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

REGULAR MEETING

BOARD OF ETHICS

Thursday, April 28, 2022 at 7:00 p.m.

Teleconference/Videoconference

AGENDA

1. ROLL CALL:

2. New Introduction:

3. Public Participation:

4. ACCEPTANCE OF MINUTES:

- February 24, 2022

5. OLD BUSINESS:

6. NEW BUSINESS:

- Discuss Board of Ethics' draft slides concerning education and training programs for the City and its Officers and Employees. Sections 32-12 and 32-17.

7. EXECUTIVE SESSION:

8. ADJOURNMENT:

**CITY OF NORWALK
BOARD OF ETHICS
REGULAR MEETING
FEBRUARY 24, 2022**

via Teleconference/Videoconference

ATTENDANCE: Kara Murphy, Acting Chair; Miklos Koleszar, Tony Lopez, Haroldo Williams, Lori Torrano (7:08 p.m.)

OTHERS: Atty. Brian Candela

1. ROLL CALL

Atty. Murphy said that Mr. Church was not able to attend, so he had asked if she would chair the meeting if that was agreeable to everyone. She called the meeting to order at 7:03 p.m.

2. NEW INTRODUCTION:

There were none at this time.

3. PUBLIC PARTICIPATION:

There were no members of the public present at this time.

4. ACCEPTANCE OF MINUTES:

- October 28, 2021

**** MR. WILLIAMS MOVED THE MINUTES OF THE OCTOBER 28, 2021 MEETING.**

**** MR. KOLESZAR SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF THE OCTOBER 28, 2021 MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

5. OLD BUSINESS

- Discuss strategies to establish a process to update the necessary City staff and officials concerning the updated Code of Ethics.

Atty. Candela said that he had a meeting with a number of senior level management staff who had attended a recent meeting about this. He said that it would be good to begin to develop a presentation and have it recorded. This would allow the senior level management to inform their

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City of Norwalk
Board of Ethics
Regular Meeting
February 24, 2022

departmental staff that they needed to view the presentation. This would also be available to the Board of Education.

Ms. Torrano joined the meeting at 7:08 p.m.

Mr. Williams suggested that the elected officials be made a priority since they interact with the public. He noted that Mr. Burney had suggested that the training be kept to about 15 minutes. Atty. Candela said that there were 18 sections and some of the sections will be very short, while the section on the Conflict of Interest would be longer and more detailed.

Discussion followed about having the presentation set up so that the staff member can watch a few minutes of a portion and then go back to that section to finish the segment. Atty. Murphy suggested a short quiz at the end of each section before the staff can moved to the next section.

Ms. Torrano said that she would like to have some kind of attendance record and also wished to know if their budget would be charged by IT.

Atty. Candela said that he had participated in seminars that had a short quiz at the end and when the course was completed, the staff member would get a certificate.

Mr. Williams said it would be important to make sure the staff members just get an overview of the Code of Ethics since they had not previously received training in this. Discussion followed about having training sessions available online for staff.

Ms. Murphy said that the Board Members seemed to have reached a consensus on:

- The staff must receive training on the entire Code of Ethics rather than just highlights.
- Having all the staff received the full training since there is an ever changing roster of staff and elected officials
- The staff and officials have not had any previous training to build on.
- Having the presentation run not less than 20 minutes, but no more than 1 hour.
- In person live training will need to have a PowerPoint presentation that individuals can access.
- There needs to be a certificate of attendance for record keeping purposes.
- The attendees should receive a copy of the Code of Ethics and the Guide in advance of

the training session.

The discussion moved to the State requirements regarding a timeline for attendance and the frequency of re-training sessions. Atty. Candela said that he would contact the State and also someone he knows in a Compliance Office.

The discussion then focused on the creation of the PowerPoint slides. Atty. Candela said that if he did the initial work on the presentation, it would take him until April. If the sections were divvied up, they could potentially have it ready for the March meeting. Atty. Murphy said that she would get in touch with Mr. Church about this for his direction. Once she does, she will get back to Atty. Candela. Further discussion followed about how the sections might be assigned to the Board Members.

The discussion moved to the potential of having an in person meeting for March and possibly scheduling a special meeting for working on the presentation.

6. NEW BUSINESS:

There was no new business to consider at this time.

7. EXECUTIVE SESSION:

There was no items for Executive Session.

ADJOURNMENT:

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

**** MR. WILLIAMS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:07 p.m.

Respectfully submitted

S. L. Soltes
Telesco Secretarial Services

Section 32-12

Organization and Duties of the Board of Ethics

Ethics Complaint Procedures

Powers and Duties

- Advisory Opinions
- Investigate Complaints
- Conduct Hearings on Complaints
- Notify the Mayor, Common Council, City Clerk, Corporation Counsel and other Officers, as appropriate, of its memorandum of decision on complaints.
- Annual Education Programs on the Code of Ethics

Advisory Opinions

- Board of Ethics may receive written requests from any Officer, Employee, or Agency to render an advisory opinion.
- Advisory Opinions are binding, until amended or revoked.
- Good faith reliance on advisory opinion is an absolute defense to any Ethics complaint.
- Advisory Opinions rendered within 120 days of request and shall be filed with the City Clerk.
- Advisory Opinions are available to the public.

Complaint Procedure

- The Complaint must:
 - Be in writing and on the required Complaint Form;
 - Be signed under penalty of false statement (i.e.: truthful);
 - Contain details of a specific act or acts allegedly in violation of the Code of Ethics;
 - Be in good faith;
 - Not be intended to harass the Respondent or the Board (i.e.: vexatious);
 - Be timely (See section 34-14 for time periods); and
 - Be **Confidential**

First Step: Ethics Board Reviews Complaint

- Board of Ethics reviews complaint to determine whether it should be accepted.
- If the Board rejects the complaint, it must do so in writing.
- Reasons to reject a complaint, include but are not limited to:
 - Number of complaints filed and pending by Complainant;
 - The scope of the complaint;
 - The nature, content, language and/or subject matter of the complaint;
 - The nature, content, language or subject matter of other written communications to the Board; or
- A pattern of conduct resulting in an abuse of process or interference with the Board.

Rejection of the Complaint

- A Complaint must be:
 - In good faith;
 - Truthful; and
 - Not intended to harass the Respondent.
- If a Complaint is found to be in bad faith, untruthful or vexatious, the Board may:
 - Provide appropriate relief, commensurate with the conduct; and/or
 - Order that the Board of Ethics need not accept complaints from the Complainant for a designated period of time.

Second Step: Investigating Panel

- Upon receipt of Complaint
 - Board of Ethics meets at next, regularly scheduled meeting;
 - Board reviews complaint;
 - If complaint is accepted, Investigating Panel is appointed within 21 days; and
 - Complainant and Respondent notified within 10 days after Investigating Panel is formed.

Investigating Panel– Confidentiality

- Investigating Panel proceedings are **confidential**.
 - Breach of confidentiality can be direct or indirect.
 - Breach of confidentiality may result in dismissal of complaint.
 - Board of Ethics may ban Complainant from filing future complaints due to breach of confidentiality.

Investigating Panel Process

- Investigating Panel determines whether there is Probable Cause that Respondent has violated the Code.
- Investigating Panel may delete, defer, reject or expand any part of the complaint.
- Investigating Panel may receive oral or written testimony from Complainant, Respondent, and witnesses, may retain legal counsel and investigators.
- Investigating Panel must complete investigation and decide initial complaint within 60 days.

Decision by Investigating Panel

- Two outcomes:
 - No Probable Cause = dismissal of complaint
 - Probable Cause = referral to Hearing Board
- Finding of No Probable Cause
 - Complaint dismissed.
 - Board of Ethics notified of dismissal with a copy dismissal sent to Respondent and Complainant.
- Finding of Probable Cause:
 - Two (2) affirmative votes required.
 - Written report to Board of Ethics stating the basis for the finding.
 - Board of Ethics appoints a Hearing Board within 45 days of written report.

Third Step: Hearing Board

- Investigating Panel presents all evidence to Hearing Board.
- Hearing Board notifies Respondent and Complainant within 10 days of receipt of report by Investigating Panel of the hearing process.
- All hearings are ***Public hearings*** and are not confidential.
- Public has a right to access the hearings.

Public Hearing Process

- The Investigating Panel presents the Complaint to the Hearing Board on behalf of Complainant.
- Investigating Panel and Respondent rights:
 - To be represented by counsel;
 - To present relevant oral or written evidence; and
 - To exam and cross-examine witnesses; and
 - To have the hearing conducted in such a manner as to afford both parties due process under Federal, State, and local law.
- Subpoenas may be issued by Hearing Board for both witnesses and records/documents.

Public Hearing Process

- Evidence and Burden of Proof
 - A violation of the Code must be proven by Clear and Convincing Evidence
 - Investigating Panel has the burden of proving the complaint.
 - A 2/3rd vote of the Hearing Panel is required to make a finding of a violation of the Code of Ethics.
- Extensions of time within the discretion of the Hearing Board.

Decision by the Hearing Board

- The decision of the Hearing Board must be rendered within 120 days of appointment.
- Within 30 days after rendering a decision, the Hearing Board must state its findings of fact and conclusions of law in a written Memorandum of Decision.
- Memorandum of Decision is:
 - Filed with the Mayor, City Clerk, Corporation Counsel;
 - May be filed with any other Officer, as appropriate; and
 - Provided to the Complainant and Respondent.
- Penalties for violation of the Ethics Code are set forth in section 32-13.

Miscellaneous Provisions

- Stipulations of Parties and Settlement
 - The Respondent may enter into a settlement with the Board of Ethics, Investigating Panel or Hearing Board at any time.
- Educational Programs
 - The Board shall hold or sponsor at least one educational program annually.
 - The Board of Ethics has a Citizen's Guide available to the public and other interested parties.

Section 32-17

Representation of Respondents by the City

Representation by Legal Counsel

- The Complainant and the Respondent will be represented by legal counsel at their own expense.
- If the Hearing Board finds that the Respondent did not violate the Code:
 - Board of Ethics may recommend to the Common Counsel that the Respondent's reasonable legal expenses be reimbursed all or in part.
 - Common Council reimbursement is discretionary and subject to availability of funding.