

This Chapter shall be known and referred to as "The Norwalk Code of Ethics." The Common Council of the City of Norwalk shall be charged with the administration of the Norwalk Code of Ethics. Accordingly, there shall be established an independent committee of five members and two alternates to be known as the Board of Ethics. The Board of Ethics (the "Board") shall be appointed by the Common Council and comprised as provided for in Section 11 of this Chapter.

**Section 1. Declaration of policy.**

A. Public service is a public trust, and the proper operation of the City of Norwalk requires that all City Officers and Employees, whether elected or appointed, paid or unpaid, be impartial and responsible to the public. Public office and employment must not be used for unfair personal or financial advantage. The public needs and deserves to have confidence in the integrity of the municipal government of our City.

B. Officers and Employees of the City of Norwalk must refrain from personal, business, and financial activities that adversely affect the individual's fidelity and impartiality, having regard for the nature and scope of their official responsibilities.

C. In recognition of the aforementioned principles, there is hereby established a Code of Ethics which shall apply for all City Officers and Employees.

**Section 2. Definitions**

As used in this Chapter, the following terms shall have the meanings indicated:

**Agency:** Means a board, agency, commission, department or other entity of the City, including the Common Council, Board of Education and the Norwalk Public School System.

**Clear and convincing evidence:** Means sufficient evidence to support the allegation that the respondent has violated the Code of Ethics, when such evidence is considered fairly and impartially, and induces a reasonable belief in the minds of the Ethics Hearing Board Members that the allegations are true. Such evidence must indicate to the Ethics Hearing Board Members that the probability that the respondent has committed the alleged violation is substantially greater than the probability he or she has not.

**Employee:** Means an individual employed by the City or any of its agencies, whether as a classified employee, unclassified, permanent or temporary, full-time or part-time employee or individual employed by contract on a continuing basis, and all employees of the Norwalk Public School System.

**Hearing Board:** The Hearing Board shall be comprised of three (3) members of the Board of Ethics or in the event of a conflict or vacancy one or more of the alternates to the Board of Ethics who shall be appointed by a majority vote of the Board of Ethics. In the event the Board of Ethics members have a conflict or an interest in the complaint at issue, the Common Council by majority vote may appoint one or more City officials, who are electors of the City of Norwalk, to serve on a Hearing Board for that particular complaint. Once impaneled the Hearing Board shall continue to serve until it completes the hearing process specified in this Code of Ethics. No more than two members of a Hearing Board shall be registered members of the same political party. The Hearing Board shall be permitted to hold a public hearing(s) and to determine whether there is clear and convincing evidence that the respondent has violated the Code of Ethics.

**Immediate Family:** Includes, but is not limited to, a spouse, child, grandchild, brother, sister, in-law, parent or grandparent, stepparents and stepchildren, or persons who reside in the same household.

**Individual:** Means a natural person.

**Investigating Panel:** The Investigating Panel shall consist of three (3) individual electors, from the City of Norwalk, each of who shall be appointed by the Board of Ethics to investigate an ethics complaint and to determine whether there is probable cause to proceed to a public hearing on such a complaint. No two members of an Investigating Panel shall be registered members of the same political party and at least one member of the Investigating Panel shall be an unaffiliated voter.

**Officer:** An individual elected or appointed to a City office by the Mayor and/or Common Council, including but not limited to ad hoc committee members and members of the Board of Education.

**Person:** Includes associations, firms, partnerships and bodies politic and corporate, as well as individuals.

**Probable Cause:** Shall mean a state of facts constituting more than mere suspicion and establishing that a state of facts is more likely than not. To establish probable cause there must be facts and circumstances within the Investigating Panel Members' knowledge, based upon trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of Ethics has occurred. The Investigating Panel shall be guided by established law in the State of Connecticut in making a determination of what constitutes probable cause.

### **Section 3. Conflicts of interests; Interference with duties; Prohibited interests.**

A. Officers and Employees of the City should avoid engaging in any business or transaction and should refrain from having an interest, directly or indirectly, which is materially in conflict with or materially incompatible with the proper discharge of his or her official duties for the City or might otherwise influence or impair his or her independence of judgment and action in the performance of said duties for the City. In the event an Officer or Employee of the City has a known conflict he or she shall disclose it in writing with the City Clerk and if such conflict is

material he or she shall recuse himself or herself from taking any action, with regard to the City, related to the conflicting transaction, business or interest, except as otherwise provided for herein.

B. Unless otherwise provided by law, an Officer or Employee of the City shall not deliberate or participate in a decision or action by the Agency of which the Individual is a member or is employed if such Individual or any member of his or her Immediate Family has any interest in the matter or would be likely to gain or lose any benefit that is not common to the general interest of the public as a result of the decision or action before that Agency. Nothing herein shall prohibit any of the City's Ordinance List Employees from representing the City's interests in any municipal labor contract negotiation or grievance procedure, merely because he or she is an Ordinance List Employee.

C. An Officer or Employee in performing in his or her office or position of employment with the City shall not grant any special consideration, treatment or advantage to any Person beyond that which is generally available to the public.

D. An Officer or Employee shall not by virtue of his or her office or position of employment with the City receive any special consideration, treatment or advantage in any activity or business transaction beyond that which is generally available to the public or Officers and Employees of the City generally.

E. Subsections A, B, C, and D of this section do not prohibit the following:

(1) The employment of an Officer or Employee by a Person who has or who may enter into a contract with the City that is available to members of the general public through open bidding or other process, if the preparation, procurement or performance of the contract is not before the Officer's or Employee's Agency or the Officer or Employee is not responsible for any aspect of the transaction underlying the contract, and the Employee's or Officer's relationship is disclosed in writing to the City Clerk.

(2) A purchase, sale, foreclosure or condemnation of property or any interest therein, involving the City and an Officer or Employee of the City, if the transaction is conducted according to applicable public procedures. The officer or employee must take no part in the transaction on behalf of the City and an independent Officer or Agency must approve the terms of the transaction, in writing. Where appropriate and in accordance with this Code of Ethics, the Officer or Employee should make written disclosure of the transaction with the City Clerk.

(3) A contract or transaction between an Officer or Employee and the City, which contract or transaction does not involve his or her Agency and is available to the general public through open bidding or other process.

(4) Performance of a contract involving the City and an Officer or Employee or a member of his or her Immediate Family, which was executed or entered prior to the date of hire of such Officer or Employee by the City, when written disclosure of the terms of such contract is filed in accordance with this Code of Ethics with the City Clerk.

(5) Employment of an Officer or Employee by a newspaper that publishes a public notice, resolution, ordinance or other document, the publication of which is required by law.

(6) Employment of an Officer or Employee by a public utility regulated by the Public Utilities Commission.

(7) Nothing herein shall preclude an Officer or Employee of the City from serving on the board of charitable or nonprofit entities or agencies provided the Officer or Employee makes written disclosure of the relationship to the City Clerk and the Officer or Employee shall take no action with regard to the City related to such charitable or nonprofit entity or agency.

(8) Nothing herein shall preclude an Officer or Employee of the City from serving on the board of an entity or agency as a designated representative of the City and in such capacity his or her actions as a representative of the City shall not of itself constitute a conflict of interest under this Code of Ethics.

(9) An Officer or Employee participating in any program offered by the city to Employees and generally, including such programs as discount purchase programs, health and education programs, and recreational events.

**Section 4. Prohibited representation.**

A. No Officer or Employee shall represent a Person or Entity, other than the City, before or on behalf of any Agency of which he or she is a member, by which he or she is employed, or which is under his or her supervisory authority. This provision shall not preclude an Officer or Employee of the City from representing constituents in the course of his or her responsibilities for the City, provided that the Officer or Employee may accept no compensation or gift for such representation.

B. An Officer or Employee who or whose Immediate Family member is employed or under retainer by a Person having a matter pending before the Agency of which the Officer or Employee is an Officer or Employee shall disclose that fact in writing to the Agency and the City Clerk and shall abstain from participation in any deliberation, discussion, vote or other action relating to the matter.

**Section 5. Prohibited use of city property and facilities.**

No Officer or Employee shall use or authorize others to use City owned property, including vehicles and facilities, for any purpose other than the conduct of City business, except as follows:

A. For purposes and on terms generally available to members of the Public or other Officers and Employees of the City generally;

- B. In accordance with such Officer's or Employee's work or employment with the City in which the use of such property by such Officer or Employee is an element of his or her compensation, term of employment, or performance for the City;
- C. A minor or incidental use for personal purposes that is without cost to the City or a minor or non-incidental use for personal purposes that is authorized by the City; or
- D. For charitable, professional or volunteer work provided the use is authorized by the City.

**Section 6. Prohibited use of influence and information.**

A. An Officer or Employee shall not attempt to influence any other Officer, Employee or Agency concerning the handling of any matter or transaction of any business in which such Officer or Employee, or his or her Immediate Family, has an interest, or from which he or she would be likely to gain or lose any material benefit that is not shared in common with the general public.

This subsection does not prohibit an Officer or Employee from communicating with other Officers, Employees or Agencies about a matter in which he or she has a financial or other legally protected interest, if such contact does not have as its goal the exertion of undue influence over the outcome and if the communication conforms to the following:

- (1) It is limited to communications with an Officer, Employee or Agency responsible for the matter on behalf of the City; and
- (2) It is reasonable and necessary in terms of the customary conduct of the matter and is limited to lawful means and terms available to members of the public generally in similar circumstances.

B. Unless otherwise required by federal, state or local law, an Officer or Employee shall not disclose confidential City information, other than in accordance with established City procedure or with appropriate authorization from the City.

C. An Officer or Employee shall not use to his or her advantage any confidential City information, for the purpose of advancing his or her financial or personal interest or the interest of a member of his or her Immediate Family.

D. No Officer or Employee shall be required to participate in political campaigns for candidates, parties, political organizations or public issues. Nothing in this Code of Ethics shall preclude an Officer or Employee from seeking elective office and campaigning in connection therewith or in voluntarily participating in any political campaigns, parties, political organizations or public issues.

**Section 7. Prohibited gifts.**

An Officer or Employee in the course of his or her work for the City shall not personally solicit or accept any gift, form of service, compensation or any item of property of a value exceeding

Fifty Dollars (\$50.00). Notwithstanding the foregoing, this subsection does not prohibit the following:

A. Gifts or social courtesies related to a family relationship or established personal friendship between an Officer or Employee and the donor, which are not designed to influence the judgment or action of the Officer or Employee within the scope of his or her official responsibility and/or authority.

B. Attendance at events of a charitable, public, governmental, informational or business nature where refreshments may be served and small souvenirs of the event, of a minor monetary value, (not exceeding Fifty Dollars (\$50.00) in value) may be distributed or made available to all attendees, and which are not designed to influence the proper judgment or action of the Officer or Employee within the scope of his or her official responsibility and/or authority.

C. Political contributions received in compliance with applicable laws and regulations.

D. Loans obtained according to prevailing commercial practices at the prevailing public rates of interest.

E. Customary performance and merit awards or honorariums, bestowed in compliance with applicable City practices.

F. Awards, gifts or other items of value given to employees as part of an official Employee Recognition/Incentive Program.

G. Meals and refreshments (not exceeding Fifty Dollars (\$50.00) in value) provided to an Officer or Employee, which are not designed to influence the proper judgment or action of the Officer or Employee in a matter within his or her authority, at any meeting at which the Officer or Employee attends within the scope of his or her official responsibility and/or authority.

H. Goods or services provide to the City.

I. Meals and refreshments served in an Individual's personal home.

J. A rebate or discount on the price of anything sold for value made in the ordinary course of business without regard to the person's status as an Officer or Employee of the City.

K. Printed or recorded information, photographs, and maps germane to governmental action or functions.

L. Certificates, plaques or other ceremonial awards having a value not more than Two Hundred Dollars (\$200.00).

M. The monetary exceptions listed herein shall be adjusted annually based on the Consumer Price Index for the proceeding year commencing on January 15, 2009.

## **Section 8. Specific violations.**

**A. Ordinances.** It shall be a violation of the Code of Ethics for any Officer or Employee to willfully violate any provisions of the Code of the City of Norwalk, concerning the purchasing of supplies, materials, equipment and services.

**B. Removal of Original Records.** It shall be a violation of the Code of Ethics for any Officer or Employee or former Officer or Employee to take for personal or other non-City use any original records, files or documents belonging to the City. With appropriate authorization, Officers and Employees may take copies of non-confidential documents to the same extent such documents would be available to the public.

**C. Access to information by Board of Ethics.** It shall be a violation of the Code of Ethics for any Officer or Employee to intentionally deny access to information requested by the Board of Ethics or a duly appointed Investigating Panel in the course of an investigation or a public hearing, except to the extent that such information is exempt from disclosure or otherwise privileged under relevant federal, state or local law.

**D. Whistle Blower Protection.** It shall be a violation of the Code of Ethics for any Officer, Employee, or Agency to retaliate against an Individual in employment, benefits or contracting as result of that Individual making an ethics complaint or providing truthful information as part of any investigation of or hearing on an ethics complaint.

**E. Violation of Confidentiality.** It shall be a violation of the Ethics Code for any Officer, Employee or Agency to intentionally violate any confidentiality requirement provided for under the Ethics Code.

**F. Additional specific violations.** The Common Council may, from time to time, pass ordinances with the specific intent that said ordinances are to be incorporated into and enforced through the ethics process.

**G. Examples only.** Violations of the Code of Ethics are not limited to the specific examples listed herein and may include other circumstances and actions that contravene the purpose and intent of the Code.

## **Section 9. Negotiation of future employment.**

An Officer or Employee shall not solicit future employment with any person who has a substantial matter pending before the Agency for which the Officer serves or by whom the Employee is employed. A matter is "substantial" if it involves a financial value of one thousand dollars (\$1,000) or more or involves a question of significant public policy for the City.

## **Section 10. Subsequent employment.**

A. An individual who has served as an Officer or Employee shall not within one (1) year after termination of his or her service, assist any person, other than the City, for monetary or other valuable compensation, before the Agency for which the Officer or Employee served or was employed, in any matter in which said Officer or Employee participated personally and substantially during his or her service with the City.

B. No Agency shall employ any Individual who has served as an Officer of the Agency during the preceding eighteen (18) months or any Immediate Family member of an Individual who has served as an Officer of the Agency during the preceding eighteen (18) months. No Officer of an Agency or any Immediate Family member of an Officer of an Agency shall apply for or accept employment by that Agency during the time that said Officer is serving for the Agency and for a period of 18 months after said Officer ceases to serve in the Agency.

### **Section 11. Board of Ethics**

**A. Appointment of members.** The Board of Ethics shall be comprised of five (5) full members and two (2) alternate members, each of whom shall be electors of the City of Norwalk. No more than two of the members of the Board and one of the alternates shall be registered members of the same political party, and no member of the Board of Ethics shall be an Employee or Officer of the City. Except for the original appointments, replacement members shall be appointed each year after the effective date of the enactment of this article to serve for terms of three years. At the origination of the Board of Ethics after the first effective date of this amendment to Chapter 32, the Common Council shall appoint: (i) two members and one alternate for three-year terms, (ii) two members for two-year terms and (iii) one member and one alternate for one-year terms. All council appointments to the Board of Ethics shall require the affirmative vote of eleven (11) members of the Common Council.

**B. Organization.** The Board of Ethics shall elect a Chairperson. The Board shall keep minutes of its meetings, which shall be filed in the office of the City Clerk, and the Board shall hold meetings at the call of one member of the Board and at such times as a majority of the Board may determine. Four (4) members present, including sitting alternates, shall constitute a quorum in order for the Board of Ethics to conduct official business. An alternate serving in place of an absent member of the Board shall have all of the powers and responsibilities as a full member during the meeting at which such alternate member shall sit.

### **C. Powers and duties.**

**(1) Advisory opinions.** The Board, when requested to do so in writing by any Officer, Employee, Agency, or member of the public, or upon its own motion, may render advisory opinions concerning Officers and Employees and other issues with respect to this Code of Ethics. Such advisory opinion shall be binding on the Board, until amended or revoked, and reliance on a controlling advisory opinion in good faith is an absolute defense in any action or proceedings brought under the provisions of this Code of Ethics. The Board shall file said advisory opinion with the Office of the City Clerk and such advisory opinions shall be available to the public. The advisory opinion so filed may contain such deletions as may be necessary to prevent disclosure of the identity of the Officer or Employee involved, if agreed to by both the individual involved and the Board.

## **(2) Probable cause hearings and subsequent procedures.**

### **(a) Filing of the complaint; notification and amendment.**

1. Any Person, including a member of the Board of Ethics, may submit a written complaint, in a form prescribed by the Board of Ethics and signed under penalty of false statement, alleging a violation of this Code of Ethics by an Officer or Employee or an individual who was an Officer or Employee within the preceding year. The complaint shall contain the specific act or acts, which allegedly constitute the violation.

2. Upon receipt of said complaint by the Board of Ethics members, an Investigating Panel will be appointed, with in 21 days, consisting of three individuals who are electors of the City of Norwalk. The members of the Investigating Panel shall not be Officers or Employees from the Agency at which the individual(s) alleged to be involved in the facts of the complaint currently serves or formally served within one year as Officers or Employees. The Investigating Panel members may delete, defer or reject any part of a complaint that does not conform to the requirements specified by the Board of Ethics. If any member of the Board of Ethics initiates or is involved in a complaint, he or she will recuse themselves from the Board of Ethics for the purposes of that complaint, including the appointment of the Investigating Panel and any Hearing Board, and an alternate of the Board shall serve in his or her place as to all further proceedings on that complaint.

3. The Board of Ethics shall notify, by registered or certified mail, or by personal service by a sheriff, constable or indifferent person, any respondent against whom a complaint, is filed not later than ten (10) business days after the Investigating Panel is formed. A copy of such complaint, the name of the complainant(s) and any subsequent changes to the complaint shall accompany such notice. The Board shall also notify the complainant in writing of its receipt of such complaint, not later than ten (10) business days after the Investigating Panel is formed.

4. Subsequent to the filing of the original complaint, the Investigating Panel or the Board of Ethics may, at their discretion, supplement any complaint filed with the Board of Ethics to include other violations, which they reasonably suspect to have occurred, based on allegations in the original complaint. Any such supplementation shall be in writing, and a copy shall be sent by registered or certified mail, or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within seven (7) days of such amendment.

### **(b) Investigation of probable cause.**

The Investigating Panel members shall investigate the complaint and any supplement thereto. For this purpose, hearings and meetings may be held to determine whether or not there is probable cause to believe that the respondent has violated the Code of Ethics. Any investigation and probable cause hearing, if held, shall be confidential and shall not be open to the public unless the respondent requests that such investigation and hearing be open. Pending the outcome of the probable cause hearing, no member of the Board of Ethics or Investigating Panel shall disclose his, or her knowledge of the probable cause investigation to a third party. The

respondent shall have the right to appear and be heard and to offer any information by way of answer or denial of the allegations. The respondent may be represented by counsel of his or her choice in the probable causes hearings before the Investigating Panel. The Investigating Panel may in its discretion hear testimony or take written statements from the complainant and any other witnesses it deems necessary to its investigation. The Investigating Panel may retain counsel or investigators to assist it in the probable cause hearing process.

(c) Finding of probable cause and hearings before an Ethics Hearing Board.

1. A decision regarding probable cause shall be made by the Investigating Panel within sixty (60) days after the date that the Board of Ethics served notice of the formation of the Investigating Panel to the respondent and complainant. A finding that probable cause to believe that the respondent has violated the Code of Ethics exists shall require two (2) concurring votes from the members of the Investigating Panel.

2. If the Investigating Panel fails to determine that there is probable cause that the respondent has violated the Code of Ethics, the Investigating Panel shall dismiss the complaint for the Board of Ethics and shall report such dismissal to the Board of Ethics and copy of the report of dismissal shall be sent by registered or certified mail or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within seven (7) days of its receipt by the Ethics Board.

3. If the Investigating Panel determines that there is probable cause that the respondent has violated the Code of Ethics, they shall submit a written report to the Board of Ethics stating the basis for the finding of probable cause. Upon receipt of the report of the Investigating Panel finding probable cause, the Board of Ethics shall appoint a Hearing Board, which shall initiate a public hearing process within thirty (30) days, to determine whether the respondent(s) committed a violation of the Code of Ethics. In any public hearing held to determine a violation of the Code of Ethics, the Investigating Panel members shall have the responsibility of gathering and presenting evidence to the Hearing Board.

4. The Hearing Board shall give notice of any report of probable cause made by the Investigating Panel in writing, and a copy of the report shall be sent by registered or certified mail or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within ten (10) business days of its receipt by the Hearing Board.

5. The Hearing Board shall hold hearings in accordance with its regulations and procedures adopted under this Ethics Code and shall call such witnesses and admit such evidence as the Hearing Board determines to be appropriate. The Investigating Panel and the respondent shall each have the right to present evidence and witnesses subject to the rules and regulations adopted by the Board of Ethics under this Ethics Code.

6. The Hearing Board shall determine whether a violation of the Code of Ethics has been proven by clear and convincing evidence. In conducting such hearings the Investigating Panel shall have the burden of proving the claim. A finding of a violation of the Code of Ethics shall require

the affirmative vote of two (2) of the three (3) Hearing Board members that there is clear and convincing evidence that the respondent has violated the Code of Ethics.

7. Upon completion of the hearings before the Hearing Board, the complainant and respondent shall be notified in writing of the decision of the Hearing Board not later than ten (10) business days after such decision has been made. Such notification shall be either by registered or certified mail, or personal service by a sheriff, constable or indifferent person. If the Hearing Board determines a violation of the Code of Ethics has been proven by clear and convincing evidence, the Hearing Board shall state its findings of fact and conclusions of law in writing and shall specify the code section violated. The Hearing Board shall file its memorandum of decision with the Mayor, City Clerk, Corporation Counsel, and any other public office it deems appropriate.

8. Extension of time.

(a) For good cause, the Hearing Board may grant extensions of time to any of the time limitations specified herein upon an affirmative vote of a majority of the Hearing Board. However, in no event shall the total extended time period, i.e., the original time period plus the extension(s), exceed double the original time periods prescribed by this chapter.

(b) The Hearing Board shall give written notice of any extension(s) of time to the respondent and the complainant

(c) Notwithstanding the foregoing:

1. No extensions may be given for time periods required for notification(s).
2. No extensions may be given for the time limitation for ruling on actions unless otherwise specified herein.

9. Rules and procedure for public hearings.

(a) Public hearings shall be conducted under the rules and regulations adopted by the Board of Ethics, which shall include the following: oral evidence shall be taken under oath; documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; and upon request, parties and the Hearing Board shall be given the opportunity to compare the copy to the original.

(b) The Investigating Panel and respondent shall have the right in any such hearing before the Hearing Board:

1. To be represented by counsel.
2. To present oral or written documentary evidence which is not irrelevant, immaterial or unduly repetitious.
3. To examine and cross-examine witnesses required for a full and true disclosure of the facts.

4. All decisions regarding the introduction and admissibility of evidence not hereinbefore specified and which is to be introduced or precluded, is to be determined by a majority of the Hearing Board.

(c) The Board of Ethics shall have the power to adopt and amend rules of procedure for hearings conducted pursuant to the Code of Ethics, provided such rules are approved by a majority vote of the entire Common Council, after publication of the text of the proposed rules of procedure or amendments thereto in a newspaper having a general circulation in the City. Any rules of procedure or amendments thereto shall become effective thirty (30) days after adoption, and the full text of the rules for procedure, adopted in accordance with this section, shall be published and maintained as part of the Code of the City of Norwalk.

(d) All Board of Ethics hearings shall be conducted in such a manner as to provide the respondent(s) with all due process that is required by federal, state and local law.

(e) Upon the request of the complainant, the respondent, the Investigating Panel or a member of the Ethics Hearing Board, the Ethics Hearing Board shall cause the hearings to be recorded and a transcription to be made thereof. If either the respondent or complainant requests a copy of the transcript, the requesting party shall bear the costs for the same.

(f) The Hearing Board may subpoena witnesses to testify and may compel production of documents and other effects as evidence, and such subpoena may be enforced as provided under the Code of the City of Norwalk and state law.

(g) In order to insure the public's right of access to the proceedings held in accordance with the provisions of this chapter, the Board of Ethics in conducting hearings before the Hearing Board shall, follow the requirements of the Connecticut Freedom of Information Act.

(h) On or before June 1 of each year, the Board of Ethics shall submit to the members of the Common Council, the Mayor, and the Corporation Counsel a written report, which shall include but not be limited to a summary of its activities and recommendations for improvements in the Code of Ethics.

(i) The Board of Ethics shall hold or sponsor at least one educational program for the City and its Employees, Officers and Agencies before March 31st of each year.

(j) The Board of Ethics may create and maintain a handbook, to be distributed, together with this chapter, to all Officers and Employees. If created, a copy of the handbook shall be kept at the City Clerk's office and shall be available for inspection by the public.

10. At any time after an ethics complaint has been made the Board of Ethics or a duly constituted Hearing Board may accept stipulated findings and/or a settlement from a respondent.

### **Section 12. Effect of violation.**

A. A violation of this Code of Ethics:

(1) By an elected Officer shall be considered dereliction of official duty, and therefore a cause for censure, impeachment or removal from office under the Code of the City of Norwalk.

(2) By an Officer of an appointed board or commission shall be considered misconduct in the performance of duties and therefore a ground for censure or removal under the Code of the City of Norwalk.

(3) By a Employee of an Agency shall be considered misconduct and therefore a ground for censure or discipline including demotion in rank or grade, termination of a contract or discharge under the Code of the City of Norwalk and any applicable labor agreement.

B. Any individual who is found in violation of this chapter may be subject to a civil action by the City to recover damages, if any that are incurred by the City as a result of said individual's unethical conduct. The costs of the hearing process under this Code of Ethics shall not be included in the aforementioned damages and shall not be recoverable under the provisions of this subsection.

C. Any Officer or Employee who is determined to have violated the provisions of this chapter shall have a copy of said decision placed in his or her official personnel file.

D. The effect of a violation of this Code of Ethics on the validity of a decision or action in connection with which the violation occurred shall be determined by general principles of law.

E. Any Officer or Employee who is determined to have violated the provisions of this chapter may be subject to a fine in an amount up to Two Hundred and Fifty Dollars (\$250.00) per violation and such fine may be in addition to any other discipline imposed under this chapter.

### **Section13. Jurisdiction.**

A. Except as provided in paragraph B of this section, no allegation in a complaint of a violation of the Code of Ethics shall be ruled upon by the Board of Ethics if six months or more has passed between the time of the alleged violation and the filing of the complaint. In the event that multiple violations have been alleged, only those violations alleged in the complaint which have occurred within six months of the filing of the complaint to the Board of Ethics may be the subject of a hearing.

B. In the event that a violation or evidence of a violation of this Code of Ethics has been actively concealed, such action shall have the effect of tolling the period of limitation during said period of concealment until such alleged violation is discovered.

C. If an Officer or Employee under investigation leaves office or employment, the Board of Ethics by a majority vote shall have the power to continue the investigation.

D. The Board of Ethics may propose revisions to the Code of Ethics to the Common Council to assure its continuing effectiveness, and to hold public hearings, in its discretion, on matters pertaining to the administration of the Code of Ethics.

E. The Board of Ethics shall be authorized to incur costs in investigating and prosecuting any alleged ethics violation and in responding to requests for advisory opinions, subject to the City's annual budget process. The Board of Ethics shall seek an annual appropriation to be used to cover its costs during the year and may seek such further or increased appropriations as may be necessary to carry out the terms of this Code of Ethics. The Law Department shall assist Board of Ethics in implementing its responsibilities under this Code and shall serve as staff to the Board of Ethics and any Hearing Board appointed under this Code. The Board of Ethics in appropriate circumstances, as it shall determine, may retain independent counsel to represent the Board, any Investigating Panel or any Hearing Board.

F. It is contemplated by this Code, that Persons making complaints and respondents to any ethics complaint made under the Code shall not be represented by counsel appointed by or paid for by the City. In appropriate circumstances when a respondent has not been found in violation of this Code, the Board of Ethics may recommend to the Common Council that a respondent be reimbursed for any and all expenses incurred in defending an ethics complaint including the costs of the respondent's counsel. The Council may authorize such reimbursement subject to the availability of funding by the City.

G. This Code of Ethics shall be effective as of Tuesday November 27, 2007.