

**CITY OF NORWALK
BOARD OF ETHICS
MAY 7, 2009**

ATTENDANCE: Attorney William Fitzgerald, Chair; Elizabeth Broncatti;
Jim DelGreco; Jack English; Rev. Marcellus Norris;
Dr. Charles Stabinsky

STAFF: Robert Maslan, City Attorney

Mr. Fitzgerald called the meeting to order at 6:40 p.m.

ROLL CALL

Mr. Fitzgerald called the Roll. At Roll Call there were six (6) members present and one (1) absent (Ms. Allan). Mr. English was appointed as a voting alternate.

ACCEPTANCE OF MINUTES – April 23, 2009

**** MR. ENGLISH MOVED TO ACCEPT THE MINUTES AS SUBMITTED
** MOTION PASSED UNANIMOUSLY**

GENERAL DISCUSSION OF CODE OF ETHICS

Mr. Fitzgerald explained that the laundry list of tasks, contained in the Code, was discussed at the last meeting. Dr. Stabinsky suggested creating sub-committees to work on each item and then each sub-committee would bring their findings back to the full Board. Mr. Maslan informed the Board that the sub-committee meetings are subject to FOI regulations.

Mr. Fitzgerald said that by June 30th, the Board has to present a progress report to the Common Council. Mr. Maslan suggested that the Board could send a memo to the Common Council, and attach the meeting minutes.

The Board discussed task assignments. Dr. Stabinsky volunteered to work on the complaint procedure. Mr. DelGreco asked about procedures in the event there was a conflict of interest with anyone on the panel. Mr. Maslan said that a member of the panel could not be an advocate for either side. If there is a conflict of interest, one member of the panel could drop out of the hearing or investigation.

Dr. Stabinsky asked what was on the minds of the Common Council when they asked that this Board select three electors in the City of Norwalk. He added that he believes the Common Council spent a long time on the statement and is afraid that this Board is not

impartial enough to do the initial investigation. He said that they need to make the case for their taking that on in order to change the Ordinance.

Mr. DelGreco said that he was concerned about who would be chosen and that there may be a conflict of interest. Ms. Broncatti suggested getting clarification regarding the electors. Mr. Fitzgerald said that there is a confidentiality factor and that they have only 21 days in which to respond to a complaint. He said that any allegations have to be taken seriously. The clock starts upon receipt of the complaint, but it is not clear as to when that is. Mr. Maslan suggested having a pre-screened pool. He also said that all complaints should go to the City Clerk.

Mr. Fitzgerald asked how to keep the public from attending meetings. Mr. Maslan said that the Board would go into Executive Session.

Dr. Stabinsky said that they have to decide if they want to change the Ordinance or stay with the three electors and then decide what to do with the three electors. Ms. Broncatti said that she likes the pool idea. Dr. Stabinsky said that the three electors have to be chosen before a complaint comes in.

Ms. Broncatti said that they have to follow the guidelines. Rev. Norris said that no matter who is picked, someone will find a reason why they should not have been chosen. He said that they have to do what they can, to the best of their ability.

Mr. DelGreco suggested that when the Board presents changes to the Common Council that they provide their reason for making those changes.

Rev. Norris left the meeting at 7:40 p.m.

Ms. Broncatti said that the Board is responsible for the following deliverables:

- Complaint form
- Submission to the Common Council
- Education program
- Create and maintain a handbook
- Revisions
- Right to hold public hearings

Mr. Maslan suggested holding off on creating a pamphlet until all of the changes have been completed. Dr. Stabinsky said that they need to change the language in the Ordinance for the investigative panel. Mr. Fitzgerald said that the Common Council, in trying to be fair to the Board is providing latitude to them to make their own determinations.

Mr. Maslan described the difference between a meeting and a hearing. Dr. Stabinsky volunteered to look up the state Ethics Board procedures. Mr. DelGreco noted that the Board has to establish regularly scheduled meetings.

Mr. Fitzgerald asked what the City Clerk does with complaints. Mr. Maslan said that the City Clerk delivers the complaints to him. She opens all of the mail and that practice is consistent with all of the statutes.

Ms. Broncatti suggested establishing a scheduling of meetings and rotation of the investigative panel. Mr. DelGreco said that he would be somewhat concerned about establishing the panel first, because they would not be taking into consideration any conflicts of interest. Ms. Broncatti said that they could establish a back up plan.

Mr. Fitzgerald said that for the purpose of propriety, they have to have one from each party, but this is a small town and each member of the Board may know that person. Dr. Stabinsky said that if the Board picks the panel, it should be done as described in the Ordinance. Dr. Stabinsky said that on page 11, it should be revised to read "at least two concurring votes".

Ms. Broncatti offered to coordinate items I & J. Dr. Stabinsky suggested that someone write up proposed changes including the reasons for those changes. He also suggested that the Board set up a meeting schedule. Mr. DelGreco suggested that each Board member review the document and bring their revisions to the next meeting.

MEETING SCHEDULE

The next meeting was scheduled for Thursday, May 29, 2009 at 6:30 p.m.

The tasks are as follows:

Changes to the investigative proposal due to the Common Council by June 1
Review pages 1-15 and make recommendations
Establish a regular meeting schedule
Create a complaint form
If there is time, look into the State model.

ADJOURNMENT

There was no further business and the meeting was unanimously adjourned at 8:55 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

City of Norwalk
Board of Ethics
May 7, 2009
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