

**CITY OF NORWALK
BOARD OF ETHICS
JUNE 25, 2009**

ATTENDANCE: Attorney William Fitzgerald, Chairman; Jack English,
Dr. Charles Stabinsky, Jim DelGreco; Elizabeth Broncati.

STAFF: Attorney Robert Maslan, Corporation Counsel

CALL TO ORDER

Mr. Fitzgerald called the meeting to order at 6:55 p.m.

PUBLIC PARTICIPATION

There was no public participation.

APPROVAL OF MINUTES

The following corrections were noted: The title should be Board of Ethics not Ethics Committee. Ms. Broncati's name was misspelled as "Brancotti" and should be corrected throughout the minutes.

- ** **MR. DELGRECO MOTIONED TO APPROVE THE MINUTES FROM THE MAY 28, 2009 MEETING WITH CORRECTIONS NOTED.**
- ** **THE MOTION PASSED UNANIMOUSLY.**
- ** **MR. DELGRECO MOTIONED TO SUSPEND THE RULES OF ORDER TO ADD TO THE AGENDA A DISCUSSION OF THE RESIGNATION OF REVEREND NORRIS FROM THE ETHICS BOARD.**
- ** **THE MOTION PASSED UNANIMOUSLY.**

Mr. Fitzgerald read an e-mail from Reverend Norris stating that he would be relocating to Massachusetts, and made a statement of thanks to Reverend Norris for his time of service to the Board. He then asked if the board could operate without the designated number of members and alternates. Mr. Maslan clarified that an alternate would have to be named as an interim replacement, and stated that he would send a letter to the Common Council to formally notify them of the vacancy.

**** MS. BRONCATI MOTIONED TO ACCEPT THE RESIGNATION OF REVEREND NORRIS FROM THE ETHICS BOARD EFFECTIVE IMMEDIATELY.**

**** THE MOTION PASSED UNANIMOUSLY.**

Old Business

Mr. DelGreco asked for an update on the agreed upon tasks from last month's meeting. Mr. Maslan presented a letter to the Common Council providing the requested report of the Board's activities since its creation in March.

General Discussion of Code of Ethics

Mr. Fitzgerald submitted a written outline to serve as a basis of discussion on "probable cause and "clear and convincing evidence." It was agreed to table the discussion on probable cause until after first addressing the issue of the pre-determination of the "Hearing Board" and the "Investigative Board".

Dr. Stabinsky suggested the Board determine the members of the Hearing Board and Investigative Board in advance of a complaint in order to avoid any possible accusations of "hand-picking" or "stacking the deck" relative to influencing the outcome of a hearing. Mr. Maslan clarified that under administrative law the Board is expected to be fair and impartial with their decisions and selection of sub-committee members, and added that according to the City Ordinance the member assignments to the Hearing and Investigative Boards are based on party affiliation and are not to be determined prior to a complaint. Ms. Broncati agreed with Dr. Stabinsky's statement that the Board should consider an statement using wording such as "the Board should be prepared" to name the members of the Boards, but Mr. Maslan reiterated that any pre-selection would not be in compliance with the City Ordinance.

Discussion of Citizen's Guide

Ms. Broncati stated that she contacted Senator Duff's office and they were very helpful, and she located a downloadable version of an Ethics Handbook on the state's website. She added that the "how to file a complaint" process and timeline should be incorporated into the guidelines, but there was work to be done with compiling the information and editing it down to a user-friendly version. Mr. Maslan suggested there should be a simplified "e" pamphlet, and he would discuss with the City's IT Department to ask them to add this on the City's website.

Mr. DelGreco asked about the status of the complaint form and Mr. Maslan responded that recent changes in the legal definition of the word “shall” have presented the need to re-look at the form revisions. He added that he will review the recommended changes or create another form which will be emailed to everyone for approval before next month’s meeting.

Mr. DelGreco suggested the following list of tasks to prepare for the July meeting:

Mr. Maslan will update the complaint form Mr. Maslan will review the recommended “Rules for a Public Hearing” and make changes or come up with another document for review.

Ms. Broncati will make a rough draft of an Ethics Handbook. The basis will be more inline with Milford’s Handbook rather than the State’s, and the city training or educational process piece will be pushed off for the time being.

Mr. Maslan will take up the issue of having an “Ethics Tab” on the City’s website in the future.

The group will independently review and be prepared to discuss the following items: “probable cause” and “clear and convincing evidence” recommended changes to the Code of Ethics, and the definition of “Hearing Board” and “Investigative Board”

ADJOURNMENT

**** MR. DELGRECO MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services