

**CITY OF NORWALK
BOARD OF ETHICS
JULY 23, 2009**

ATTENDANCE: Attorney William Fitzgerald, Chairman; Jack English, Alice Allen
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 correction was noted: Page 1, the word public was misspelled.

**** MR. DELGRECO MOTIONED TO APPROVE THE MINUTES FROM THE JUNE 25, 2009 MEETING WITH CORRECTION NOTED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. DELGRECO MOTIONED TO SUSPEND THE RULES OF ORDER TO ADD TO THE AGENDA A DISCUSSION OF THE VACANCY ON THE BOARD OF ETHICS.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Fitzgerald stated that Mr. Maslan has been diligent with the issue of filling the vacancy as a result of Reverend Norris's resignation and asked for an update. Mr. Maslan stated that the vacancy has been reported to the Common Council, and he reminded the Board that the President was initially copied on the e-mail by Reverend Norris. He added that the Council knows they have the job to find a replacement with the intention of a balanced political affiliation, but it could take a while and requires 11 votes or a 2/3rds vote from the Council.

Mr. Maslan added that neither the City Code, Charter, or Ordinance says anything about the member replacement process, and suggested that an alternate member fill in as an acting member for the interim. Mr. English stated he was willing to continue to serve as an active member until a full member replacement was named.

Ms. Broncati added that Reverend Norris is still copied on the e-mail list, and Mr. Maslan said that it was no problem, but he would have the list updated.

Old Business

Ethics Complaint Form

Mr. Maslan presented the updated complaint form and stated it was a combination of a few examples he had reviewed and added that his intention was to provide an important form that a citizen would view as a very serious document. Dr. Stabinsky suggested the “notes” on the last page be moved to the front and serve as instructions on a cover page, and questioned if the wording of “penalty of false statement” at the end was strong enough to inform a citizen that criminal or civil penalties may result. Mr. Maslan stated that the wording was sufficient and that adding words such as perjury or punishable in the court of law may intimidate a complainant from filing the complaint. Mr. DelGreco asked if the time requirements for the limitations statute should be added, and Mr. Maslan responded that it was covered in the code and the process of a “received” date stamp was standard procedure at the City Clerk’s office. The Board agreed with this along with making the following recommended changes:

- The last page will be moved to the front and serve as instructions on a cover page.
- Wording such as “Complete the enclosed form in duplicate (original plus 1 copy) to the best of your knowledge” would be added to the instructions.
- Written language referencing Code 32 of the Norwalk City Code of Ordinances will be added to the cover page.

**** MR. DELGRECO MOTIONED TO APPROVE THE COMPLAINT FORM AS AMENDED WITH CHANGES NOTED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Discussion of Citizen’s Guide

Mr. Maslan suggested the title should be a changed to Board of Ethics Citizen’s Guide, and the Board agreed with the following recommendations:

- Dr. Stabinsky commented that this should be more of a guide to ethical behavior and conduct, not so much of a emphasis on the complaint process, and suggested the sections be moved to list Ethical Behavior as the first section, then list the Complaint Process in a separate section.
- Mr. Fitzgerald commented that it is important to be consistent with the capitalization of the wording of complaint process throughout the guide.
- Mr. Maslan suggested the inclusion of procurement guidelines and agreed to provide a short paragraph with the language referencing Code 32 of the Norwalk City Code of Ordinances under each section as applicable.

- Mr. DelGreco suggested the training section simply list “refer to the State of Connecticut website” for training information.
- Ms. Allen suggested this guide be provided to all city employees upon hire or added to the City’s website for reference by all citizens.

Ms. Broncati will make the agreed upon changes to incorporate language from the Complaint Form and will redesign the flowchart.

Procedural Rules for Hearings on Complaints

Mr. Maslan stated that he has given this item much thought and has reviewed the code provisions. He added that there is language in the code on procedures and guidelines with time that is sufficient and flexible enough without over complicating the procedural “rules.” It was agreed to remove this item from the list of action/discussion items.

Ms. Broncati questioned if the issue of confidentiality should be discussed. Mr. Maslan stated that the hearing is initially public then becomes private or sealed during the Board hearing, unless the Board finds probable cause, then the confidentiality goes away and it becomes public. Mr. Fitzgerald added that the confidentiality can be tricky and it all depends on the ruling of the Board at the time of the hearing.

General Discussion of Probable Cause and Clear and Convincing Evidence Standards

It was agreed to table the discussion on probable cause and clear and convincing evidence standards until another meeting, once the Citizen’s Guide was approved and issued.

General Discussion of Code of Ethics

It was agreed to that the general discussion on the Code of Ethics had been covered throughout the above listed items.

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

- Mr. Maslan will update the complaint form with the approved changes for final incorporation into the Citizen’s Guide.
- Ms. Broncati will make revisions to the Citizen’s Guide Ethics Handbook and will e-mail another draft to the board for review prior to the next meeting.
- The group will independently review and be prepared to discuss probable cause, clear and convincing evidence standards, possible changes to the Code of Ethics, and Hearing Board definition.
- After the Guidebook is completed, the group will discuss how to communicate to Norwalk, distribute to employees, information pamphlet, etc.
- The Board will discuss how to incorporate an “Ethics Tab” on the City’s website and the addition of a “hyperlink” of the City Code of Ethics.
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New Business

It was agreed to cancel the August meeting due to schedule conflicts of the Board members, and inform the City Clerk's office that the next meeting is scheduled for September 24, 2009 at 6:45 p.m.

ADJOURNMENT

**** MR. DELGRECO MOTIONED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services

