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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.

SPECIAL MEETING (TIME CHANGE ONLY)

BOARD OF ETHICS

Thursday, May 28, 2020 at 8:00 pm

Teleconference/Videoconference

AGENDA

1. ROLL CALL:
2. New Introduction: Welcome Tony Lopez
3. Public Participation:
4. ACCEPTANCE OF MINUTES:

- February 27, 2020

5. OLD BUSINESS: Review Code of Ethics and the Citizen's Guide to Norwalk's Code of Ethics. Discuss and vote on potential changes to both documents.

6. NEW BUSINESS:

7. EXECUTIVE SESSION:

8. ADJOURNMENT:

**Draft Meeting Minutes from
the 2/27/2020
Board of Ethic's Meeting**

**CITY OF NORWALK
BOARD OF ETHICS
REGULAR MEETING
FEBRUARY 27, 2020**

ATTENDANCE: Michael Church, Chair; Miklos Koleszar, Kara Murphy,
Haroldo William

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

CALL TO ORDER

Mr. Church called the meeting to order at 7:03 p.m.

ROLL CALL

Mr. Church called the roll. A quorum was present.

NEW INTRODUCTIONS

There were no introductions necessary.

PUBLIC PARTICIPATION

There was no one from the public present.

ACCEPTANCE OF MINUTES

• October 24, 2019

Mr. Koleszar noted for the record that the minutes were very thorough.

**** MS. MURPHY MOVED THE MINUTES OF OCTOBER 24, 2019.**

**** MR. KOLESZAR SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF OCTOBER 24, 2019 AS
SUBMITTED PASSED UNANIMOUSLY.**

• January 25, 2020

There was no quorum for the January 23, 2020 meeting. The Board Members reviewed the documentation from that meeting and agreed to accept it as submitted.

OLD BUSINESS

Atty. Candela said that Ms. Shanahan, the Ordinance Chair, had a number of comments about the proposed changes to the Code of Ethics. Ms. Murphy said that she had been working on the document and noticed a problem with the numbering. Atty. Candela said that Ms. Shanahan had also indicated that the numbering was incorrect. Ms. Murphy then reviewed with everyone the items where the numeration had been corrected.

The discussion moved to Ms. Shanahan's suggestion on page 9 regarding combining the section on Finding a Probable Cause and the section on Finding of No Probable Cause.

The Board Members then reviewed to the section on Rule of Procedure. Atty. Candela said that Ms. Shanahan had asked for clarification on the types of standards that the Board would be using in a hearing. Discussion followed.

Ms. Murphy explained that it would be important to explain to the current Ordinance Committee that the proposed changes are being made to an existing document that was approved by a previous Board of Ethics. Atty. Candela pointed out that the hearing would resemble an informal trial, a bench trial or arbitration. Discussion followed.

The Extension of Time was the next item the Board Members considered. Discussion followed on the rewording of the existing language in order to clarify and simplify it.

**** MS. MURPHY MOVED TO AMEND SECTION 32-12 ALONG WITH THE GRAMMATICAL REVISIONS AS DISCUSSED BY THE ORDINANCE COMMITTEE.**

**** MR. KOLESZAR SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

EXECUTIVE SESSION.

There was no need for an Executive Session at this time.

The next Ordinance Meeting is scheduled for March 17th.

ADJOURNMENT

**** MR. KOLESZAR MOVED TO ADJOURN.**

**** MS. MURPHY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:55 p.m.

Respectfully submitted,
S. L. Soltes
Telesco Secretarial Services

City of Norwalk
Board of Ethics
Regular Meeting
February 27, 2020

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

Board-Code of Ethics Revisions

Chapter 32. Code of Ethics

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

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

A Municipal Employee or Officer shall:

- (1) 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) Not have a role, directly or indirectly, in obtaining a ~~f~~Financial ~~b~~Benefit, hiring, promoting, demoting, disciplining, or taking other personnel action involving an Immediate Family member;
- (3) 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) 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) Not deliberate or participate in a decision or action by the Agency of which the ~~i~~Individual is a member or is employed if such ~~i~~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 aAgency, unless otherwise provided by law. Nothing herein shall prohibit any of the City's eOrdinance lList Employees from representing the City's interests in any municipal labor contract negotiation or grievance procedure, merely because he or she is an eOrdinance lList Employee;

- (7) Not, by virtue of his or her office or position of employment with the City, grant any special consideration, treatment or advantage to any pPerson beyond that which is generally available to the public;
- (8) 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^[KM1]:

In the event an officerOfficer or employeeEmployee 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.~~

~~[KM2] CE. Exceptions~~

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

- ~~(1) The employment of an officer or employee by a pPerson 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 aAgency 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 aAgency 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 aAgency and is available to the general public through open bidding or other process. 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.~~
- ~~(4) Performance of a contract involving the City and an officer or employee or a member of his or her immediate familyImmediate Family, which was executed or entered prior to the date of hire, appointment or election 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~~Officer or ~~employee~~Employee by a ~~media organization newspaper~~ that publishes a public notice, resolution, ordinance or other document, the publication of which is required by law.

~~(6) Employment of an officerOfficer or employeeEmployee by a public utility regulated by the Public Utilities Regulatory Authority. Public Utilities Commission.~~

(6) ~~Unless otherwise prohibited by law, nothing~~ ^[KM3]~~Nothing~~ herein shall preclude an ~~officer~~Officer or ~~employee~~Employee of the City from serving on the board of charitable or nonprofit entities or agencies, provided the ~~officer~~Officer or ~~employee~~Employee makes written disclosure of the relationship to the City Clerk and the ~~officer~~Officer or ~~employee~~Employee shall take no action with regard to the City related to such charitable or nonprofit entity or ~~a~~Agency.

(7) ~~Unless otherwise prohibited by law, nothing~~ ^[KM4]~~Nothing~~ herein shall preclude an ~~officer~~Officer or ~~employee~~Employee of the City from serving on the board of an entity or ~~a~~Agency as a designated representative of the City and in such capacity his or her actions as a representative of the City shall not of itself constitute a conflict of interest under this Code of Ethics.

(8) 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.

§ 32-8. Prohibited gifts.

A. ~~Except as otherwise provided in this section, an Officer or Employee within the scope of his or her official responsibilities and/or authority shall not in the course of his or her work for the City shall not, directly or indirectly, solicit or accept any gift, form of service, compensation or any item of property of a value exceeding \$150400 in aggregate over the period of one yYear, from anyone or any institution, including but not limited to an Immediate Family member covered by this code.~~

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

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

(1) Gifts or social courtesies related to a family relationship or established personal friendship between an ~~officer~~Officer or ~~employee~~Employee and the donor, which are not designed to

influence the judgment or action of the ~~officer~~Officer or ~~employee~~Employee within the scope of his or her official responsibility and/or authority.

- (2) Attendance at events of a charitable, public, governmental, informational or business nature where refreshments may be served and small souvenirs of the event, ~~of a minor monetary value, (not exceeding \$ 100 \$50 in value per year)~~ may be distributed or made available to all attendees, and which are not designed to influence the proper judgment or action of the ~~officer~~Officer or ~~employee~~Employee within the scope of his or her official responsibility and/or authority.
- (3) Political contributions received in compliance with applicable laws and regulations.
- (4) Loans obtained according to prevailing commercial practices at the prevailing public rates of interest.
- (5) Customary performance and merit awards or honorariums, bestowed in compliance with applicable City practices.
- (6) Awards, gifts or other items of value given to ~~employee~~Employees as part of an official ~~employee~~Employee recognition/incentive program.
- (7) Meals and refreshments ~~(not exceeding \$100 \$50 in value per year)~~ provided to an ~~officer~~Officer or ~~employee~~Employee, which are not designed to influence the proper judgment or action of the ~~officer~~Officer or ~~employee~~Employee in a matter within his or her authority, at any meeting at which the ~~officer~~Officer or ~~employee~~Employee attends within the scope of his or her official responsibility and/or authority.
- (8) Goods or services provide to the City.
- (9) Meals and refreshments served in an ~~il~~individual's personal home.

- (10) A rebate or discount on the price of anything sold for value made in the ordinary course of business without regard to the ~~p~~Person's status as an ~~officer~~Officer or ~~employee~~Employee of the City.
- (11) Printed or recorded information, photographs, and maps germane to governmental action or functions.
- (12) Certificates, plaques or other ceremonial awards having a value of not more than \$200 ~~as well as any other things of value given to Employees as part of an official Employee Recognition/Incentive Program.~~

B.

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

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

Chapter 32. Code of Ethics

§ 32-12. Board of Ethics.

- A. Appointment of members. The Board of Ethics shall be comprised of five full members and two alternate members, each of whom shall be electors of the City of Norwalk. No more than two of the members of the Board and one of the alternates shall be registered members of the same political party, and no member of the Board of Ethics shall be an Employee or Officer of the City. ~~Each member shall serve for a three -year year-term and, in the event of a vacancy on the Board of Ethics, a replacement shall be appointed to serve the balance of the term. Except for the original appointments, replacement members shall be appointed each year after the effective date of the enactment of this chapter to serve for terms of three years. At the origination of the Board of Ethics after the first effective date of this amendment to Chapter 32, the Common Council shall appoint two members and one alternate for three-year terms, two members for two-year terms and one member and one alternate for one-year terms. All council~~ appointments to the Board of Ethics shall ~~be made by the Common Council and shall~~ require the affirmative vote of 11 members of the Common Council.
- B. Organization. The Board of Ethics shall elect a Chairperson. The Board ~~of Ethics~~ shall keep minutes of its meetings, which shall be filed in the office of the City Clerk, and the Board ~~of Ethics~~ shall hold meetings at the call of one ~~{full}~~ member of the Board and at such times as a majority of the ~~{full members of the}~~ Board ~~of Ethics~~ may determine. Four members present, including sitting alternates, shall constitute a quorum in order for the Board of Ethics to conduct official business. An alternate serving in place of an absent member of the Board ~~of Ethics~~ shall have all of the powers and responsibilities as a full member during the meeting at which such alternate member shall sit.
- C. Powers and duties. The powers and duties of the Board of Ethics shall include: rendering advisory opinions, investigation of complaints, ~~and~~ ~~hearings on complaints;~~ notification of ~~to~~ the Mayor, City Clerk, Corporation Counsel and any other ~~public~~-Officer as it deems appropriate of its memorandum of decision on any complaint; ~~annual reports to the Mayor, Common Council, and Corporation Counsel on its activities and recommendations; , and annual educational programs on the Code of Ethics for municipal Officers, Employees, and Aagencies; and such other powers and duties as may be set forth herein on the Code of Ethics.~~ Further, the Board of Ethics shall promote a ~~public~~-culture and operating environment of high ethical standards throughout the City of Norwalk, by educating, informing and encouraging ~~City-officials~~Officers, Employees, residents and vendors of the City of Norwalk to become aware of the Code of Ethics to ensure that their public actions and activities are in compliance with the ~~Norwalk~~-Code of Ethics. ~~and high ethical standards.~~^[KM1]

(1) Advisory opinions.

The Board of Ethics, when requested to do so in writing by any Officer, Employee, Agency, or upon its own motion, may render advisory opinions concerning Officers and Employees and other issues with respect to this Code of Ethics. Such an advisory opinion shall be binding on the Board of Ethics, until amended or revoked, and reliance on a controlling advisory opinion in good faith is an absolute defense in any action or proceedings brought under the provisions of this Code of Ethics. Within 120 days of valid receipt of such a request, the Board of Ethics shall render its advisory opinion or its decision not to consider such request, and shall file such opinion or decision with the office of the City Clerk, and such opinion or decision shall be available to the public. The opinion or decision so filed may contain such deletions as the Board of Ethics may in its sole discretion deem 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. Any Person, including a member of the Board of Ethics, may submit a written complaint, in a form prescribed by the Board of Ethics and signed under penalty of false statement, alleging a violation of this Code of Ethics by an Officer or Employee or an Individual who was an Officer or Employee within the preceding year-year. The complaint shall contain the specific act or acts which allegedly constitute the violation.

(b) Review of complaint. Upon receipt of a complaint, the Board of Ethics shall review the complaint and determine whether it warrants acceptance. If a majority of the members of the Board of Ethics present at the meeting reviewing said complaint determines that acceptance is not warranted, by a majority of the members present at the meeting, then it shall notify the Complainant that it has refused to accept the complaint without establishing an Investigating Panel. If the Board of Ethics refuses to accept a complaint, it shall issue a written explanation of the reasons for such rejection.

The basis for which the Board of Ethics may refuse to accept a complaint. The conduct which the Board of Ethics relies on to make such a decision shall may include, but not be limited to: (ia) the number of complaints filed and the total number of pending complaints by the Complainant; (iib) the scope of the complaint; (iiie) the nature, content, language or subject matter of the complaint; (ivd) the nature, content, language or subject matter of other oral and written communications to the Board of Ethics from the Complainant; and (ve) a pattern of conduct that amounts to an abuse of the ethics complaint process or an interference with the operations of the Board of Ethics.

Upon the rejection of a complaint, if the Board of Ethics makes a finding that the complaint was vexatious and brought in bad faith it may provide appropriate relief commensurate with the conduct, including but not limited to, an order that the Board of Ethics need not accept future complaints from the filer-Complainant for a specified period of time.

(c) Appointment of Investigating Panel. Upon receipt of said complaint by the Board of Ethics members and Subject to [32-12(e)(1)(a)][CHECK CITE], an An Investigating Panel will-shall be

appointed within 21 days after the next regularly scheduled Board of Ethics meeting following receipt of a complaint by the Board of Ethics. ~~The No~~ members of the Investigating Panel shall ~~not serve or have served within one year as be an~~ Officers or Employees from the Agency at which the Complainant or Respondent Individual(s) serves or formally served within one year as an Officer or Employee ~~alleged to be involved in the facts of the complaint currently serves or formerly served within one year as Officers or Employees~~. The Investigating Panel members may delete, defer or reject any part of a complaint that does not conform to the requirements specified by the Board of Ethics. If any member of the Board of Ethics initiates or is involved in a complaint, he or she will recuse himself or herself from the Board of Ethics for the purposes of that complaint, including the appointment of the Investigating Panel and any Hearing Board, and an alternate of the Board shall serve in his or her place as to all further proceedings on that complaint.

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

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

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

(4) Investigation of Probable Cause; Confidentiality of Initial Proceedings.

The Investigating Panel members shall investigate the complaint and any expansion thereto. For this purpose, hearings and meetings may be held to determine whether or not there is Probable Cause to believe that the ~~r~~Respondent has violated the Code of Ethics. Any Probable Cause investigation and Probable Cause hearing, if held, shall be confidential and shall not be open to the public unless the Respondent requests that such investigation and hearing be open. ~~The r~~Request by the Respondent for a public hearing shall waive the confidentiality requirement of the investigation and hearing.

Pending the outcome of the Probable Cause hearing, no member of the Board of Ethics or Investigating Panel shall disclose his or her knowledge of the Probable Cause investigation to a third party. By filing a complaint with the Board of Ethics, the Complainant shall be bound by the requirement of confidentiality. A violation of the requirement of confidentiality by the Complainant, whether direct or indirect, shall be grounds, at the discretion of the Board of Ethics, to dismiss the complaint and may be grounds to ban the Complainant from filing complaints in the future.

The Respondent shall have the right to appear and be heard and to offer any information by way of answer or denial of the allegations. The Respondent may be represented by counsel of his or her choice in the Probable Cause hearings before the Investigating Panel. The Investigating Panel may, in its discretion, hear testimony or take written statements from the Complainant and any other witnesses it deems necessary to its investigation. The Investigating Panel may retain counsel or investigators to assist it in the Probable Cause hearing process.

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

(i) Finding of No Probable Cause before an ethics hearing board. If the Investigating Panel fails to determine that there is Probable Cause that the Respondent has violated the Code of Ethics, the Investigating Panel shall dismiss the complaint for the Board of Ethics and shall report such dismissal to the Board of Ethics, and a copy of the report of dismissal shall be sent by registered or certified mail or by personal service by a State Marshal, constable or indifferent Person to the Respondent and Complainant within seven days of its receipt by the Board of Ethics ~~Ethics Board~~.

(ii) Finding of Probable Cause. A finding that Probable Cause to believe that the Respondent has violated the Code of Ethics exists shall require two concurring votes from the members of the Investigating Panel. (ii) Written Report of Investigating Panel; Public Hearing Before Hearing Board. If the Investigating Panel determines that there is Probable Cause that the Respondent ~~respondent~~ has violated the Code of Ethics, it shall submit a written report to the Board of Ethics stating the basis for the finding of Probable Cause. Upon receipt of the report of the Investigating Panel ~~finding probable cause~~, the Board of Ethics shall appoint a Hearing Board, which shall initiate a public hearing ~~[process]~~ within ~~30-45~~ days ~~from such appointment of receipt of the report~~, to determine whether the Respondent(s) ~~respondent(s)~~ committed a violation of the Code of Ethics. In any public hearing held to determine a violation of the Code of Ethics, the Investigating Panel members shall have the responsibility of gathering and presenting evidence to the Hearing Board. [KM2]

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

(a) Notice of Probable Cause Finding to Complainant and Respondent. The Hearing Board shall give notice send a copy of any report of Probable Cause made by the Investigating Panel ~~in writing, and a copy of the report shall be sent~~ by registered or certified mail or by personal service

by a State Marshal, constable or indifferent Person to the Respondent and Complainant within 10 business days of ~~its receipt.~~ **receipt by the Hearing Board.**

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

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

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

(e) Extension of time.

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

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

(iii) Notwithstanding the foregoing: **a decision must be rendered within 120 days of the appointment of the Hearing Board. No , no extensions of time may be given for time periods required for notification(s), and [no extensions may be given for the time limitation for ruling on actions unless otherwise specified herein]**

(6) Rules and procedure for public hearings.

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

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

- (i) To be represented by counsel.
- (ii) To present oral or written documentary evidence which is not irrelevant, immaterial or unduly repetitious.
- (iii) To examine and cross-examine witnesses required for a full and true disclosure of the facts.

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

(d) Rules of Procedure. The Board of Ethics shall have the power to adopt and amend rules of procedure for hearings conducted pursuant to the Code of Ethics, provided such rules are approved by a majority vote of the entire Common Council, ~~after publication of the text of the proposed rules of procedure or amendments thereto in a newspaper having a general circulation in the City.~~ Any rules of procedure or amendments thereto shall become effective 30 days after adoption, and the full text of the rules for procedure, adopted in accordance with this section, shall be published and maintained as part of Chapter 32 of the Code of the City of Norwalk. [KM6]

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

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

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

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

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

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

D. Annual Report. On or before June 1 of each **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.

E. Educational Programs and Materials.

~~E.~~

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

~~(1)~~

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

City of Norwalk, Connecticut

Board of Ethics

Citizen's Guide to the Norwalk Code of Ethics

May 24, 2019

Citizen's Guide to the Norwalk Code of Ethics

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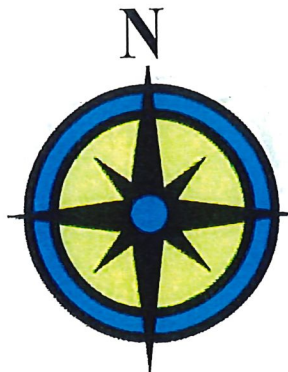
1. Introduction:

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 officials, both appointed and elected.

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 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. 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 differ from what is to follow.

1) Conflicts of interest; influence or interference with duties

Officers and employees of the City of Norwalk should **avoid engaging in any business or transaction or having a personal, immediate family or business interest, directly or indirectly, which is in 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.** ~~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 conflict, he or she is to disclose this in writing to the Norwalk City Clerk, and if necessary, to recuse himself or herself from taking action. If an individual is uncertain if he or she has a conflict, he or she should 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 if he or she or any member of his or her immediate family has any interest that could be construed as benefiting due to the individual's participation.

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

2) Gifts



An officer or employee of the City of Norwalk shall not personally solicit, nor accept any gift, form of service or item of a property value of \$~~50~~150.00 or more. Not included are:

- o Gifts or social courtesies related to family relationships.
- 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.
- o Political contributions received within applicable laws, rules and regulations.
- o Loans obtained according to prevailing commercial practices and rates.
- o Customary performance and merit awards or honorariums.
- o Awards, gifts, etc., given as an official employee recognition program.
- o Meals and refreshments not exceeding \$~~50-150~~ in value and in aggregate over the period of year, not intended to influence judgment or actions.
- o **Goods or services provided to the City.**
- o **~~Meals and refreshments served in an individual's personal home.~~**
- o Rebates, discounts obtained on the price of anything sold in the normal course of personal business.
- o Printed or recorded information, photographs and maps related to governmental functions/actions.
- o Certificates, plaques or ceremonial awards having a value of no more than \$200 **given to an employee as part of an official Employee Recognition/Incentive Program.**
 - **Gifts or social courtesies, given to celebrate major life events such as weddings, births, religious milestones or major holidays, given to the officer or employee, or to the officer's or employee's immediate family, from donors, who are: (a) other relatives that are not "immediate family" as defined in Code of Ethics Chapter 32, or (b) close personal friends. Gifts made with a monetary value in excess of \$500.00 must be disclosed in writing within ninety (90) days to the Board of Ethics. In the event of a complaint of a violation of this Section, the officer or employee shall have the burden of proving that the gift is a bona fide gift or social courtesy customarily made for the occasion. Political contributions should not be construed to be a gift and are not subject to this section.**

3) Employment

a) Future Employment:

Officers and employees of the City of Norwalk shall not solicit future employment with anyone who has a substantial matter pending before the agency

for which the officer or employee served or is serving. A matter is "substantial" if it involves a financial value of \$1,000 or more or involves a question of significant public policy for the City.

b) Subsequent Employment:

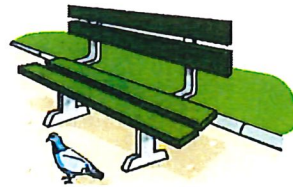
There is a minimum of one year before a terminated employee or officer shall be able to work or assist any individual, person, agency, other than the City, by representing that individual, person or agency in front of his or her former department for monetary or valuable compensation.

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

Refer to the Code of Ethics for more detailed information.

4) Procurement

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



5) Use of Public Property

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

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

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

6) Use of influence and information

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



Requirements

Who may file a Complaint?

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

Who is the subject of the Complaint?

- 1) The subject of your Complaint is the individual (Respondent) who you have alleged to have violated the Code of Ethics.
- 2) If that individual (Respondent) 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?

- 1) Complete the enclosed form in the booklet.
- 2) When filing your Complaint, provide documentation to support your claim.
- 3) Certify, by signing your Complaint Form, that all statements are true and accurate.
- 4) Deliver your Complaint and any supporting documentation in a sealed envelope to the City Clerk's Office, marked as "Confidential."
- 5) Faxed or emailed Complaints will not be accepted.

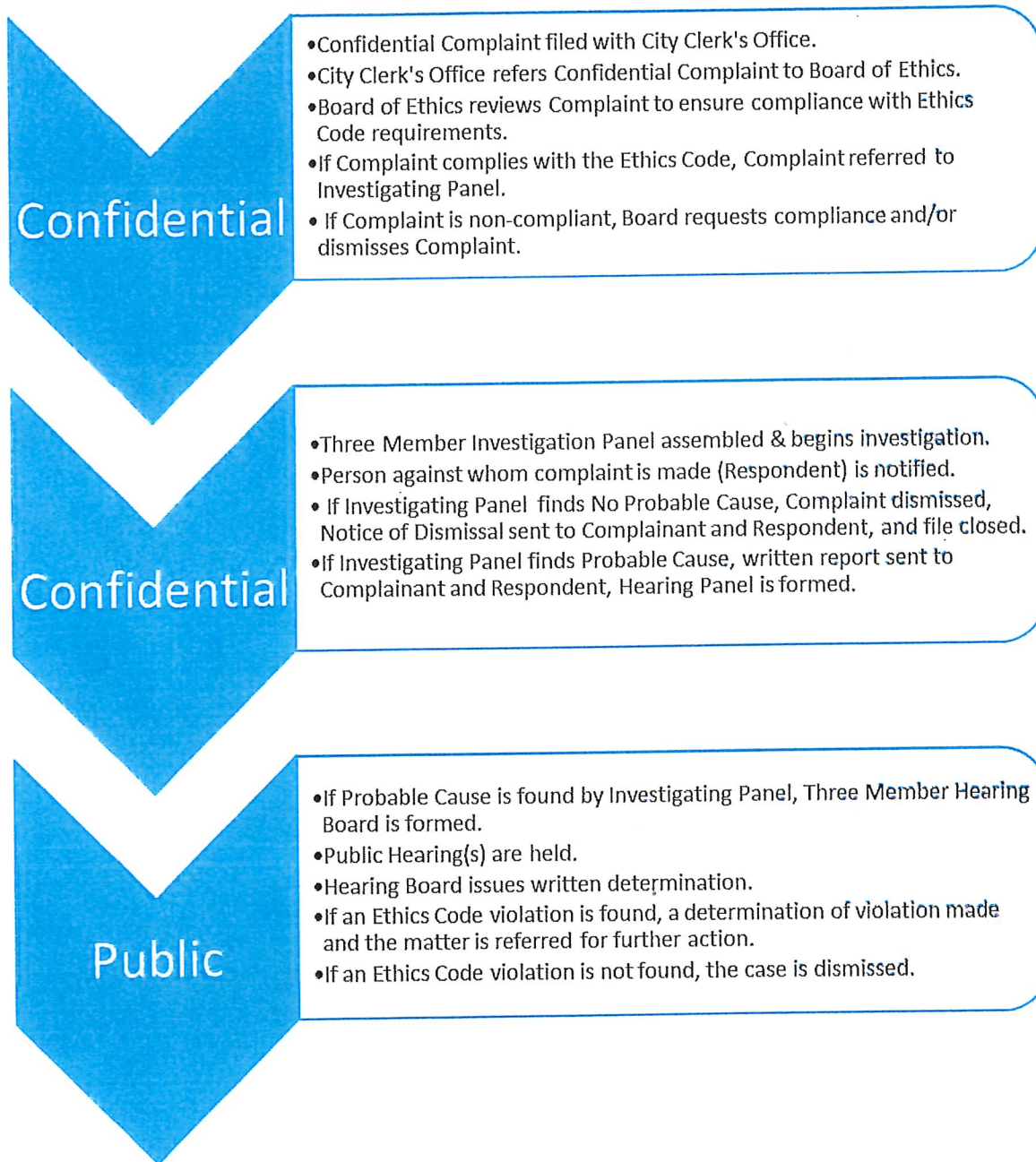
Norwalk City Clerk
Board of Ethics
125 East Avenue
Norwalk, CT 06851

What happens after a Complaint has been filed?

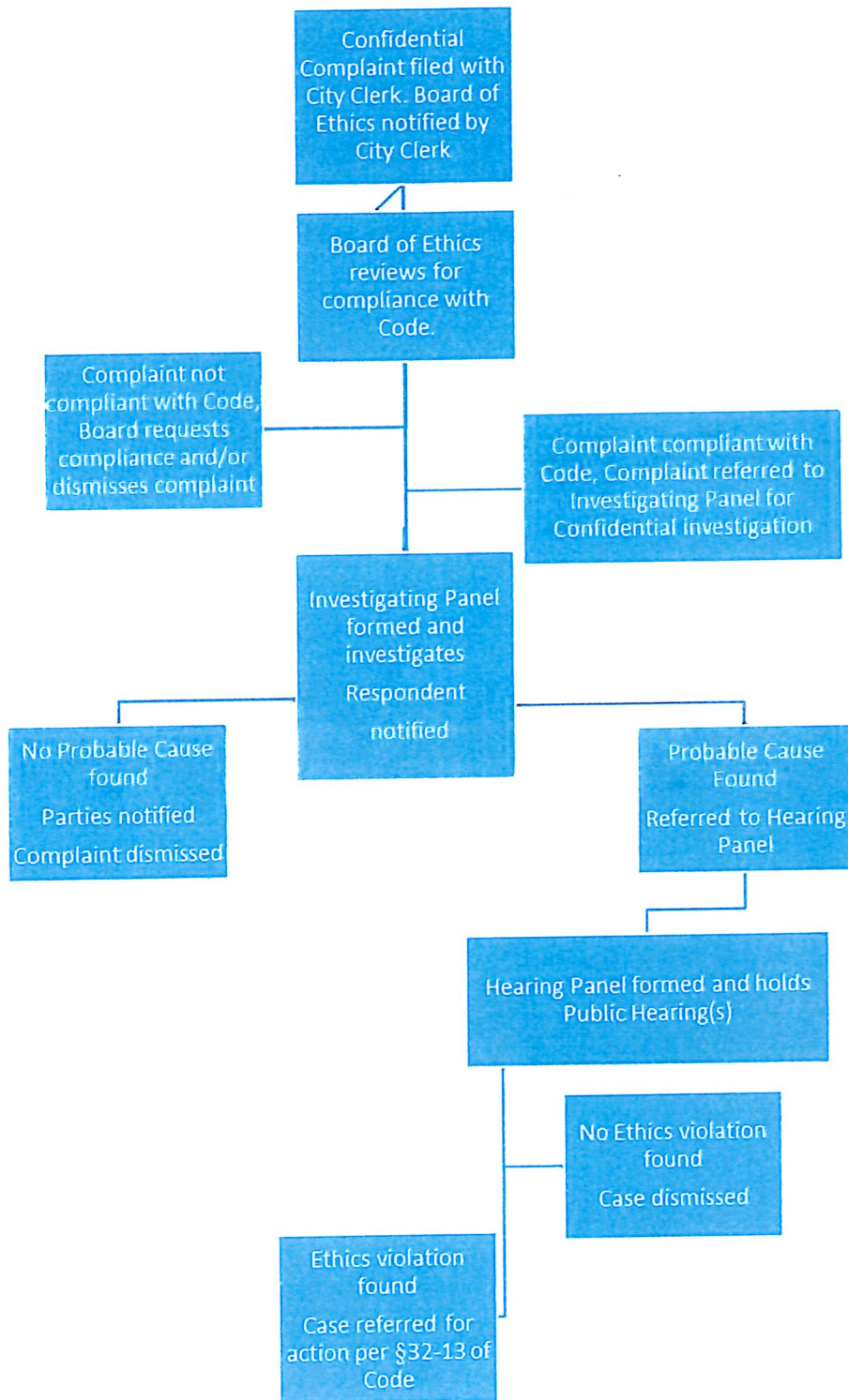
- 1) All Complaints will be handled confidentially.
- 2) Once submitted, you (the Complainant) may not withdraw by the Complaint without the approval of the Board of Ethics.
- 3) You (the Complainant) must keep the Complaint confidential.
- 4) If you (the Complainant) disclose information about the Complaint, the Board of Ethics has discretion to dismiss your Complaint.
- 5) 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).
- 6) 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 or online at www.norwalkct.org.

City of Norwalk Code of Ethics Complaint Process



City of Norwalk Code of Ethics Complaint Process





2) Process:

Filing and Review of your Complaint

- 1) Your confidential Complaint is filed with the City Clerk's Office.
- 2) The City Clerk's Office refers your confidential Complaint to the Board of Ethics.
- 3) The Board of Ethics reviews your Complaint to ensure compliance with the Code requirements.
- 4) If your Complaint complies with the Code, your Complaint is referred to an Investigating Panel.
- 5) If your Complaint is not compliant, the Board of Ethics may request compliance and/or dismiss your Complaint.

Investigation Process – Investigating Panel

- 1) Within 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.
- 2) 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.
- 3) Once an Investigating Panel is formed, it has 60 days to determine Probable Cause.
- 4) An Investigating Panel may request additional time, if necessary, to make a determination on Probable Cause.
- 5) 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.
- 6) 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

- 1) Within 30 days of the Board of Ethics receiving the Investigation 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.
- 2) The Hearing Board shall hold hearings.
- 3) 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.

3) Complaint Form:

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

**BOARD OF ETHICS
COMPLAINT**

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

Name: _____ Date: _____

Address: _____

Telephone Number(s): _____

Email Address: _____

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

____ City employee ____ Elected official ____ Appointed official ____ Other

Name: _____

City Commission, Board, Agency or Department: _____

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

___ Conflict of interest (§32-4)

___ Prohibited representation (§32-5)

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

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

___ Prohibited gifts (§32-8)

___ Specific violations (§32-9)

___ Negotiation of future employment (§32-10)

___ Subsequent employment (§32-11)

___ other (Describe & cite ordinance or statute):

ETHICS - COMPLAINT

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

[illegible]

CITY OF NORWALK

ETHICS -COMPLAINT

Page 3 of 4

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

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

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

Signature: _____ Date: _____

CITY OF NORWALK

ETHICS COMPLAINT

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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 in a sealed envelope to:

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

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 the requirement of confidentiality by the Complainant, whether direct or indirect, shall be grounds, at the discretion of the Board of Ethics, to dismiss the Complaint.

4. Complaints shall be deemed to have been received by the members of the 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)

*City of Norwalk
PC/CodeBookfor Willdows*

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~~