

**CITY OF NORWALK
BOARD OF ETHICS
REGULAR MEETING
MAY 23, 2019**

ATTENDANCE: Michael Church, Chair; Miklos Koleszar, Kara Murphy, Nora Niedzielski-Eichner; Kelly Straniti. Lori Torrano (7:45 p.m.)

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

CALL TO ORDER

Mr. Church called the meeting to order at 7:15 p.m.

ROLL CALL

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

NEW INTRODUCTIONS

There were no new introductions to make at this time.

PUBLIC PARTICIPATION

There was no one from the public present.

ACCEPTANCE OF MINUTES.

April 25, 2019

**** MS. MURPHY MOVED THE MINUTES OF APRIL 25, 2019.**

**** MS. NIEDZIELSKI-EICHNER SECONDED.**

**** THE MOTION TO ACCEPT THE MINUTES OF APRIL 25, 2019 AS SUBMITTED 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.

Ms. Murphy and Atty. Candela attended the recent the Ordinance Committee meeting where the changes to the Code of Ethics were presented. The meeting had no public participation. Council Member Livingston had confidentiality concerns regarding an individual speaking to the press first and later filed a complaint. This would be a First Amendment issue versus a confidentiality issue.

Atty. Candela noted that there were a few typos in the draft and indicated where they were.

The Committee approved the changes that had been made in document since the last meeting. The Ordinance Committee had a discussion about the definition of officer in the in the later sections.

The Ordinance Committee informed Atty. Candela that they would like to receive a statistical report on how many cases the Board has been reviewing. Mr. Church said that the Board had been providing the reports but then in 2016, the Ordinance Committee told the Board to stop.

Ms. Murphy commented that the basic process has not changed and the State Ethics Code was set up the same way that Norwalk's Board was. Ms. Murphy said that the Ordinance Committee was happy to hear that other public entities were doing the same type of reviews. She said that there was also a procedure in place to handle complaints against attorneys.

Atty. Candela said that the changes in Sections 32.5 and 32.6 were fairly straight forward. He said that these could be presented to the Ordinance Committee. Ms. Murphy agreed and said that she believed that the Ordinance Committee would want to have an in depth conversation on 32.4, which is the Conflict of Interest section. Atty. Candela suggested that they consider possibly including Section 32.7. Mr. Church said that he would also like to include Section 32.10. Atty. Candela said that he would contact the Committee and see if they wanted to add it for the June 18th agenda meeting.

Atty. Candela said that the Committee will be moving Sections 32. 1; 32.2 and 32.3 to the Common Council for approve. Discussion followed about the details.

The Citizen's Guide To The Norwalk Code Of Ethics

Mr. Church thanked Ms. Murphy for the new draft diagram of the Complaint Process. Atty. Candela asked if the new charts would be inserted on page 9 of the Citizen's Guide to replace the current Diagram of Process. This was agreeable to all.

**** MS. NIEDZIELSKI-EICHNER MOVED TO APPROVE THE TWO CHARTS WITH THE RECOMMENDED CHANGES.**

**** MS. MURPHY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Atty. Candela said that they had not discussed a number of items, such as gifts, conflict of interest, prior employment and a few other sections.

Ms. Torrano joined the meeting at 7:45 p.m.

Ms. Niedzielski-Eichner had a number of small grammatical changes to pages 3, 8, 10 and 14. The discussion moved to the definition of "designated party".

Atty. Candela said that he would try to email the Board the following day updated copies of the Citizen's Guide and The Code of Ethics including all the changes made by the Ordinance Committee and by the Board.

Mr. Church pointed out that on page 3, there is a statement that the description of the law was not intended to be exhaustive.

Atty. Candela said that Mr. Corsello has concerns about advisory opinions. Discussion followed about Section 32.12.d. Mr. Corsello's concern was that they might be giving a member of the public an advisory opinion and the public could confuse it with a legal opinion. Mr. Church said that the Ethics Board was created to assist the City employees and to handle any ethics complaints from the public about the City employees.

**** MS. STRANITI MOVED TO ELIMINATE THE PHRASE "MEMBER OF THE PUBLIC" FROM SECTION 32.12D THAT SECTION.**

**** MS. MURPHY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Atty. Candela said that he would try to get an answer about whether the item was on upcoming June 18th agenda. Once he gets an answer, he will email the Board Members.

Mr. Koleszar said that he would like to have the Code re-numbered. Atty. Candela said that he would do this.

Ms. Niedzielski-Eichner asked if they would be preparing and submitting a report to the Ordinance Committee. Mr. Church said that while he had no problem presenting a statistical report, he would prefer to do so in Executive session.

Ms. Torrano asked about the charts on page 9. Mr. Church explained that the chart was being replaced by the updated graphs.

Ms. Torrano asked about the "dismissal of a complaint". Mr. Church said that usually they would state something along the lines of "per section XX, there was no probable cause to the complaint". In order to protect confidentiality the dismissal will not contain details of the investigation or the reasons for the dismissal. Ms. Torrano wanted to clarify what complainant would get back from Board of Ethics to set expectations.

NEW BUSINESS

There was no new business to consider at this time.

EXECUTIVE SESSION

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

ADJOURNMENT

**** MS. TORRANO MOVED TO ADJOURN.
** MS. MURPHY SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services