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Members of the public can use a telephone to call in, attend, listen and comment during the meeting. However, they will not be able to see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. For the current meeting, the **meeting ID is 860 5176 8039** and the **call in number is 646-558-8656**. All participants will be muted upon entering the meeting. To speak, dial *9 on the phone and you will be called on by the host of the meeting during the public comment section. All speakers must state their name and address. Comments must be on a topic on the agenda, and are limited to three minutes. Anyone disrupting the orderly conduct of the meeting, including by using threatening, hateful, or sexually-explicit language, will be removed. The information can also be found using the link above.



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Members of the public who wish to "view the meeting live" and/or "provide live comments" can use the Zoom meeting platform by going to either [https://norwalkct-org.zoom.us/j/86051768039?pwd=MDdNQ2doamo0akh2aEtVYTfMbFh5QT09](https://norwalkct.org.zoom.us/j/86051768039?pwd=MDdNQ2doamo0akh2aEtVYTfMbFh5QT09) or www.norwalkct.org/meetings and clicking on the "View/Participate Live on Zoom" link that is on the line with the meeting date and time. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called on by the host of the meeting during the public comment section. All speakers must state their name and address. Comments must be on a topic on the agenda, and are limited to three minutes. Anyone disrupting the orderly conduct of the meeting, including by using threatening, hateful, or sexually-explicit language, will be removed. The information can also be found using the link above.



Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk website within seven (7) days after the meeting.



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 must be submitted by 12:00 p.m. the day of the meeting. Please email Brian Candela at bcandela@norwalkct.gov with the subject line "Public Comment" to provide written public comment prior to the meeting.

REGULAR MEETING

BOARD OF ETHICS

Thursday, April 25, 2024 at 7:00 p.m.

Teleconference/Videoconference

AGENDA

1. ROLL CALL:

2. New Introduction:

3. Public Participation:

4. ACCEPTANCE OF MINUTES:

- March 28, 2024

5. OLD BUSINESS:

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

6. NEW BUSINESS:

7. EXECUTIVE SESSION:

8. ADJOURNMENT:

**CITY OF NORWALK
BOARD OF ETHICS
REGULAR MEETING
MARCH 28, 2024**

ATTENDANCE: Pat Toni, Michelle Sawyer, Kathryn Williams, Anne Wennerstrand

STAFF: Atty. Brian Candela, Associate Corporate Counsel

CALL TO ORDER

Atty. Candela greeted everyone and introduced the new members. There was a quorum present. He explained that the Chair and Vice Chair were not able to attend the meeting. However, he noted that the Board now had a full complement for the first time in a long time. Atty. Candela called the meeting to order at 7:03 p.m.

PUBLIC PARTICIPATION

Atty. Candela said that Ms. Toni was the only Board Member present at the last meeting.

**** MS. TONI MOVED THE MINUTES OF THE JULY 27, 2023 WITH NO REVISIONS.**

**** MS. SAWYER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS

Discuss Board of Ethics' draft slides concerning education and training programs for the City of Norwalk and its Officers and Employees.

Atty. Candela said that the last time the Board had met, they had approved most of the slides for the Code of Ethics, but had four slides that were remaining.

Atty. Candela then displayed a two page slide for Section 32-9 – Specific Violations. The Board Members present reviewed the text on the slide. A discussion followed about whether the slide should be limited to a reference to another section of the Code or retain the longer text. Discussion followed and Atty. Candela made the changes that the Board Members suggested.

**** MS. TONI MOVED TO APPROVE THE LANGUAGE CHANGES IN SLIDE 32-9 SPECIFIC VIOLATIONS AS DISCUSSED.**

**** THERE WAS A SECOND.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Board then reviewed the slide for 32-13 Effect of Violations and discussed potential changes, which Atty. Candela noted.

**** MS. SAWYER MOVED TO APPROVE THE LANGUAGE CHANGES FOR SLIDE 32-13 SPECIFIC VIOLATIONS AS DISCUSSED.**

**** MS. WILLIAMS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Board then reviewed the slide outlining Section 32-4 Conflict of Interest. The discussion moved to defining “Business Associate”. Atty. Candela then outlined the process for adding a new definition to the Code.

The discussion then moved to the appointment of an immediate family member to a city position or actions that might benefit an employee. Atty. Candela explained for the record that he included one of the eight examples from the full Code of Ethics. The Board suggested some language changes and the example from the full Code was eliminated.

The Board then discussed the issues and concerns around elected officials serving on a Board of a non-profit. Atty. Candela pointed out that if someone asks about the Code of Ethics, it will be important to clarify the fact that the Code is not an exhaustive list and is not all inclusive.

Atty. Candela then reviewed the revisions and changes with the Board Members. He noted that Ms. Williams was no longer on the call, which means there was no longer a quorum present. When a quorum was present, they discussed Sections 32-9 and 32-13. He said that he would save the changes in Section 32-4 for the next meeting and then they can make any additional changes. The final versions for 32-9 and 32-13 will be sent to the Board Members.

NEW BUSINESS

This was not considered at this time due to a lack of quorum.

EXECUTIVE SESSION

This was not considered at this time due to a lack of quorum.

ADJOURNMENT

**** MS. WENNERSTRAND MOVED TO ADJOURN.**

**** MS. TONI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:16 p.m.

Respectfully submitted,
S. L. Soltes
Telesco Secretarial Services

City of Norwalk
Board of Ethics
Regular Meeting
March 28, 2024

Section 32-12

Organization and Duties of the Board of Ethics

Ethics Complaint Procedures

Powers and Duties

- Encourage a culture of high ethical standards throughout the City
- 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

Membership and Organization of the Board

- Membership
 - Five (5) full members, two (2) alternate members
 - Must be electors (voters) in the City
 - No more than two (2) members and one (1) alternate shall be registered members of the same political party
 - No member can be an Employee or Officer of the City
 - Three (3) year term
 - In the event of a vacancy, the replacement member shall be appointed to serve the balance of the term
 - Appointed by the Common Council; Affirmative vote of eleven (11) Common Council members required for appointment

Membership and Organization of the Board

- Organization
 - Board of Ethics elects its Chairman
 - Minutes of Meetings to be maintained and filed with City Clerk
 - One full member of the Board can request a meeting but a majority of the full members shall determine the date and time of the meeting
 - Quorum: Four (4) members, including alternate members
 - Alternate members have all the powers and duties of a full member during any meeting at which the alternate is present

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 **Confidential**
 - 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); and
 - Be timely (See section 34-14 for time periods).

Complaint Process

Confidential

- Confidential Complaint filed with the City Clerk's Office
- City Clerk's Office refers Confidential Complaint to Board of Ethics
- Board of Ethics reviews Complaint to ensure compliance with the Code of Ethics
- If Complaint complies with the Code, Complaint referred to Investigating Panel
- If Complaint is not compliant, Board requests compliance and/or dismisses the Complaint

Confidential

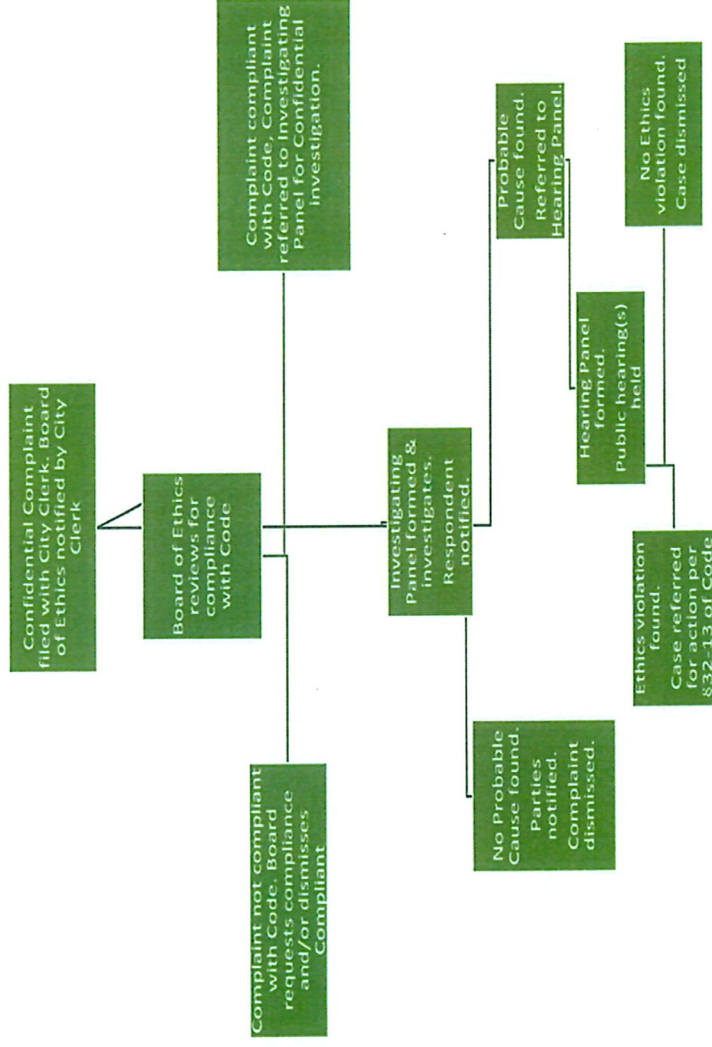
- Three Member Investigating Panel assembled and begins investigation
- Person making the complaint is the Complainant; Person against whom the complaint is made is the Respondent
- Respondent is notified of the Complaint
- If Investigating Panel finds "No Probable Cause", Complaint is dismissed, Notice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

Public

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

Ethics Complaint Process

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



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.

32-4 CONFLICTS OF INTEREST

- This section describes any actions, whether indirect or direct, that may cause conflicts of interest for Officers (elected or appointed) or Employees.
- Direct conflicts arise when you act on a matter from which you receives a Financial Benefit or a non-financial benefit ~~an improper personal impact (nonfinancial)~~.
- Indirect conflicts arise when the Financial Benefit or non-financial benefit ~~improper personal impact (nonfinancial)~~ is received by an Immediate Family member or a business associate.

32-4 CON'T: PROHIBITED ACTIONS AND TRANSACTIONS

Prohibited actions or transactions:

- Any actions, directly or indirectly, that influence another Employee, Officer, or Agency to appoint an Immediate Family member to a city position
- Any actions, directly or indirectly, involving personnel decisions that would affect an Immediate Family member, ~~whether a Financial Benefit is obtained or not~~
- Provide Financial Benefit to a business operated by an Immediate Family member
- Participate in business or transactions that may influence ~~impair~~ your course of action judgement or impair your judgment course of action in the proper completion of your official duties
- ~~You Shall~~ not participate in any potential matters in which you, or an Immediate Family member, has any interest in the matter or would be likely to gain or lose any benefit that is not common to the general public.
- Grant any special treatments above which are generally available to the public.
- Receive any special treatments above which are generally available to the public or to other Officers or Employees.

32-4 CON'T: EXCEPTIONS

Conflicts of Interest do not arise in the following situations:

- Any actions that provide personal or Financial Benefits that are no greater than any other Persons generally affected by the decision (such as):
 - Employment by contract to a Person that is available to members of the general public, if the contract is not before your agency, and the relationship is disclosed in writing to the City Clerk.
 - Transactions involving property between you and the City, as long as the transaction is approved by an independent source.
 - Contracts between you, or an Immediate Family member and the City that occur before hiring or appointment.
 - Employment of an Officer or Employee through a publicly posted document as required by law.
 - Serving on the board of a nonprofit/charity, provided that you make written disclosure of the relationship to the City Clerk, and you shall take no action with regard to that nonprofit/charity.
 - Any programs or perks offered to you by the City (example an educational program).
 - City's Ordinance List Employees may represent the City for labor contract negotiation or grievance procedure.