

**ORD
ADOPTED
PUBLISHED**

**1621
8/3/09
8/7/09**

AN ORDINANCE APPROPRIATING \$265,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO NORWICH GOLF COURSE AND AUTHORIZING THE ISSUE OF \$265,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH:

Section 1. The sum of \$265,000 is appropriated for the planning, acquisition and construction of improvements to Norwich Golf Course including but not limited to the renovation and replacement of the irrigation system and relocation of sand bunkers, greens, or tees, clearing, drains, bridges, finishing grading and seeding, fairway and rough development, cart paths, equipment purchase, upgrades or improvements, architecture, engineering and other consultants, appurtenances and services related thereto, all or so much of any portion of any part of the foregoing as may be accomplished within the foregoing appropriation and as determined by the Golf Course Authority, and for administrative, advertising, printing, legal and financing costs (hereinafter the "Project").

Section 2. The total estimated cost of the project is \$265,000. No portion of the project cost is expected to be paid from sources other than the proposed bond issue. The estimated useful life of the project is ten years. The project is a general benefit to the City of Norwich and its general governmental purposes.

Section 3. To meet said appropriation \$265,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the tenth year after their date. Said bonds may be issued in one or more series as shall be determined by the City Manager and the Comptroller, and the amount of bonds of each series to be issued shall be fixed by the City Manager and the Comptroller, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the City Manager and the Comptroller, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the City Manager and the Comptroller, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the City Manager and the Comptroller, and be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined

by the City Manager and the Comptroller. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The aggregate principal amount of the bonds, annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the City Manager and the Comptroller in accordance with the requirements of the General Statutes of Connecticut, as amended. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the City Council. In order to meet the capital cash flow expenditure needs of the City, the City Manager and Comptroller are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 4. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law. The principal and interest on the proposed issue are to be paid from property taxation to the extent not paid from other funds available for the payment thereof and the full faith and credit of the City are pledged to such payment.

Section 5. Said bonds shall be sold by the City Manager and Comptroller in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, auction or similar competitive process, at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation the purchase contract shall be approved by the City Council.

Section 6. The City Manager and the Comptroller are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the City Manager and the Comptroller, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the City Manager and the Comptroller, be certified by a bank or trust company designated by the City Manager and the Comptroller pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the

same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 7. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 8. The City Manager and Comptroller are hereby authorized to exercise all powers conferred by section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 9. It is hereby found and determined that the issue of all, or a portion of, the Bonds, Notes or other obligations of the City authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. The City Manager and Comptroller are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HRI, "Making Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposes" (the "American Recovery and Reinvestment Act of 2009"), including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit Versions.

**MAYOR BENJAMIN P LATHROP
CITY MANAGER ALAN H BERGREN**

**ORD
ADOPTED
PUBLISHED**

**1622
8/3/09
8/7/09**

AN ORDINANCE APPROPRIATING \$5,000,000 FOR THE CITY OF NORWICH 2009 INFRASTRUCTURE IMPROVEMENT PROGRAM AND AUTHORIZING THE ISSUE OF \$5,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH:

Section 1. The sum of \$5,000,000 is appropriated for the planning, acquisition and construction of the City of Norwich Infrastructure Improvement Program (the "Project"). The Project shall consist of the improvement or new construction of roads, bridges and bridge structures, piers and wharves, and appurtenant areas throughout the City. The specific improvements shall be determined from time to time by the Public Works Director and City Manager. Project improvements may consist of, but not limited to, blasting, horizontal and vertical realignment, drainage installation, reclamation, paving, curbing, milling, capping, landscaping and reclamation and for improvements to structures (including sidewalks) or utilities, incidental, appurtenant or encountered in the course of such improvements and for engineering, design, traffic control, administrative, advertising, printing, legal and financing costs related thereto. Said appropriation shall be in addition to all other appropriations and grants for said purpose.

Section 2. The total estimated cost of the project is \$5,000,000. No portion of the project cost is expected to be paid from sources other than the proposed bond issue. The estimated useful life of the project is twenty years. The project is a general benefit to the City of Norwich and its general governmental purposes.

Section 3. To meet said appropriation \$5,000,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. Said bonds may be issued in one or more series as shall be determined by the City Manager and the Comptroller, and the amount of bonds of each series to be issued shall be fixed by the City Manager and the Comptroller, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the City Manager and the Comptroller, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the City Manager and the Comptroller, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the City Manager and the Comptroller, and be approved as to their legality by Murtha Cullina

LLP, Attorneys-At-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the City Manager and the Comptroller. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The aggregate principal amount of the bonds, annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the City Manager and the Comptroller in accordance with the requirements of the General Statutes of Connecticut, as amended. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the City Council. In order to meet the capital cash flow expenditure needs of the City, the City Manager and Comptroller are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 4. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law. The principal and interest on the proposed issue are to be paid from property taxation to the extent not paid from other funds available for the payment thereof and the full faith and credit of the City are pledged to such payment.

~~Section 5. Said bonds shall be sold by the City Manager and Comptroller in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, auction or similar process, at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds.~~

Section 6. The City Manager and the Comptroller are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the City Manager and the Comptroller, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the City Manager and the Comptroller, be certified by a bank or trust company designated by the City Manager and the Comptroller pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the

City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 7. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 8. The City Manager and Comptroller are hereby authorized to exercise all powers conferred by section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 9. It is hereby found and determined that the issue of all, or a portion of, the Bonds, Notes or other obligations of the City authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. The City Manager and Comptroller are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HR1, "Making Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposes" (the "American Recovery and Reinvestment Act of 2009"), including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit Versions.

Section 10. This ordinance shall not take effect unless and until adopted by the City Council and approved at referendum.

**MAYOR BENJAMIN P LATHROP
CITY MANAGER ALAN H BERGREN**

ORD 1623
ADOPTED 8/3/09
PUBLISHED 8/7/09

AN ORDINANCE ADVANCING THE TAX EXEMPTION DATE FOR PROPERTY ACQUIRED BY THE RICHARD E. HOURIGAN POST NO. 594 VETERANS OF FOREIGN WARS OF THE UNITED STATES INC. FOR CERTAIN PROPERTY LOCATED AT 30 CONNECTICUT AVENUE AND REIMBURSING TAXES PAID AFTER SAID DATE

WHEREAS, that certain property located at 30 Connecticut Avenue, Norwich, Connecticut, was purchased by the Richard E. Hourigan Post No. 594 Veterans of Foreign Wars of the United States Inc. from the Estate of Richard Sharpe by Fiduciary Deed recorded on the Norwich Land Records on March 20, 2007; and

WHEREAS, the Richard E. Hourigan Post No. 594 Veterans of Foreign Wars of the United States Inc. is a local post of a bona fide war veterans organization and said property was acquired to be and is actually and exclusively used and occupied by Richard E. Hourigan Post No. 594 Veterans of Foreign Wars of the United States Inc.; and

WHEREAS, said property would not be tax exempt on the Grand List of October 1, 2006; and

WHEREAS, Connecticut General Statutes Section 12-81(b) provides that any municipality may, by ordinance, provide that the property tax exemption authorized by Connecticut General Statutes Section 12-81(18) for property owned by a local post of any bona fide war veterans association, which property shall be actually and exclusively used and occupied by such organization, shall be effective as of the date of acquisition of the property to which the exemption applies and shall in the ordinance provide a procedure for reimbursement of the tax exempt organization for any tax paid by it for a period subsequent to said date; and

WHEREAS, Richard E. Hourigan Post No. 594 Veterans of Foreign Wars of the United States Inc. has paid the annual real estate taxes for the property located at 30 Connecticut Avenue on the list of October 1, 2006 in the total amount of \$9,141.88; and

WHEREAS, Richard E. Hourigan Post No. 594 Veterans of Foreign Wars of the United States Inc. is shown as record owner of said property for a period of 194 days on the October 1, 2006 Grand List; and

WHEREAS, Richard E. Hourigan Post No. 594 Veterans of Foreign Wars of the United States Inc. is entitled to reimbursement of the taxes paid on the October 1, 2006 Grand List pursuant to a formula with 194 days the numerator and 365 days the denominator; a total of \$4,863.48.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY NORWICH that such property at 30 Connecticut Avenue be and hereby is exempted from the payment of any real estate taxes due on the Grand List of October 1, 2006 after March 20, 2007 and that the Tax Collector of the City of Norwich shall reimbursement the sum of \$4,863.48 representing real estate taxes paid by it on the Grand List of October 1, 2006 for the period subsequent to March 20, 2007.

City Manager Alan H. Bergren
Mayor Benjamin P. Lathrop

***AN ORDINANCE AMENDING PORTIONS OF CHAPTER 7, ARTICLE II.
“PURCHASES, SALES AND CONTRACTS” OF THE CITY OF NORWICH CODE
OF ORDINANCES***

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH, that, the following portions of Sections 7-39, 7-40, 7-41, 7-43, 7-44, 7-49, 7-50, and 7-52 of the City of Norwich Code of Ordinances be and hereby are amended as follows:

Sec. 7-39. Competitive bids on purchases, contracts, sale--When required.

(a) All single purchases, contracts, or sales in which the amount of expenditure or sale is estimated to exceed ~~\$6,000.00~~ \$12,000.00 ~~either~~ shall be made from or let by sealed bids ~~;~~ ~~provided, however, the chief executive officer, may, where he considers it for the best interest of the city, authorize the purchasing agent to purchase without competitive bids materials necessary for the construction, reconstruction or maintenance of highways from state contract vendors; provided, however, a full explanation of the reason for such purchase shall be entered in the minutes of the council and shall be open to public inspection~~ or, when considered advantageous, be made from State of Connecticut-negotiated or other consortium-negotiated contracts from which the City of Norwich is allowed to purchase.

Sec. 7-40. Same--Notice inviting; bidder's list.

(a) In every instance of purchase or sale requiring bids, notices inviting sealed competitive bids shall be published ~~at least once in a daily newspaper published in the city, and~~ or posted in a newspaper, in a conspicuous place on the City's website or on the State of Connecticut's Department of Administrative Services' website at least five calendar days ~~must intervene between the dates of last publication and~~ before the final date for submitting bids. Such notice shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids; ~~with respect to bids for insurance, such notice shall state that the same are restricted to bidders maintaining and operating offices in the City of Norwich.~~

(b) The purchasing agent shall maintain a bidder's list and, in addition to the notice required by subsection (a) of this section, shall solicit sealed bids from all responsible suppliers or purchasers who have requested their names be added to the bidder's list, by sending them; electronically, by fax or by mail; copies of newspaper notices or such other notices as will acquaint them with the proposed purchase or sale. With respect to insurance, the purchasing agent shall maintain, at his discretion, a selected list of bidders which will cover the insurance market, which list must be approved by the city council prior to each use thereof, and from which list bidders shall be solicited.

~~(c) All pending purchases or sales shall also be advertised by a notice posted on a bulletin board in the division of purchases and insurance.~~

Sec. 7-41. Same--Bidders' security; opening; tabulation; record. All bids shall be submitted sealed to the purchasing agent, who may require that bids ~~and shall~~ be accompanied by security in the form of certified check, cash or surety bond ~~to~~ in the amount of up to five ten percent of such bid. The bids shall be opened in public, in the presence of the purchasing agent, the chief executive officer or the comptroller, at the time and place stated in the ~~newspaper bid~~ notice. A tabulation of all bids showing the names of the bidders and amounts of bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the award of contracts, shall be preserved for not less than ~~six years in a file which shall be open for inspection~~ the records retention period prescribed by the Connecticut State Library. No bids shall be awarded until reviewed and approved in writing by the corporation counsel as to form and legality. The foregoing shall not apply to bids for insurance.

Sec. 7-43. Same--Authorization of open market transactions; emergency purchase procedure. All purchases of supplies, materials, equipment or contractual services, and all sales of supplies, materials and equipment determined, after consultation with the head of the department or agency concerned, to be surplus, obsolete or unused, of less than ~~\$6,000.00~~ \$12,000.00 in amount shall be made in the open market, without ~~newspaper bid~~ advertisement and without observing the procedure prescribe by sections 7-39 to 7-42 and 7-46 and 7-47 for the award of contracts. In case of an emergency which requires immediate purchase of supplies, materials, equipment or contractual services, the city manager may authorize the purchasing agent to secure, without competitive bids at the lowest obtainable price, any supplies, materials, equipment or contractual services regardless of the amount of the expenditure; provided, however, a full explanation of the circumstances of such emergency shall be entered in the ~~minutes of the council~~ purchasing records and shall be open to public inspection.

Sec. 7-44. Same--Basing open market transactions on bids, record. All open market purchases over \$3,000.00 in amount shall, whenever possible, be based on at least three competitive bids, and shall be awarded to the lowest responsible bidder. The purchasing agent shall solicit bids by direct mail request to prospective vendors, by telephone, by public notice on a bulletin board in the division of purchases and insurance or by such other method as he may deem most productive of competitive bids. The purchasing agent shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall also be open to public inspection.

Sec. 7-49. Competitive bids on public works or improvements--Committee on award; minimum wage provision.

(a) In accordance with the provisions of this article the purchasing agent shall, on the basis of specifications prepared by the city engineer or duly authorized design professional and approved by the head of the department or agency concerned ~~and the chief executive officer~~, provide for competitive bidding on public works or improvements by advertising for and receiving bids. He shall open and tabulate the same and present the results to a committee ~~for~~ of award consisting of the chief executive officer, the city

engineer, the director of public works and the head of the department or agency concerned. The committee of award shall either accept the lowest bid, reject all bids and order the purchasing agent to readvertise for bids, or recommend to the council that it authorize the department of public works to execute the work or improvement.

(b) When required by Federal law or Connecticut General Statutes, each contract for the construction, remodeling, or repair of any public building or public works or improvements shall contain the following provision: "The wages paid to any mechanic, laborer or workmen employed upon the work herein contracted to be done shall be at a rate equal to the rate of wages prevailing for the same work in the same trade or occupation in the Norwich area as determined by the labor commissioner of the state."

Sec. 7-50. Movable equipment inventory. The purchasing agent shall maintain an inventory of all movable equipment with a purchase price greater than or equal to \$5,000.00 belonging to the city.

~~***[REPEALED] Sec. 7-52. Personal property transfers.*** All transfers of personal property belonging to the city, of greater value than \$100.00, shall, when authorized by the council, be executed by the chief executive officer, sealed with the city seal, and certified by the city clerk.~~

Purpose: To allow for the advertising of bids on the City's or State of Connecticut's Department of Administrative Services website; to give the Purchasing Agent more flexibility in requiring bid securities; and to clarify and update the language of certain sections of the purchasing ordinances.

City Manager Alan H. Bergren

An Ordinance Amending the Code of Ethics for the City of Norwich, Connecticut

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORWICH that Article IV of the Norwich Code of Ordinances is hereby amended as follows:

ARTICLE IV. CODE OF ETHICS

Sec. 2-51. Declaration of policy.

The proper operation of municipal government requires that all officials and employees be independent, impartial and responsible to the citizens of the community; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. The purpose of this article is to establish guidelines for ethical standards of conduct for all officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by direct disclosure by such officials and employees of financial and personal interests in matters affecting the city.

Sec. 2-52. Definitions.

[The following definitions shall apply in this article:]

(a) Agency. All departments, boards, commissions, committees and agencies of the City of Norwich, including the city council.

(b) Business Entity. Any business, proprietorship, firm, partnership, person in a representative or fiduciary capacity, association, venture, trust or corporation, whether paid or unpaid, including members of any board, committee or commission thereof.

~~(c) Financial interest. Any interest which directly or indirectly yields a monetary or other material benefit to an official or an employee other than his or her authorized compensation.~~

(c) Complainant. The party initiating a complaint alleging a violation of this section.

~~(d) Personal interest. Any interest arising from a blood or marriage relationship or close business association.~~

(d) Gift. A payment, subscription, advance, forbearance, rendering of service, deposit of money, or anything of value unless consideration of equal or greater value is transferred in its place. The term "gift" shall not include a political contribution otherwise reported as required by law; services provided to support a political candidate or political party without compensation by persons volunteering their time; a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; anything of value received because of a family or other close personal relationship with the donor; food or beverage or both, consumed on a single occasion, the cost of which is less than fifty dollars (\$50.00) per person; an occasional nonpecuniary gift, insignificant in value; an award publicly presented in recognition of public service or any gift which would have been offered or given to the recipient if he or she were not a public official or municipal employee.

(e) Immediate family. Spouse, child, parent, sibling, or any person unrelated by blood residing in the individual's household.

(f) Interest. A direct or indirect pecuniary or material benefit accruing to an officer, official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this code, an officer, official or employee shall be deemed to have an interest in the affairs of:

- (1) Any person in his or her immediate family or the spouse of a person in his or her immediate family,*
- (2) Any person or business entity with whom a contractual relationship exists with the public officer or employee;*
- (3) Any business entity in which the officer, official or employee is an officer, director, member, or employee;*
- (4) Any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the officer, official or employee.*

(b)(g) Officer, official or employee. Members of all departments, boards, commissions, committees or other agencies of the City of Norwich, including the city council, whether they be elected or appointed, paid or unpaid, full or part time, and all classified and unclassified employees of the City of Norwich.

(h) Respondent. The party against whom a complainant has alleged a violation of this section.

(i) Transaction. The offer of, or the sale, purchase or furnishing of any real or personal property, or services, by or to any person or entity directly or indirectly, as vendor or vendee, prime contractor, subcontractor or otherwise, for the use and benefit of the city or of such other person or entity, for any form of consideration.

Sec. 2-53. Fair and equal treatment.

(a) Use of public property. No officer, official or employee, unless so authorized, shall use or permit the use by others of city-owned property or publicly funded labor or service for personal convenience or profit.

(b) Impartiality. No officer, official or employee shall grant any special consideration, treatment or advantage to any person beyond that available to all citizens.

Sec. 2-54. Conflict of interest.

(a) General conduct. No officer, official or employee shall engage in any business or transaction or shall have ~~an private, financial or personal interest, direct or indirect,~~ which is incompatible or in conflict with the proper discharge of his or her official duties in the public interest or would tend to impair independence of judgment or action in the performance of official duties; nor shall he or she become involved in any contract with, sales to, purchases from, or compensable services made with or rendered to the city except where the same is covered by competitive bidding.

(b) Disclosure of information. Except as may be required by law, no officer, official or employee shall disclose any confidential information concerning the property, business or affairs of the city or use such information to advance the private, financial or personal interest of himself or herself or others.

(c) Gifts and favors. No officer, official or employee shall accept or solicit any gift, ~~whether in the form of service, loan, thing, promise or any other form,~~ from any person who, to his or her knowledge, is interested, directly or indirectly, in any manner whatsoever, in business dealings with the city, or which gift may tend to influence him or her in the discharge of official duties or in granting any improper favor, service or thing of value.

(d) Incompatible employment. No officer, official or employee shall appear in behalf of ~~private interest, except that of himself or herself or his or her spouse or minor children, another person not a member of his or her immediate family~~ before any agency of the city, nor shall he or she represent private ~~interests~~ *persons or entities* in any action or proceeding against the city in any litigation when said appearance or representation would be in conflict with or would tend to impair his or her independence of judgment and action in the performance of his or her official duties. However, an elected official may so appear on behalf of his or her constituents in the course of his or her duties as a representative of the electorate.

(e) Disclosure of interest. Any officer, official or employee who has ~~an personal or financial~~ interest in any matter concerning the city shall publicly disclose the true nature and extent of such interest and shall disqualify himself or herself from participating in such matter, if such interest is significant.

Sec. 2-55. Enforcement.

(a) ~~Complaints. Any person who believes that a violation of this article has occurred may file a written complaint, under oath, with the city clerk, who shall provide forms for such purpose. The city clerk shall give a written receipt therefor and forward such complaint to the corporation counsel.~~

(b) ~~Report. The corporation counsel shall investigate such complaint and forward a written report to the appointing authority of the individual complained against, which report shall contain the corporation counsel's findings and recommendations.~~

~~(e) Action. Said appointing authority shall either conduct its own investigation of the complaint or act directly on the report of the corporation counsel. In either case, said appointing authority shall act on the complaint in one of the following ways:~~

~~(1) By dismissing the complaint as unfounded;~~

~~(2) By issuing a public reprimand; or~~

~~(3) By directing removal from office in accordance with provisions of the Norwich City Charter or the applicable collective bargaining agreement.~~

(a) *Ethics Commission. There shall be an Ethics Commission consisting of five (5) members and two (2) alternate members. The council shall appoint commission members and alternate members who shall serve for a term of two (2) years. Upon the expiration of a term, the council may reappoint a commission member or alternate member to a new term, provided that no person who has served as either a member or alternate for three (3) consecutive terms may be reappointed.*

(1) *All Commission members and alternates shall be resident electors of the city.*

(2) *Commission members and alternates may not be officers, officials, or employees of the city by virtue of service other than service on the Ethics Commission.*

(b) *Organization. The Commission shall elect a Chair and Vice Chair, who shall serve until the expiration of their current term of appointment by the council, at which time the Commission shall hold a new election. The Commission shall establish its own rules and procedures consistent with the generally applicable law, including, without limitation, Section 1-82a(a) through (e) of the Connecticut General Statutes, as the same may be amended from time to time. Such rules and procedures shall provide for the seating of alternate members who when seated shall have all the powers and duties of regular members. The first rules and procedures shall be established within six (6) months of the date on which the council initially appoints members of the Commission. The Commission shall hold meetings at the call of the Chair or any two (2) of the Commission members and at such other times as may be provided by rules and procedures adopted by the Commission.*

(c) *Procedure for receiving and hearing complaints.*

(1) *Generally. The commission shall receive complaints from any person of any alleged violation of the code of ethics. Any complaint received by the commission must be in writing on a form prescribed by the commission and signed under penalty of false statement. A person shall be in violation of this section if the person submits a complaint containing a written statement that he or she does not believe to be true or that has been submitted with malice.*

(2) *Limitation. No complaint may be received by the commission more than eighteen (18) months after the date of the action complained of, except where the person to be named*

as the respondent has fraudulently concealed the existence of the action, in which case the herein time limitation shall run from the date the complainant first had actual or constructive notice of the action.

- (3) Notices and investigations. Upon receiving a complaint of an alleged violation of the code of ethics, the commission shall, within five (5) business days, notify in writing the person about whom said complaint has been filed, advising the concerned person of the specific nature of the complaint made and being investigated by the commission, and enclosing therewith a copy of the complaint. At least three (3) members of the commission, of which one (1) may be an alternate, shall make a probable cause investigation of the validity of the complaint. The confidentiality provisions of General Statutes § 1-82 shall apply to the investigation. A finding of probable cause shall require the affirmative vote of a majority of commission members or alternates conducting the investigation. Not later than five (5) business days after termination of the investigation, the commission shall inform the complainant and the respondent of its finding as to probable cause and provide them a summary of its reasons for making the finding. If no probable cause was found, the commission shall dismiss the complaint. If probable cause was found, the commission shall call for a public hearing. A hearing shall commence within sixty (60) days after the receipt of the complaint by the commission.*
- (4) Hearings. In the event a hearing is held, a panel consisting of five (5) members or alternates shall hear it. In the event a hearing is continued to a new date, upon continuation a member or alternate may be substituted for one of the original panel members provided the member substituted was present for all prior hearings in the case. The respondent shall have the right to counsel, to cross examination of any witness, and to present evidence on his or her behalf. The commission may consider hearsay evidence as prescribed in its rules of procedure.*
- (5) Counsel for the commission. Corporation counsel shall advise the commission in any matter at the request of the Chair or Vice Chair of the commission. In the event corporation counsel is the respondent, the ethics commission may retain the services of another attorney licensed to practice law in the state.*
- (6) Findings. A finding of a violation of this code shall require the affirmative vote of three (3) members of the hearing panel that there is clear and convincing evidence the respondent violated the code, and no member may vote who was not in attendance at all hearings. Clear and convincing evidence is evidence indicating the probability that the respondent committed a violation is substantially greater than the probability that he or she did not.*
- (7) Report of recommendations. When there has been a finding of a violation the commission shall report the finding and a recommendation for action to the council. The commission shall also report to such other officer or board of the city with the power granted by the charter or state statute to remove the officer, official, or employee found to have committed the violation, when such power of removal exists.*

(8) When the power of removal exists, the officer or board of the city with the power to remove the violator shall within sixty (60) days of receiving a report of violation report back to the Ethics Commission the disposition of the matter. In all other cases, a report of disposition may be made by the council at their discretion.

Sec. 2-56. Advisory opinions.

Any officer, official or employee may obtain a ~~seek~~ from the ~~corporation-counsel~~ commission, upon written request, an advisory opinion as to the application of any provision of this article to a particular situation or as to an interpretation of any such provision. No such advisory opinion shall contain the names or the positions of the persons involved. The commission shall act on a written request within sixty (60) days of receipt. Such action may be an affirmative vote to decline ruling on the matter. In the event the commission fails to achieve a majority vote for any proposal, such failure shall be construed as an affirmative vote to decline ruling on the matter. The city clerk shall maintain a file of advisory opinions.

ALDERMAN ROBERT ZARNETSKE