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

REGULAR MEETING

BOARD OF ETHICS

Thursday, May 27, 2021 at 7:00 p.m.

Teleconference/Videoconference

AGENDA

1. ROLL CALL:
2. New Introduction:
3. Public Participation:
4. ACCEPTANCE OF MINUTES:
- April 22, 2021 minutes
5. OLD BUSINESS:

Discuss and vote on potential changes to the Citizen's Guide to Norwalk's Code of Ethics.

**April 22, 2021 & May 27, 2021
Board of Ethics Minutes**

**CITY OF NORWALK
BOARD OF ETHICS
APRIL 22, 2021
VIA ZOOM**

ATTENDANCE: Michael Church, Chair; Kara Murphy, Haroldo Williams, Tony Lopez, Miklos Koleszar, Nora Niedzielski-Eicher (7:05pm)

STAFF: Brian Candela

ROLL CALL

Mr. Church called the meeting to order at 7:02p.m. The roll was called and a quorum was present.

NEW INTRODUCTION

None

PUBLIC COMMENT

There was no public comment.

ACCEPTANCE OF MINUTES

March 25, 2021 minutes

Attorney Candela pulled up the minutes and made the necessary revisions as they were pointed out.

****MR. KOLESZAR MADE A MOTION TO APPROVE THE REVISED MINUTES OF MARCH 25, 2021**

****MS. NIEDZIELSKI-EICHER SECONDED THE MOTION**

****MOTION PASSED (5 IN FAVOR, 0 AGAINST, 1 ABSTENSION – MR. KOLESZAR)**

OLD BUSINESS

Discuss and vote on potential changes to Citizen's Guide to Norwalk's Code of Ethics.

Ms. Murphy explained she reviewed the document and added the graphs, charts and other stuff. Attorney Candela typed the whole document. He pulled up the document and made the changes as the Board discussed the document.

Ms. Niedzielski-Eicher had a question on page 3 about contractors. Attorney Candela said he would run this past Attorney Callahan as he deals with this as to how they will notify contractors and how they will be held to the Code of Ethics while performing the work.

Mr. Lopez mentioned page 4 paragraph 2 “what supercedes the other” he wants “may” added.

Page 5-6 c. they Board added “Nepotism”

Page 6 – Procurement with the City in the Note area they added “Home” address.

****MS. MURPHY MADE A MOTION TO APPROVE THE DOCUMENT WITH THE REVISIONS MADE**

****MR. LOPEZ SECONDED THE MOTION**

****MOTION PASSED UNANIMOUSLY**

NEW BUSINESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

****MR, KOLESZAR MADE A MOTION TO ADJOURN THE MEETING**

****MS. MURPHY SECONDED THE MOTION**

****MOTION PASSED UNANIMIOUSLY**

Meeting was adjourned at 7:55pm.

Respectfully submitted,
R. Bromark
Telesco Secretarial Services

**CITY OF NORWALK
BOARD OF ETHICS
REGULAR MEETING
MAY 27, 2021**

ATTENDANCE: Michael Church, Chair; Kara Murphy, Nora Niedzielski-Eichner

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

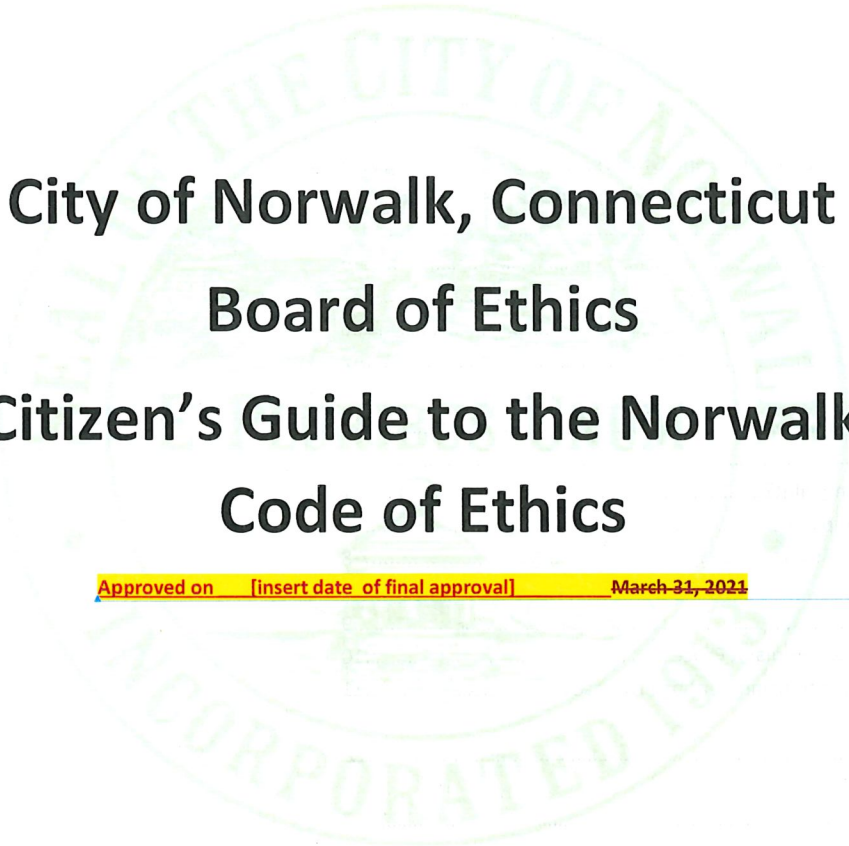
CALL TO ORDER

Mr. Church announced that there was not a quorum at 7:15 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

Citizen's Guide to the Code of Ethics



City of Norwalk, Connecticut Board of Ethics Citizen's Guide to the Norwalk Code of Ethics

Approved on [insert date of final approval] March 31, 2021

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Citizen's Guide to the Norwalk Code of Ethics

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1. Introduction:

The City of Norwalk Board of Ethics is an independent commission charged with administering and enforcing the City of Norwalk's Ethics Complaint Process. This Guide provides general information to the public and to the City of Norwalk's Employees, ~~contractors,~~ and Officers, both appointed and elected. If there is any conflict or discrepancy between this guide and Chapter 32, Chapter 32 governs.

The Board of Ethics is authorized under Chapter 32 of the City of Norwalk Code of Ordinances to uphold 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 Officers and Employees.

This Guide provides general information only. **The description 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.

2. Guidelines for Ethical Behavior:

A. Key Aspects of Ethical Behavior for City 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. 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 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 may differ from what is to follow.

1. Conflicts of interest; influence or interference with duties; exceptions

Pursuant to Section 32-4 of the Code of Ethics, Officers and Employees of the City of Norwalk should avoid engaging in any business or transaction, directly or indirectly, which is in conflict with his or her official duties. A conflict of interest exists whenever an Officer or Employee will more likely than not benefit disproportionately from other citizens of the City, directly or indirectly, from a decision over which they have influence. If the Individual has encountered a conflict, he or she must disclose this in writing to the Norwalk City Clerk, and if necessary, recuse himself or herself from taking action. If an Individual is uncertain if he or she has a conflict or appears to have a conflict, he or she must ask for an advisory opinion from the Board of Ethics.

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, or if any member of his or her Immediate Family has any interest that could be construed as benefitting due to the Individual's participation.

a. Prohibition of Special Consideration – Officers and Employees

~~While in employment of the City of Norwalk, Officers and~~ Employees shall not ~~be granted~~ or ~~receive given~~ special consideration, treatment, or advantage to any Person beyond that which is generally available to the public.

~~While in his or her official role for the City of Norwalk, Officers shall not be granted or given special consideration, treatment, or advantage to any Person beyond that which is generally available to the public.~~

2. Gifts

Pursuant to Section 32-8 of the Code of Ethics, an Officer or Employee of the City of Norwalk shall not personally solicit nor accept any gift, form of service or item of a property value of \$150.00 or more.

This section does not necessarily preclude the following. Please refer to Section 32-8(C)(1-11) for a more complete explanation.

- Specific types of gifts based on pre-existing and/or established relationships.
- Loans obtained at prevailing rates.
- Social courtesies based on pre-existing and/or established relationships.
- 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.
- Political contributions received within applicable laws, rules, and regulations.
- Customary performance and merit awards or honorariums.
- Meals and refreshments at meetings related to City business not exceeding \$150.00 in total value over the period of a Year.
- Goods or services provided to the City.
- Meals and refreshments served in an Individual's personal home.
- Discounts obtained in the normal course of personal business on the price of anything sold ~~in the normal course of personal business~~.
- Printed or recorded information, photographs, and maps related to governmental functions/actions.
- Certificates, plaques, or ceremonial awards having a value of no more than \$200.00 given to an Employee as part of an official program.

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 \$1,000.00 or more or involves a question of significant public policy for the City.

b. Subsequent Employment

There is a minimum of one year before a terminated Employee or Officer shall be able to work or assist any Individual, Person, Agency, other than the City, by representing that Individual, Person, or Agency in front of his or her former department for monetary or valuable compensation.

c. **Nepotism**

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

Refer to the Code of Ethics for more detailed information.

4. Procurement

The City of Norwalk has adopted a set of Procurement Guidelines that govern the purchase of goods and services by the City. Vendors and contractors who wish to do business with the City must comply with the Procurement Guidelines, which are available on the Norwalk Purchasing Department's website at <https://www.norwalkct.org/272/Doing-Business-with-the-City>.

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 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 or influence of any by Officers, Employees, or Agencies in the handling of any matter or transaction of any business in which an involved Individual would have special interest or could stand to gain or lose based on knowledge of said information that is not commonly shared with the general public. No Employee or Officer shall disclose confidential City of Norwalk information, other than in

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

B. Requirements

1. Who may file a Complaint?

- a. Any person may file a Complaint with the Norwalk Board of Ethics.
- b. Anonymous Complaints will not be accepted by the Board of Ethics.
- c. When filing a Complaint or providing truthful information as part of an investigation, you are protected against retaliation under the Code of Ethics.

2. Who is the subject of the Complaint?

- a. The subject of your Complaint is the Individual (Respondent) who you have alleged to have violated the Code of Ethics.
- b. If that Individual (Respondent) is found to have violated the Code of Ethics, the Individual (Respondent) may be subject to fines and other potential repercussions.

3. How does a citizen file a Complaint?

- a. Complete the enclosed form in the booklet.
- b. When filing your Complaint, provide documentation to support your claim.
- c. Certify, by signing your Complaint Form, that all statements are true and accurate.
- d. Deliver your Complaint and any supporting documentation in a sealed envelope to the City Clerk's Office, marked as "Confidential".

Norwalk City Clerk
Board of Ethics
125 East Avenue
Norwalk, CT 06851

- e. Faxed or emailed Complaints will not be accepted.

4. What happens after a Complaint has been filed?

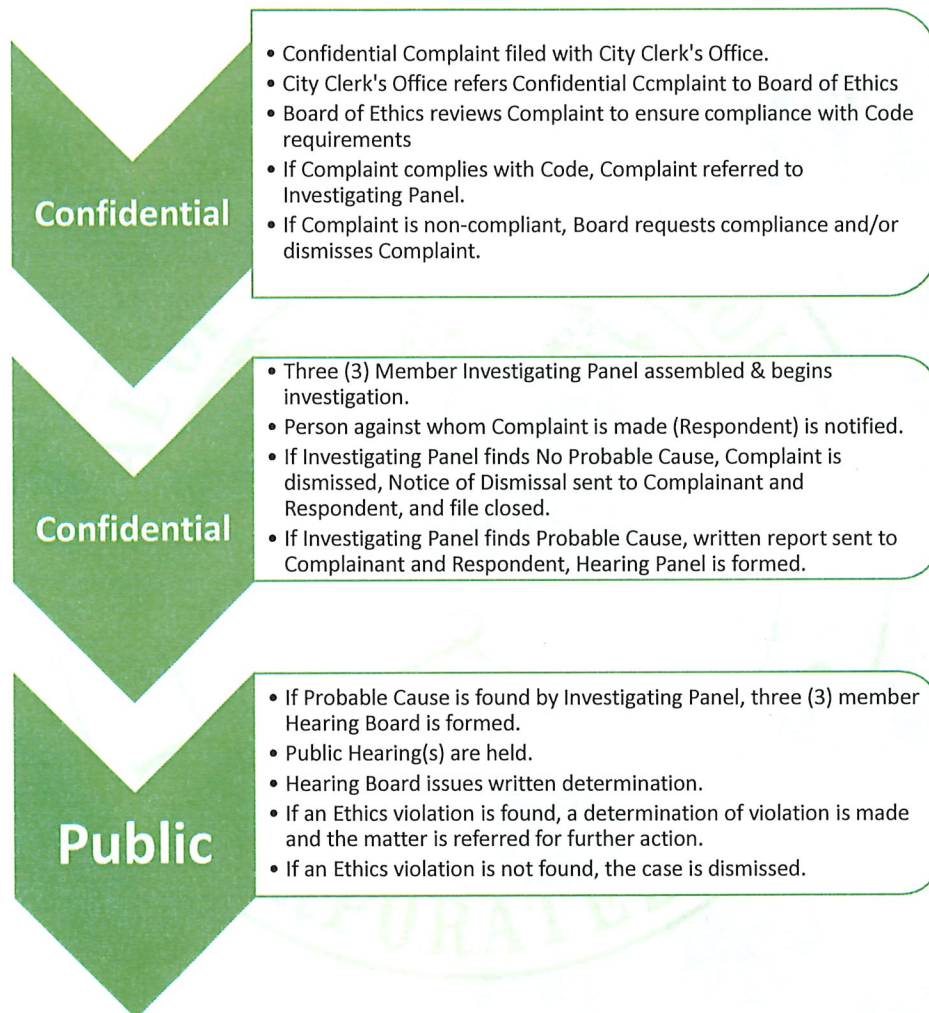
- a. All Complaints will be handled confidentially.
- b. Once submitted, you (the Complainant) may not withdraw the Complaint without the approval of the Board of Ethics.

- c. You (the Complainant) must keep the Complaint confidential.
- d. If you (the Complainant) disclose information about the Complaint, the Board of Ethics has discretion to dismiss your Complaint.
- e. Unless the Board of Ethics advises you (the Complainant) otherwise, the allegations in the Complaint and other information received from the Board of Ethics may not be disclosed to any third party, by you (the Complainant).
- f. A violation of confidentiality by you (the Complainant), whether direct or indirect, shall be grounds, at the discretion of the Board of Ethics, to dismiss your Complaint.

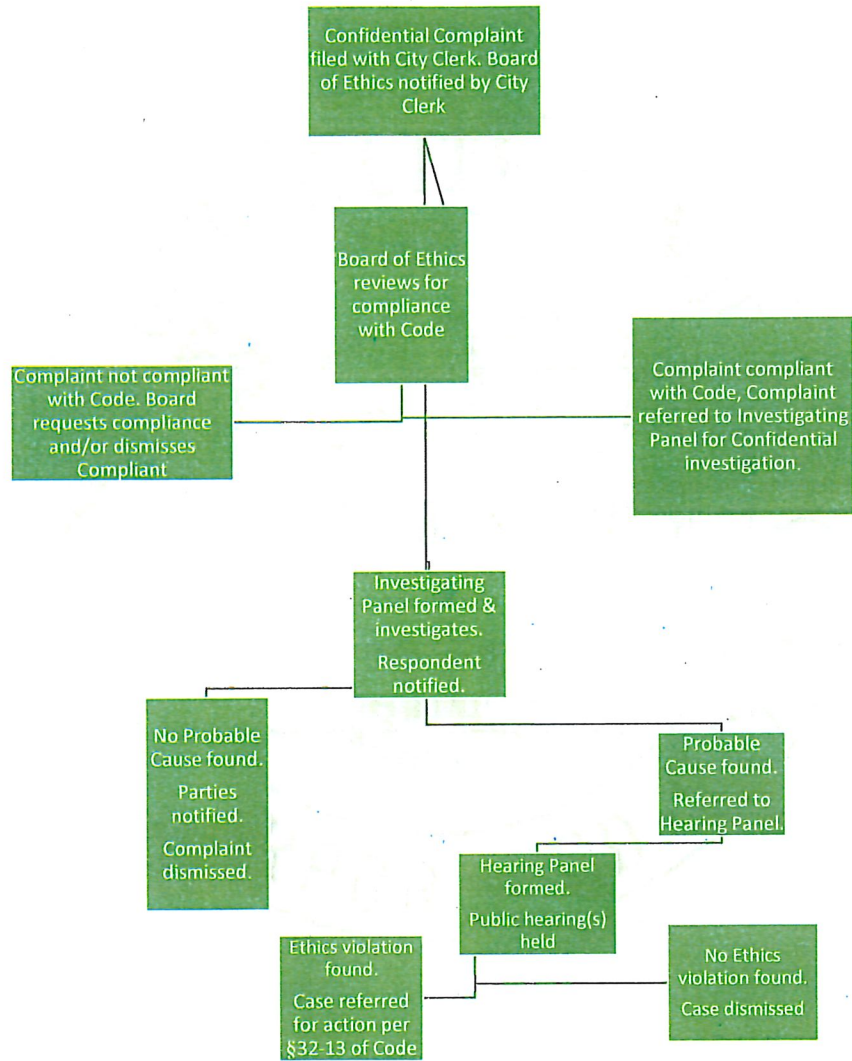
Additional forms are also available at the City Clerk's Office, the Corporation Counsel's Office, or online at www.norwalkct.org.

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C. City of Norwalk's Code of Ethics Complaint Process



1. City of Norwalk's Code of Ethics Complaint Process



2. Process Explanation---Investigation and Hearing Processes

A. Filing and Review of your Complaint

- a. Your confidential Complaint is filed with the City Clerk's Office.
- b. The City Clerk's Office refers your confidential Complaint to the Board of Ethics.
- c. The Board of Ethics reviews your Complaint to ensure compliance with the Code requirements.
- d. If your Complaint complies with the Code, your Complaint is referred to an Investigating Panel.
- e. If your Complaint is not compliant, the Board of Ethics may request compliance and/or dismiss your Complaint.

B. Investigation Process – Investigating Panel

- a. Within twenty-one (21) days of the Board's next regularly scheduled meeting following receipt of your Complaint by the City Clerk's Office, the Board of Ethics will review your Complaint and may establish an Investigating Panel.
- b. In both an independent and confidential manner, this Panel may seek information, hear testimony, take written statements, and/or retain counsel or investigators to assist in the discovery of information.
- c. Once an Investigating Panel is formed, it has sixty (60) days to determine Probable Cause.
- d. An Investigating Panel may request additional time, if necessary, to make a determination on Probable Cause.
- e. If no Probable Cause is found, the Investigating Panel will dismiss your Complaint and shall report such dismissal to the Board of Ethics. To protect confidentiality, the dismissal will not contain details of the investigation or the reasons for the dismissal.
- f. 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.

C. Hearing Board

- a. Within thirty (30) days of the Board of Ethics receiving the Investigating Panel's written report, the Hearing Board will initiate a public hearing process to determine whether the Respondent committed a violation of the Code of Ethics.
- b. The Hearing Board shall hold hearings.

- c. Upon completion of the hearings before it, the Hearing Board shall draft its decision. Within ten (10) days of drafting that decision, the Complainant and Respondent shall be notified in writing.

3. Complaint Form

Contact the City of Norwalk Board of Ethics:

Board of Ethics, Norwalk City Clerk, 125 East Avenue, Norwalk, CT 06851

[See Next Page for Complaint Form]

Board of Ethics - Complaint

Page 1 of 4

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 below.):

☐ 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)

Board of Ethics - Complaint
Page 2 of 4

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

Board of Ethics - Complaint
Page 3 of 4

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

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

7. I hereby certify under the 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 Norwalk's Code of Ethics.

Signature: _____ Date: _____

Board of Ethics - Complaint
Page 4 of 4

NOTE:

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

City of Norwalk
Board of Ethics
125 East Avenue
Norwalk, CT 06851
Attention: City Clerk

Complaints will not be accepted electronically (email) or by fax.
2. Once filed, this Complaint may not be withdrawn by the Complainant without the approval of the 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 Person outside of the investigative process. A violation of this requirement of confidentiality by the Complainant, whether direct or indirect, shall be grounds, at the discretion of the Board of Ethics, to dismiss the Complaint.
4. Complaints shall be deemed to have been received by the members of the Board of Ethics at the first regularly scheduled meeting of the Board following delivery of the Complaint to the Norwalk City Clerk.

4. City of Norwalk – Code of Ethics (Chapter 32)