Ms. Straniti said you are either in or you are not in. She added it can discourage people from getting involved. Ms. Straniti said we are trying to do good and the non-profits are trying to do good.

Mr. Church said it seems to rarely happen and in the odd chance somebody files a complaint we are here to rule.

Mr. Church questioned whether they could exclude a council appointee.

Mr. Church concluded the Board is not going to cover every instance or example. He added we want to provide guidance and as a Board to investigate and use our judgment to rule.

The Board agreed to take out the language regarding non-profits.

**** MS. MURPHY MADE A MOTION IN SECTION 7 TO REMOVE "AND THE OFFICER OR EMPLOYEE SHALL TAKE NO ACTION WITH REGARD TO THE CITY RELATED TO SUCH CHARITABLE OR NONPROFIT ENTITY OR AGENCY"**
**** MR. KOLESZAR SECONDED.**
**** THE MOTION WAS APPROVED 6-1 (MS. NIEDZIELSKI-EICHNER OPPOSED).**

Section 8 and 9 were not changed.

Attorney Candela recounted changes that needed to be voted on.

32-4(B) put "herein" back in.

32-4(C)(3) after process add "should make written disclosure of the transaction to the City Clerk."

32-4(C)(4) after hire add "employment or election"

32-4(C)(5) change newspaper to "media organization"

**** MS. MURPHY MADE A MOTION TO ENTER THE CHANGES.**
**** MS. NIEDZIELSKI-EICHNER SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MS. MURPHY MADE A MOTION TO ADJOURN.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:04 p.m.

Respectfully submitted.

G. Venuto
Telesco Secretarial Services