

**CITY OF NORWALK
BOARD OF ETHICS
ORGANIZATIONAL MEETING
APRIL 23, 2009**

ATTENDANCE: Alice Allen, James Del Greco, Elizabeth Broncati, Atty. William Fitzgerald, Charles Stabinsky (Alt.); Jack English (Alt.)

STAFF: Mary Roman, City Clerk

OTHERS: Atty. Robert Maslan, Ellen Wink, Rev. Phyllis Bolden, Council President

CALL TO ORDER

Ms. Roman called the meeting to order at 7:03 p.m. She then called the roll. After a brief discussion, it was decided that the two alternates would take turns in voting. Mr. English voted with the other Board Members first.

ELECTION OF CHAIR AND VICE-CHAIR

**** MR. DEL GRECO MOVED TO NOMINATE MR. WILLIAM FITZGERALD AS CHAIRMAN.**

**** MS. ALLEN SECONDED**

**** THE MOTION PASSED UNANIMOUSLY.**

Atty. Fitzgerald then took over as Chair. Dr. Stabinsky voted with the member of the Board.

**** ATTY. FITZGERALD NOMINATED MR. DEL GRECO AS A VICE CHAIR**

**** MS. BRONCATI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADOPTION OF RULES OF ORDER

(MASON'S MANUAL OF LEGISLATIVE PROCEDURE, 1989)

Atty. Maslan gave a brief overview of the differences between Roberts Rules of Order and Mason's. He stated that Mason's does not require a second on a vote and also said that the 1989 version of Mason's was available on the State website is also the one that the Common Council uses. Mr. English participated in the vote.

**** MS. ALLEN MOVED TO ADOPT THE MASON'S MANUAL OF LEGISLATIVE PROCEDURE, 1989**

**** THE MOTION PASSED UNANIMOUSLY.**

Atty. Fitzgerald then said that he had read the backup on the Code of Ethics. He then asked that Atty. Maslan about the due process of having the additional seven citizens to investigate the code. He said that there were two standards of evidence to be met. Atty. Maslan suggested that the Board review the Freedom of Information Act before discussion the Code.

GENERAL DISCUSSION OF FREEDOM OF INFORMATION ACT

Atty. Maslan then directed everyone's attention to the Freedom of Information and public access to the government process. There are a few overriding principals that will apply to the Board. However, there are events that would make the Board's work confidential once a complaint is filed. Subcommittees are treated with the general principle as the main body.

There must be a notice of the meeting, and agenda published and filed with the City Clerk. Regular meeting are scheduled early in the year. The schedule will be posted on the City's website. Any other meeting that is held is a Special Meeting and requires notice. No business other than the published agenda may be taken up. If the Board decides to meet on an as needed basis, then all the meetings would be "special meetings" and the Board would not be able to deviate from the agenda filed with the City Clerk and as posted. Regular meeting agendas need to be filed with the City Clerk 48 hours before the meeting.

All regular meetings and all special meetings are open to the public and anyone can attend. Discussion about pending claims and litigation, discussions about pending contracts, or ethics complaints, which is covered by another statute, are to be held in Executive Session. The board members cannot ask any attendant their name or a sign in sheet for attendance. A sign in sheet is allowable for addressing the Board if there will be public comment. Records of the Board are subject to FOIL unless they deal with a complaint, or a complaint that results in no violation. There is also a statutory provision that prevents someone from even confirming whether or not there is a pending complaint.

Any records that are generated by this Board, unless they deal with pending complaints or complaints that result in no probable cause or no violation, will be confidential. Any documents other than these are subject to public disclosure. Atty. Maslan said that he would advise everyone to avoid using emails in reference to the Ethics Committee.

GENERAL DISCUSSION OF NORWALK CODE OF ETHICS

Overview

Atty. Maslan said that the code was a good faith attempt to put into place an ethics code. There are various elements, such as the substantive issues and procedural section. He stressed that this is a very powerful piece of legislation. Atty. Maslan then gave an illustration of how this ordinance could be used against someone. The code requires good common sense and fairness. The election of each member for the Board required a vote of 11 members of the Council. Atty. Maslan then went into some of the details regarding the alternates.

Rev. Bolden then said that the Council Members worked long and hard to select the appropriate people to nominate for the Board.

Atty. Maslan said that over the last fifteen years, there had been perhaps a total of three or four complaints.

Enabling Statutes

Atty. Maslan then reviewed the two statutes that apply to the Board. CGS Stat. §7-148(c)(10)(B) and CGS Stat. § 7-148(h). Atty. Maslan noted that there was a typo on the Agenda for the Stat. citation. “CGS Stat. § 1-148(h)” should read “CGS Stat. § 7-148(h). These are the statutes that allow the City of Norwalk to create the Ethics Board.

Atty. Maslan then reviewed Confidentiality Statutes. These are mandatory statutes and without exception. Atty. Maslan then read the various statutes over with the Board members. Even if a respondent announces that it can be made public, the Board members should not discuss the complaint with anyone.

The Board shall issue a decision within three days of the conclusion of a complaint and the office of Corporation Counsel will be responsible for notifying the appropriate parties. If there is a finding of “no cause”, the records will remain confidential. Discussion followed about details of this.

The discussion then moved to the immunity of the people who serve the City without compensation. Atty. Maslan read the appropriate section of the Statute and reviewed the details of section.

Norwalk Code of Ethics (Norwalk Code of Ordinances Chapter 32)

Atty. Maslan then reviewed the organization of the Board briefly and reminded everyone how they had just elected officials. Regarding the Substantive Provisions, he indicated where these items are covered in the Code. He encouraged everyone to review the definitions and added that the Board of Education is now included in the Code. He pointed out that it is important to be clear on the potential conflicts of interest. When the Board of Ethics is conducting an investigation, the other City agencies are required to

cooperate. In the event that there is an investigation involving a particular department, Corporation Counsel would most likely handle the situation for the Board. This could include the issuance of subpoenas and court appeals.

Atty. Maslan suggested that the Board develop a form for use with any future complaints. There is a requirement that the Board must act within 21 days of a complaint and Atty. Maslan expressed some concerns about how this would be calculated. Discussion then followed about how this requirement might be handled. Dr. Stabinsky suggested that perhaps the pool of the three people might be the head of the Chamber of Commerce, the head of the Norwalk Bar Association and the head of a ministerial group. Mr. Del Greco then suggested that the Board split into two groups, one that would perform investigation and the second, smaller group to hear the complaint.

Rev. Bolden said that the work on this Ethic Codes had taken over two years and that there was a provision in the Code that allows the statutes to be tweaked. This section can be adjusted and corrected by sending it back to the Committee. Atty. Fitzgerald directed everyone's attention to the bottom of page 13, where the Board must submit the changes by June 30th.

Atty. Maslan said that the Board has the right to adopt their own procedure for public hearings. He said that his department will be happy to provide the Board with various models.

Atty. Maslan said that this code is an excellent starting point but that there are areas that need to be addressed.

Discussion then followed about scheduling the next meeting to review the code and isolate areas that might need to be changed.

Mr. Del Greco introduced himself and said that he works in New York. He suggested more frequent, shorter meetings would be preferred. Ms. Allen introduced herself and said that she had a fairly flexible schedule. Mr. English introduced himself and said that he had taught in schools for many years and was currently substituting in New Canaan. With advance notice of about two weeks, he said that he should be able to make the meetings. Atty. Fitzgerald introduced himself and said that he was grateful to be part of this. Since he believes it is best to be active rather than reactive, and therefore felt that it would be important to get the process moving forward. He said that his schedule is flexible. Dr. Stabinsky said that he was available with a flexible schedule. Ms. Broncati said that she and her husband own several business ventures. Because of this, she is coordinating a number of different calendars, but with some notice can rearrange her schedule. Rev. Bolden introduced herself and said that she was the Council President and represents the entire Council. Her concerns are for the entire City, but she felt that the

Board will do a fine job with this Code of Ethics. Atty. Maslan then reviewed the scope of the Corporation Counsel.

MEETING SCHEDULE

Discussion then followed about the next meeting for next week. This will be a special meeting on May 7th at 6:30 p.m. Atty. Maslan will provide an agenda. Atty. Fitzgerald thanked Atty. Maslan for his assistance.

ADJOURNMENT

- ** MR. DEL GRECO MOVED TO ADJOURN.**
- ** MS. BRONCATI SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:45 p.m.

Respectfully submitted

Sharon L. Soltes
Telesco Secretarial Services

