

**CITY OF NORWALK
ETHICS COMMITTEE
MAY 28, 2009**

ATTENDANCE: Attorney William Fitzgerald, Chairman; Alice Allen, Jack English, Reverend Marcellus Norris, Dr. Charles Stabinsky, Jim DelGreco; Elizabeth Broncatti.

STAFF: Attorney Robert Maslan, Corporation Counsel

CALL TO ORDER

Mr. Fitzgerald called the meeting to order at 6:30 p.m.

APPROVAL OF MINUTES

The following corrections were noted: Pg. 1, paragraph 2 “lock” should be “work”, and in the last line “is afraid” to “was afraid”. On pg. 4, 3rd line “ids” should be “ideas”.

**** MR. DELGRECO MOTIONED TO APPROVE THE MINUTES FROM THE MAY 7, 2009 MEETING WITH CORRECTIONS NOTED.**

**** THE MOTION PASSED WITH 5 IN FAVOR 1 ABSENTION (MS. ALLEN)**

GENERAL DISCUSSION OF CODE OF ETHICS

Mr. Fitzgerald distributed his recommended edits to the City of Milford Ethics Commission Citizens Guide to serve as a basis for a Norwalk guide to assist citizens who wish to file an ethics complaint. He stated that Milford’s guide is complex and difficult for citizens to navigate and the committee should consider further modifications to simplify the process. He added that he liked the fact that the Milford guide included “whistle blower protection” and confidentiality clauses. He asked the members to consider if the complaint should include a section to name individuals, Dr. Stabinsky suggested it is helpful, and Mr. Maslan said names for witnesses is actually part of the investigation not on a complaint form. After much discussion, the group agreed to list this as “optional.”

Ms. Brancotti presented information from the State of CT Office of State Ethics (OSE) including statues and regulations, and a flowchart of the process. She highlighted the online ethics training and summarized that it is very basic and added that she liked the inclusion of the quiz at the end, as it provides an element of process verification.

Mr. Maslan added the rules of practice that he had weeded down from 102 pages, which he suggested be used as a starting point in developing a City Ordinance.

Dr. Stabinsky presented his draft of the complaint form, and Mr. Maslan will incorporate the recommended changes, edit, incorporate it into the edited Citizen's Guide and submit for approval at next month's meeting.

The Code of Ethics was reviewed in detail and the following pages were highlighted with input and the need for further discussion:

Page 2: Definition of Hearing Board/Investigation Committee – three electors?
Mr. Maslan to clarify who can be appointed to the different panels.

Page 8 Sec. 32.10 and 32.11: Time limit for conflicts. Mr. Maslan to compare with other CT codes.

Page 9 C 2A 1-2: Probable Cause to be compatible with investigative panel definition.

Page 10: Clear and Convincing Evidence, Hearings and Meetings – Replace or remove “under oath”

Page 11: “At least” two concurrent votes – needs further deliberation.

Page 12: 8A Extensions of time apply to deadlines. Memo of decision, legal draft – critique for approval

Page 14: The issue of Appeal. Injunction? Jurisdiction?

Page 15: 32.14A Statute of Limitations 32.16

It was agreed that Mr. Maslan would incorporate the agreed upon changes and provide a draft version of the revised Code of Ethics. Mr. Maslan will also prepare an information report to submit to the Common Council updating them on the Committee's progress and status of the City Ethics Guide.

Mr. Delgreco suggested the following list of tasks to prepare for the June meeting:

- Decide on the rules for a Public Hearing – using the State Ethics Board Rules
- Discuss “probable cause” and “clear and convincing evidence”.
- Ms. Brancotti will organize an Ethics Handbook to include an education program.

MEETING SCHEDULE

Mr. DelGreco proposed a monthly meeting schedule to meet the fourth Thursday of each month. Mr. Maslan suggested the dates be established and presented to the City Clerks office to post for the year.

**** MR. DELGRECO MOTIONED TO SCHEDULE THE FOLLOWING MEETING DATES WITH THE CITY CLERK'S OFFICE: JUNE 25, JULY 23, AUGUST 27, SEPTEMBER 24, OCTOBER 22, AND NO MEETINGS IN NOVEMBER/DECEMBER.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Fitzgerald acknowledged the members of the committee for the hard work done in response to the objectives established at last month's meeting. He thanked Ms. Broncatti for the researching the state guidelines, Dr. Stabinsky for developing the forms, and Mr. DelGreco for his guidance in steering the group's focus to address the tasks as outlined in his e-mail.

ADJOURNMENT

**** MR. NORRIS MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services