

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, December 15, 2020 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Chapter 32, Section 4 (32-4). Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by December 11, 2020.

§ 32-4. Conflicts of interests; interference with duties; prohibited interests; exceptions.

A. Conflict of interest means any of the following:

1. A conflict of interest arises when there is a direct or indirect personal or financial interest of an Officer or Employee, Immediate Family or a business associate, in the outcome of an official act or action, or any other matter pending before the Officer or Employee or before the public body in which the Officer or Employee holds office or is employed. A conflict of interest may include, but not be limited to, the following forms:
 - a. A direct financial conflict of interest arises when an Officer or Employee acts on a matter from which he or she derives a Financial Benefit.
 - b. An indirect financial conflict of interest arises when an Officer or Employee acts on a matter from which his or her Immediate Family or business associate derives a Financial Benefit.
 - c. A direct personal conflict of interest arises when an Officer or Employee acts on a matter that has a direct impact on the Officer or Employee in a non-financial way.
 - d. An indirect personal conflict of interest arises when an Immediate Family member or business associate of an Officer or Employee, receives an improper benefit as a result of an act or decision by the Officer or Employee.

B. Prohibited Actions and Transactions

Unless otherwise provided in Section 32-4, an Employee or Officer shall not:

1. Take any action, directly or indirectly, to coerce, command or require an Employee, Officer or Agency to appoint an Immediate Family member to a City position, whether paid or unpaid;
2. Have a role, directly or indirectly, in obtaining a Financial Benefit, hiring, promoting, demoting, disciplining, or taking other personnel action involving an Immediate Family member;

3. Take any action, directly or indirectly, to coerce, command or require an Employee, Officer or Agency to refrain from hiring, promoting, demoting, disciplining, or taking other personnel action involving an Immediate Family member;
4. Provide a Financial Benefit to a business, which is owned, operated, and/or controlled by an Immediate Family member;
5. Engage in any business or transaction, directly or indirectly that is in material conflict with, influences and/or impairs his or her independence of judgment and action in the proper discharge of his or her official duties. .
6. 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, unless otherwise provided by law.
7. Grant, by virtue of his or her office or position of employment with the City, any special consideration, treatment or advantage to any Person beyond that which is generally available to the public;
8. Receive by virtue of his or her office or position of employment with the City, 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.

C. Exceptions:

A "conflict of interest" does not arise in the case of an official act or action in which the Officer or Employee has a personal or financial interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision. In addition, subsections A and B 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 or Officer's or Employee'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.

- (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, appointment or election 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 media organization that publishes a public notice, resolution, ordinance or other document, the publication of which is required by law.
- (6) Unless otherwise prohibited by law, nothing herein shall preclude an Officer or Employee of the City from serving on the board of charitable or nonprofit entities, 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.
- (7) Unless otherwise prohibited by law, 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.
- (8) An Officer or Employee participating in any program offered by the City to Employees and Officers generally, including such programs as discount purchase programs, health and education programs, and recreational events.
- (9) City's Ordinance List Employees may represent the City's interests in any City labor contract negotiation or grievance procedure.

Dated at Norwalk, Connecticut this 19th day of November 2020.

ATTEST: Donna I. King
Donna I. King, City Clerk

THE HOUR: Please publish once on Friday, December 4, 2020