

BOARD OF ETHICS

Thursday, May 23, 2019 at 7:00 pm

Room 101

Norwalk City Hall

125 East Avenue

Norwalk, CT

AGENDA

1. ROLL CALL

2. New Introduction

3. Public Participation

4. ACCEPTANCE OF MINUTES:

- April 25, 2019

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

6. NEW BUSINESS:

7. EXECUTIVE SESSION:

8. ADJOURNMENT

**Draft Meeting Minutes from
the 4/25/2019 Meeting**

**CITY OF NORWALK
BOARD OF ETHICS
APRIL 25, 2019**

ATTENDANCE: Michael Church, Chair; Miklos Koleszar; Kara Murphy; Kelly Straniti;
Nora Niedzelski-Eichner (7:27 p.m.)

STAFF: Brian Candela, Corporation Counsel's Office

ROLL CALL

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

NEW INTRODUCTION

There were no new members to introduce this evening.

PUBLIC PARTICIPATION

There were no members of the public present this evening.

ACCEPTANCE OF MINUTES

March 28, 2019

**** MS. MURPHY MOVED TO ACCEPT THE MINUTES AS PRESENTED
** MR. KOLESZAR SECONDED
** MOTION PASSED UNANIMOUSLY**

OLD BUSINESS

**Review Code of Ethics and the Citizen's Guide to Norwalk's Code of Ethics and Discuss
Potential Changes to Both**

Mr. Church reported that after discussions between the Board of Ethics and the Ordinance Committee they voted to move three sections of Code of Ethics to a public hearing: Review of Complaint, Appointment of Investigating Panel and Investigation of Probable Cause. If these sections are approved by the Ordinance Committee, they will be moved to the full Common Council for approval.

Mr. Koleszar expressed concern about moving only three sections. Mr. Church explained that the Ordinance Committee asked for these three specific sections. If they try to do the entire Code at once, it could take two – three more years. He said it has taken 13 months to get to this point.

Mr. Candela said that he wanted to show the Ordinance Committee all of the changes made by the Board of Ethics when he met with them in December. He added that if the Ordinance Committee wants to address a few sections at a time, he can provide them with original, red line and then clean copies.

Ms. Murphy asked Mr. Candela if non substantive changes have to go to a public hearing. He told her that the changes would have to go to a public hearing.

Ms. Nora Niedzelski-Eichner joined the meeting at 7:27 p.m.

The Board members reviewed the red lined copy of the Citizen's Guide to Norwalk's Code of Ethics and made recommendations. It was noted that there were many typographical errors due to the PDF conversion to Word. Mr. Candela was asked to include page numbers. Mr. Church offered work on the format and to have the document typed. Ms. Murphy said she will work on the chart included in the Guide.

Mr. Candela will ask the IT Department to add the hyperlink for the current Citizen's Guide to Norwalk's Code of Ethics to the City's website.

Mr. Candela will make the recommended changes as well as to the complaint form and forward it to the Board members.

NEW BUSINESS

There was no new business discussed this evening.

EXECUTIVE SESSION

The Board did not go into Executive Session this evening.

The next meeting will take place on May 23, 2019.

ADJOURNMENT

**** MR. KOLESZAR MOVED TO ADJOURN
** MS. NIEDZELSKI-EICHNER SECONDED
** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 8:45 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

City of Norwalk
Board of Ethics
April 25, 2019
Page 2

Review Recommended
Revisions to the Code of Ethics
and the
Citizen's Guide to the
Code of Ethics

~~Board Code of Ethics Revisions through 4-16-19 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 ~~eClear a~~ And ~~eConvincing e~~ Evidence that the Respondent ~~respondent~~ has violated the Code of Ethics.

IMMEDIATE FAMILY

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

INDIVIDUAL

A natural person.

INVESTIGATING PANEL

Shall consist of ~~three individual electors~~^[KM2], from the City of Norwalk, each of who shall be appointed by the Board of Ethics to investigate an ethics complaint and to determine whether there is ~~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 fFinancial bBenefit, 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;

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- (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 iIndividual is a member or is employed if such iIndividual 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 iList Employees from representing the City's interests in any municipal labor contract negotiation or grievance procedure, merely because he or she is an eOrdinance iList 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 pPerson 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]:

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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 officerOfficer or employeeEmployee 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 officerOfficer's or employeeEmployee's aAgency or the officerOfficer or employeeEmployee is not responsible for any aspect of the transaction underlying the contract, and the employeeEmployee's or officerOfficer'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 officerOfficer or employeeEmployee of the City, if the transaction is conducted according to applicable public procedures. The officerOfficer or employeeEmployee must take no part in the transaction on behalf of the City and an independent officerOfficer or aAgency must approve the terms of the transaction, in writing. Where appropriate and in accordance with this Code of Ethics, the officerOfficer or employeeEmployee should make written disclosure of the transaction to the City Clerk.~~

(2)

~~—(3)~~

(3) A contract or transaction between an officerOfficer or employeeEmployee 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.

~~—~~

~~—(4)~~

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

~~—~~

~~—(5)~~

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

—

—(6)—

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

—

—(7)—

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

—

—(8)—

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

—

—(9)—

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

§ 32-5. Prohibited representation.

—A.—

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

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

~~—B.~~

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

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

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

~~—A.~~

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

~~—B.~~

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

~~—C.~~

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

~~—D.~~

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

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

~~—A.~~

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

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

~~—(1)~~

(1) It is limited to communications with an ~~officer~~Officer, ~~employee~~Employee or aAgency 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 yYear, from anyone or any institution, including but not limited to an Immediate Family member covered by this code.
- B. No Officer or Employee shall knowingly or unknowingly, give, directly or indirectly, any gift in violation of this subsection.

~~A.~~

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

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

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

~~(1)~~

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

~~(2)~~

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

~~(3)~~

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

~~(4)~~

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

~~—(5)—~~

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

~~—(6)—~~

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

~~—(7)—~~

(7) Meals and refreshments (not exceeding \$150~~100~~—\$50 in value per yYear) 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 iIndividual'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 pPerson's status as an ~~officer~~Officer or ~~employee~~Employee of the City.

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

~~—~~

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

~~—(12)—~~

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

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

B.

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

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

§ 32-9. Specific violations.

A.

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

B.

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

C.

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

D.

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

E.

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

F.

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

G.

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

§ 32-10. Negotiation of future employment.

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

§ 32-11. Subsequent employment.

A.

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

B.

- B. No aAgency shall employ any iIndividual who has served as an officerOfficer of the aAgency during the preceding 18 months or any immediate familyImmediate Family member of an iIndividual who has served as an officerOfficer of the aAgency during the preceding 18 months. No officerOfficer of an aAgency or any immediate familyImmediate Family member of an officerOfficer of an aAgency shall apply for or accept employment by that aAgency during the time that said officerOfficer is serving for the aAgency and for a period of 18 months after said officerOfficer ceases to serve in the aAgency.

§ 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 employeeEmployee or officerOfficer of the City. Except for the original appointments, replacement members shall be appointed each year after the effective date of the enactment of this chapter to serve for terms of three years. At the origination of the Board of Ethics after the first effective date of this amendment to Chapter 32, the Common Council shall appoint: two members and one alternate for three-year terms, two members for two-year terms and one member and one alternate for one-year terms. All council appointments to the Board of Ethics shall require the affirmative vote of 11 members of the Common Council.^[KM14]

B.

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

C.

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

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

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

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

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

E. Probable cause hearings and subsequent procedures.

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

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

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

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

(a) Review of complaint

Upon receipt of a complaint, the Board of Ethics shall review the complaint and determine whether it warrants acceptance. If the Board of Ethics 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 Board of Ethics may refuse to accept a complaint. The conduct which the Board of Ethics relies on to make such a decision shall include, but not be limited to: (a) the number of complaints filed and the total number of pending complaints; (b) the scope of the complaint; (c) the nature, content, language or subject matter of the complaint; (d) the nature, content, language or subject matter of other oral and written communications to the Board of Ethics from the complainant; and (e) a pattern of

conduct that amounts to an abuse of the ethics complaint process or an interference with the operation 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 for a specified period of time.

(b) Appointment of Investigating Panel

~~— [2] (b) [KM22]~~

~~— Upon receipt of said complaint by the Board of Ethics members and subject to 32-12(e)(1)(a), an Investigating Panel ~~investigating panel~~ will be appointed, within 21 days, after the next regularly scheduled Board of Ethics meeting. ~~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 ~~a~~ Agency at which the ~~i~~ Individual(s) alleged to be involved in the facts of the complaint currently serves or formally served within one year as ~~officer~~ Officers or ~~employee~~ Employees. The Investigating Panel ~~investigating panel~~ members may delete, defer or reject any part of a complaint that does not conform to the requirements specified by the Board of Ethics. If any member of the Board of Ethics initiates or is involved in a complaint, he or she will recuse himself or herself from the Board of Ethics for the purposes of that complaint, including the appointment of the Investigating Panel ~~investigating panel~~ and any ~~hearing board~~ Hearing Board, and an alternate of the Board shall serve in his or her place as to all further proceedings on that complaint.~~

(c)

~~[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~~ State Marshal ~~sheriff~~, constable or indifferent ~~p~~ 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~~ State Marshal ~~sheriff~~, constable or indifferent ~~p~~ Person to the ~~respondent~~ Respondent(s) and Complainant(s) ~~complainant—~~ within seven days of such amendment.

~~— (b) (c) [KM26]~~

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

— Finding of Probable Cause, Written Report, Hearing Before

(d)

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

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

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

(i)

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

(ii)

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

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

(e)

—~~(e) [2]~~^[KM30]

—~~Finding of No Probable Cause.~~ If the Investigating Panel investigating panelfails to determine that there is probable cause that the Respondent respondent has violated the Code of Ethics, the Investigating Panel investigating panelshall 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 panell determines that there is probable cause that the respondent has violated the Code of Ethics, it shall submit a written report to the Board of Ethics stating the basis for the finding of probable cause. Upon receipt of the report of the investigating panel finding probable cause, the Board of Ethics shall appoint a hearing board, which shall initiate a public hearing process within 30 days, to determine whether the respondent(s) committed a violation of the Code of Ethics. In any public hearing held to determine a violation of the Code of Ethics, the investigating panel members shall have the responsibility of gathering and presenting evidence to the hearing board.~~

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

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

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

—~~(b) [5]~~ Hearings

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

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

(c) The ~~hearing boardHearing Board -~~shall determine whether a violation of the Code of Ethics has been proven by eClear aAnd eConvincing eEvidence. ~~In~~

conducting such hearings the Investigating Panel ~~investigating 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 ~~eClear~~ ^aAnd ~~eConvincing~~ ^eEvidence that the Respondent ~~respondent~~ has violated the Code of Ethics.

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

- (d) Upon completion of the hearings before the ~~hearing 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 ~~p~~Person. If the ~~hearing board~~ Hearing Board determines ^{Board} determines a violation of the Code of Ethics has been proven by ~~C~~clear ^aAnd ~~e~~Convincing ^eEvidence, the ~~hearing board~~ Hearing Board shall ^{Board} 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~~ 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 and Respondent

~~ii~~
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 annuallyand ~~agencies before March 31 of each year.~~

(1) ~~[i]~~

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

~~[10]~~

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

§ 32-13. Effect of violation.

~~—A.~~

A. A violation of this Code of Ethics:

~~—(1)~~

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

~~—(2)—~~

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

~~—(3)—~~

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

~~—B.—~~

B. Any ~~i~~ 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 ~~i~~ Individual's unethical conduct. The costs of the hearing process under this Code of Ethics shall not be included in the aforementioned damages and shall not be recoverable under the provisions of this subsection.

~~—C.—~~

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

~~—D.—~~

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

~~—E.—~~

E. ~~Any ~~officer~~ Officer or ~~employee~~ Employee who is determined to have violated the provisions of this chapter may be subject to a fine in an amount up to \$250 per violation, and such fine may be in addition to any other discipline imposed under this chapter.~~^[KM43]

F. Where there has been a violation of the Norwalk Code of Ethics, the City may void any municipal purchase, contract or ruling which the Board of Ethics has found to have been influenced by that violation, pursuant to Section 7-479 of the Connecticut General Statutes.

§ 32-14. Time limits on complaints.

~~—A.—~~

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

~~—B.~~

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

~~—C.~~

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

§ 32-15. Proposed revisions.

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

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

~~—A.~~

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

~~—B.~~

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

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

It is contemplated by this Code, that ~~p~~Persons making complaints and respondents to any ethics complaint made under the Code shall not be represented by counsel appointed by or

paid for by the City. ~~In appropriate circumstances when a respondent has not been found in violation of this Code~~If the Hearing Board determines that the complaint was brought in bad faith and a Respondent is not in violation of the Code, the Board of Ethics may recommend to the Common Council that a 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.

City of Norwalk Code of Ethics Complaint Process

Confidential

- Confidential Complaint filed with City Clerk's Office.
- City Clerk's Office refers Confidential Complaint to Board of Ethics.
- Board of Ethics reviews Complaint to ensure compliance with Code requirements.
- If Complaint complies with Code, Complaint referred to Investigating Panel.
- If Complaint is non-compliant, Board requests compliance and/or dismisses Complaint.

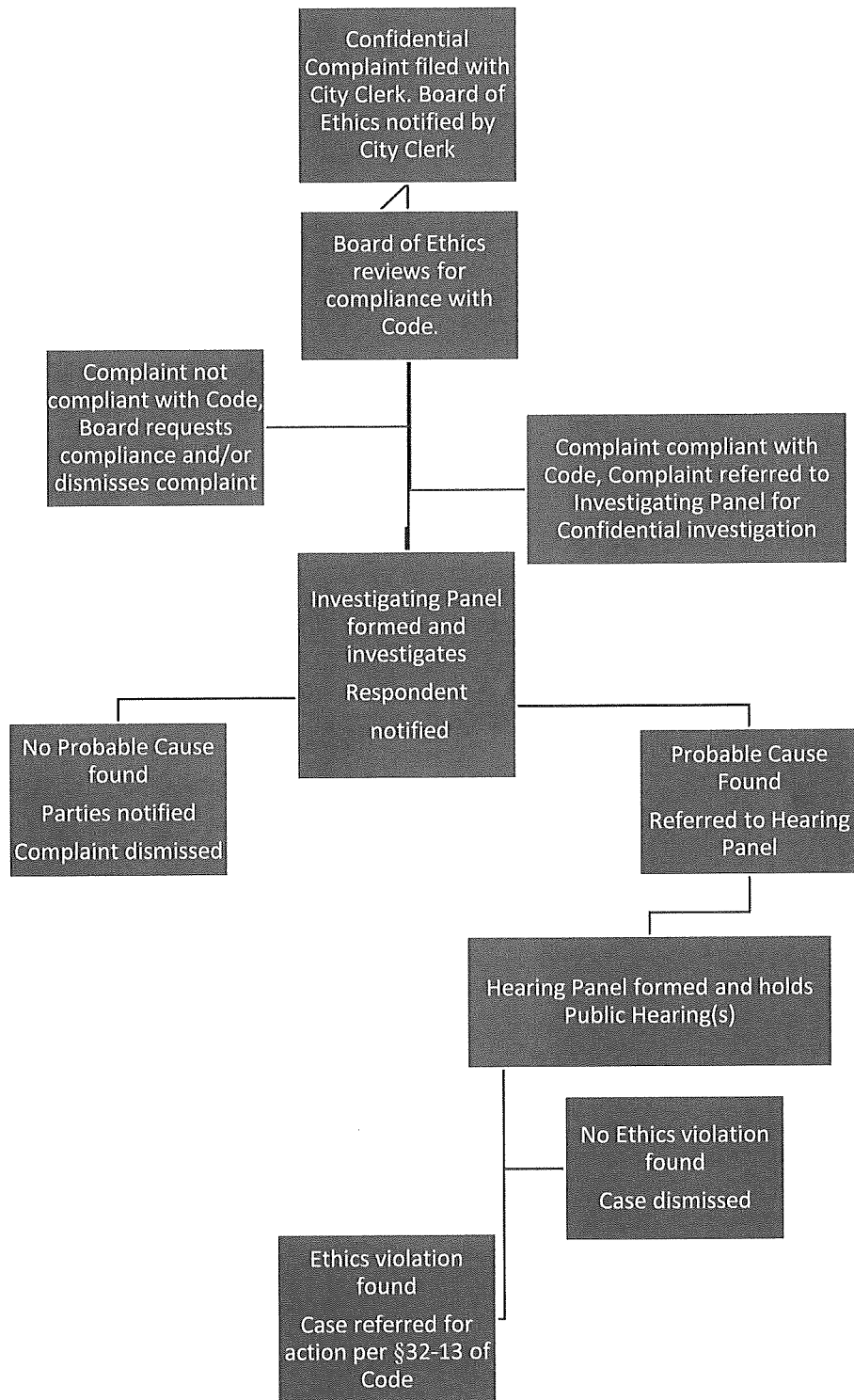
Confidential

- Three Member Investigation Panel assembled & begins investigation
- Person against whom complaint is made (Respondent) is notified
- If Investigating Panel finds No Probable Cause, Complaint dismissed, Notice of Dismissal sent to Complainant and Respondent, and file closed.
- If Investigating Panel finds Probable Cause, written report sent to Complainant and Respondent, Hearing Panel is formed.

Public

- If Probable Cause is found by Investigating Panel, Three Member Hearing Board is formed
- Public Hearing(s) are held
- Hearing Board issues written determination.
- If an Ethics violation is found, a determination of violation made and the matter is referred for further action.
- If an Ethics violation is not found, the case is dismissed.

City of Norwalk Code of Ethics Complaint Process



City of Norwalk, Connecticut

Board of Ethics

Citizen's Guide to the Norwalk Code of Ethics

April 26, 2019

Citizen's Guide to the Norwalk Code of Ethics

Contents:

1. Introduction
2. Guidelines for Ethical Behavior

Key Aspect of Ethical Behavior for Employees and Officers

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

Requirements for Filing a Complaint:

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

Complaint Process

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

3. Complaint Form
4. Code of Ethics

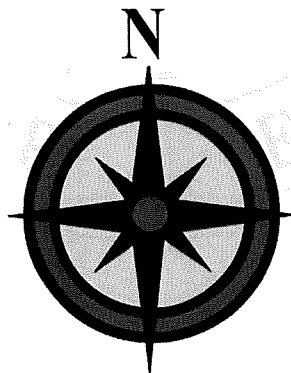
1. Introduction:

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 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. 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 \$50150.00 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:

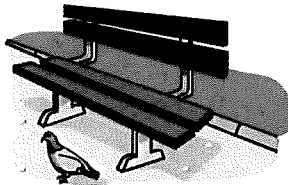
There is a minimum of one year before a terminated employee or officer shall be able to work or assist any individual, person, agency, other than the City, by representing that individual, person or agency in front of his or her former department for monetary or valuable compensation.

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) By 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

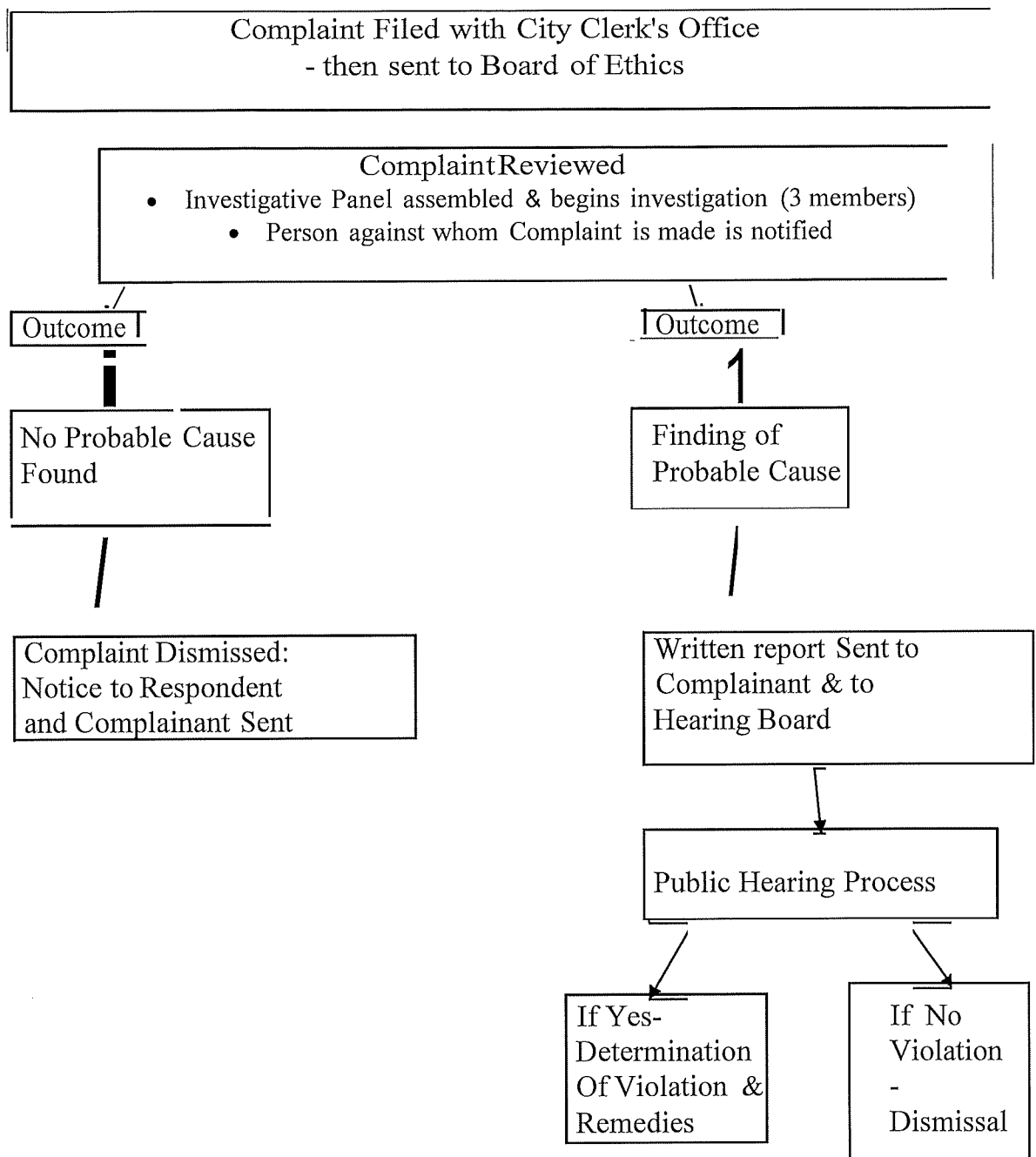
What happens after a Complaint has been filed?

- 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 this 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

1) Diagram of Process:



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2) Process Explanation:

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.
- 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
c/o 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):

CITY OF NORWALK

ETHICS COMPLAINT

Page 3 of 4

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

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

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

Signature: _____ Date: _____

CITY OF NORWALK

ETHICS COMPLAINT

Page 4 of 4

NOTE:

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

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

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

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

*City of Norwalk
PC/CodeBookfor -W111dows*

Chapter 32, CODE OF ETHICS

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

~~GENERAL REFERENCES~~

~~Administration - See Ch. 9.~~

~~§ 32-1. Title; administration.~~

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

~~§ 32-2. Declaration of policy.~~

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

~~§ 32-3. Definitions.~~

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

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

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

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

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

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

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

INDIVIDUAL—A natural person.

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

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

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

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

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

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

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

~~according to applicable public procedures. The officer or employee must take no part in the transaction on behalf of the City and 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 a 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~~

proceeding 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 all 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

authmity.

- ~~(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 gennane to governmental action or functions.~~
 - ~~(12) Certificates, plaques or other ceremonial awards having a value of not more than \$200.~~
- ~~B. The monetaiy exceptions listed herein shall be adjusted annually based on the Consumer Price Index for the proceeding year c01mneneing on Januaiy 15, 2009.~~

~~§ 32-9. Specific violations.~~

- ~~A. Ordinailces. 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 N01walk 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 fonner officer or employee to take for personal or other non-City use any 0liginal 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 infonnation by Board of Ethics. It shall be a violation of the Code of Ethics for any officer or employee to intentionally deny access to infonnation requested by the Board of Ethics or a duly appointed investigating paillel in the course of an investigation or a public heai-ing, except to the extent that such information is exempt from disclosure or otheIwise 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 ail ethics complaint or providing trnthful infonnation as part of aiy investigation of or heaiing on ail ethics complaint.~~
- ~~E. Violation of confidentiality. It shall be a violation of the Ethics Code for aiy officer, employee or agency to intentionally violate aiy confidentially requirement provided for mlder the Ethics Code.~~
- ~~F. Additional specific violations. The Common Council may, from time to time, pass ordinances with the specific intent that said ordinances aie to be incorporated into ail~~

enforced through the ethics process.

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

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

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

~~§ 32-11. Subsequent employment.~~

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

~~§ 32-12. Board of Ethics.~~

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

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

~~C. Powers and duties.~~

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

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

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

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

~~2J Upon receipt of said complaint by the Board of Ethics members, 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 or formerly served within one year as officers or employees. The investigating panel members may delete, defer or reject filing of a complaint that does not conform to the requirements specified by the Board of Ethics. If any member of the Board of Ethics initiates or is involved in a complaint, he or she will recuse himself or herself from the Board of Ethics for the purposes of that complaint, including the appointment of the investigating panel and any hearing before, and any alternate of the Board shall serve in his or her place as to~~

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~~all further proceedings on that complaint.~~

~~3J~~ The Board of Ethics shall notify, by registered or certified mail, or by personal service by a sheriff, constable or indifferent person, any respondent against whom a complaint is filed not later than 10 business days after the investigating panel is formed. A copy of such complaint, the name of the complainant(s) and any subsequent changes to the complaint shall accompany such notice. The Board shall also notify the complainant in writing of its receipt of such complaint not later than 10 business days after the investigating panel is formed.

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

~~(b) Investigation of probable cause. The investigating panel members shall investigate the complaint and any supplement thereto. For this purpose, hearings and meetings may be held to determine whether or not there is probable cause to believe that the respondent has violated the Code of Ethics. Any investigation and probable cause hearing, if held, shall be confidential and shall not be open to the public unless the respondent requests that such investigation and hearing be open. Pending the outcome of the probable cause hearing, no member of the Board of Ethics or investigating panel shall disclose his or her knowledge of the probable cause investigation to a third party. The respondent shall have the right to appear and be heard and to offer fully 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.~~

~~1J~~ 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.

~~2J~~ If the investigating panel fails to determine that there is probable cause that the

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~~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.~~

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

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

~~18J—Extension of time.~~

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

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

~~1cJ Notwithstanding the foregoing:~~

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

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

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

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

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

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

~~1AJ—To be represented by counsel.~~

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

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

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

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

~~1cJ The Board of Ethics shall have the power to adopt and amend rules of procedure for hearings conducted pursuant to the Code of Ethics, provided such rules are approved by a majority vote of the entire Common Council, after publication of the text of the proposed rules of procedure or amendments thereto in a newspaper having a general circulation in the City. Any rules of procedure or amendments thereto shall become effective 30 days after adoption, and the full text of the rules for procedure, adopted in accordance with this section, shall be published and maintained as part of the Code of the City of Norwalk.~~

~~1dJ All Board of Ethics hearings shall be conducted in such a manner as to provide the respondent(s) with all due process that is required by federal, state and local law.~~

~~1eJ Upon the request of the complainant, the respondent, the investigating panel or a member of the ethics hearing board, the ethics hearing board shall cause the hearings to be recorded and a transcription to be made thereof. If either the respondent or complainant requests a copy of the transcript, the requesting party shall bear the costs for the same.~~

~~1fJ The hearing board may subpoena witnesses to testify and may compel production of documents and other effects as evidence, and such subpoena may be enforced as provided under the Code of the City of Norwalk and state law.~~

~~1gJ In order to insure the public's right of access to the proceedings held in accordance with the provisions of this chapter, the Board of Ethics in conducting hearings before the hearing board shall follow the requirements of the Connecticut Freedom of Information Act. EN(2)~~

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

~~1iJ The Board of Ethics shall hold or sponsor at least one educational program for the City and its employees, officers and agencies before March 31 of each year.~~

~~1jJ The Board of Ethics may create and maintain a handbook to be distributed, together with this chapter, to all officers and employees. If created, a copy of the handbook shall be kept at the City Clerk's office and shall be~~

available for inspection by the public.

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

~~§ 32-13. Effect of violation.~~

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

- ~~(1) By an elected officer shall be considered dereliction of official duty, and therefore a cause for censure, impeachment or removal from office under the Code of the City of Norwalk.~~
- ~~(2) By an officer of an appointed board or commission shall be considered misconduct in the performance of duties and therefore a ground for censure or removal under the Code of the City of Norwalk.~~
- ~~(3) By 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 any ethics complaint including the costs of the respondent's counsel. The Council may authorize such reimbursement subject to the availability of funding by the City.~~

City of Norwalk
PC Code Book for Willdows

~~§32-18. Effective date.~~

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

Endnotes

1(Popup)

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

2(Popup)

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