

**City of Troy, Ethics Commission Annual Organizational Agenda
433 River Street Troy, New York 12180**

January 27, 2016 - 6 pm

I. Call to Order

II. Roll Call

Present- Cubit Carmichael Bennett Scales Warnock-Graham Fish Ellis

III. Nominations

a. Chairperson

Vote:

b. Secretary

Vote:

IV. Resolutions

a. E1- RESOLUTION ADOPTING MEETING GUIDELINES FOR 2016

b. E2- RESOLUTION ADOPTING THE COMMISSION'S REGULAR MONTHLY MEETING SCHEDULE FOR 2016

V. Adjournment

**CITY OF TROY, ETHICS COMMISSION
433 RIVER STREET
TROY, NEW YORK 12180**

RESOLUTION #E 1

January 29, 2018

RESOLUTION ADOPTING MEETING GUIDELINES

BE IT RESOLVED: That pursuant to Troy City Code § 43-19 (B)(1), the Ethics Commission hereby adopts the following rules and regulations governing its internal organization and procedures, as set forth in the “**Ethics Commission Meeting Guidelines**”, annexed hereto and made part hereof as Exhibit “A”; and be it further

RESOLVED: That the Secretary shall cause a copy of this Resolution and the annexed Ethics Commission Meeting Guidelines to be filed with the Office of the City Clerk and with the Office of the Corporation Counsel.

Pass ____ Fail ____

Vote Count: Yes ____ No ____

Certified to be a true submission

Date _____

Resolution adopting the Ethics Commission Meeting Guidelines pursuant to §43-20c of the Troy City Charter.

Be it resolved, pursuant to §43-20c of the Troy City Charter §43-19 is hereby amended to read as follows and shall constitute the guidelines for said commission, in addition to those rules specified in the City Charter,

CITY OF TROY, NY ETHICS COMMISSION MEETING GUIDELINES

1. Commission declaration.

The Ethics Commission was created under the New York State Public Integrity Reform Act of 2011 and through an amendment to City Code §43-14, as an independent agency charged with promoting and enforcing The City of Troy, NY's ethics and municipal law while rebuilding public trust in government.

As a deliberative body, the Commission must meet at least monthly. All meetings are governed by Troy, NY Code of Ethics §43 of the City Code, Article 7 of the Public Officers Law which provides that all meetings or proceedings are public unless expressly provided otherwise by the Commission. The Commission is committed to conducting public meetings as appropriate and consistent with law while also protecting the integrity and confidentiality of the investigative and enforcement matters under its mandate.

The policies set forth below endeavor to implement these goals.

2. Definitions.

(1). "Meeting" means the official convening of a quorum, as defined in City Code §43-19, of City of Troy Code of Ethics for the purpose of conducting the functions of the Commission pursuant to statute. A commissioner shall be deemed to participate for purposes of a simple-quorum when physically present or when participating through electronic means in which the commissioner can communicate with the other commissioners and be simultaneously seen and heard, for example, through videoconferencing or similar mechanism.

(2). "Executive session" means that portion of a meeting not open to the general public.

(3). "Hearing" means an adjudicatory proceeding held by the Commission pursuant to City Code §43-23 to determine whether a civil penalty should be assessed for a violation of sections 73, 73-a or 74 of the Public Officers Law, section 107 of the Civil Service Law or Troy, NY City Code.

3. Meetings and hearings.

(1). The Commission shall endeavor to ensure that matters that can be addressed publicly are addressed in a public proceeding. Generally, unless doing so would be inconsistent with law, the following types of matters should be open to the public:

- a. proceedings relating to proposed guidelines and policies;
- b. proceedings relating to rulemaking and the promulgating of regulations;
- c. proceedings involving administrative matters of the Commission;
- d. discussions or proceedings involving reports on agency statistics or performance-related data, including any reports involving the Commission's publicly available data;

- e. any hearing to determine whether a civil penalty should be assessed for a violation of sections 73, 73-a or 74 of the Public Officers Law, section 107 of the Civil Service Law or Troy, NY City Code. No still photography or audio or video equipment (other than equipment used by the Commission for purposes of the hearing) will be permitted at hearings, but the Commission may consider requests for exceptions that would not interfere with the orderly process of the hearing; and

- f. any other matter, consistent with law and section five below, that would be open to the public pursuant to Article Seven of the Public Officers Law.

(2). The Commission shall make every reasonable effort to ensure meetings are held in facilities able to adequately accommodate members of the general public and, pursuant to Article 7 of the Public Officers Law, shall make every effort to expressly authorize attendance by the general public except for matters explicitly confidential by statute or for executive session pursuant to section five of these guidelines.

(3). The Commission shall make all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the Public Buildings Law.

(4). The Commission shall make reasonable efforts to ensure that meetings open to the general public are also open to audio and video recording, webcast, broadcast and the use of still photography. Such recording, webcast, broadcast and photography, and the equipment and personnel necessary to perform those functions, shall be reasonably accommodated so as not to interfere with the orderly proceedings of the Commission.

(5). Any materials presented to the Commission during the public session of a meeting or proceeding for consideration by the Commission as a body shall be posted on the Commission's web site prior to the meeting to the extent practicable.

4. Public notice.

Public notice of the time and place of a meeting scheduled shall be conspicuously posted on the Commission's website prior to the meeting, and at least seventy-two hours before such meeting when practical. Such notice shall identify the location(s) of the meeting as well as indicate whether the Commission itself plans to webcast the meeting and its Internet address for the public to access such webcast.

5. Conduct of executive sessions.

(1). Upon a majority vote of the Commission, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Commission shall conduct an executive session for the below enumerated purposes:

a. any matter relating to a specific investigation, enforcement or adjudication pursuant to the confidentiality restrictions of the NYS Public Officers Law Article 7 §105, including deliberations regarding the commissions recommendations or findings. However, Commission votes regarding a recommendation or findings, or votes regarding a proposed settlement will be recorded and made public upon the issuance of the final order of the Commission relating to the same. Such recording shall reflect whether each commissioner concurred, dissented, abstained, or was absent;

b. matters appealed to the Commission pursuant to guidelines, regulation, policy or statute wherein a vote by the Commission constitutes final agency action; and

c. matters involving proposed, pending or ongoing litigation; personnel matters or matters involving private information; discussions relating to the sale or lease of real property; and any other matter enumerated in Public Officers Law §105.

(2). Attendance at an executive session shall be permitted to any member of the Commission and any other persons authorized by the Commission who have signed a non-disclosure agreement.

6. Minutes and recording of votes.

(1). Minutes shall be taken at all open meetings of the Commission which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be made available to the public upon their approval by the Commission.

(2). Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon.

Pass___ Fail___
Vote Count: Yes___ No___

_____ Date _____

Certified to be a true submission

**CITY OF TROY, ETHICS COMMISSION
433 RIVER STREET
TROY, NEW YORK 12180**

RESOLUTION # E2

**RESOLUTION ADOPTING THE COMMISSION'S REGULAR MONTHLY
MEETING SCHEDULE FOR 2016**

WHEREAS: Code of Ethics § 43-19 (B) allows the Chair or a simple majority of the Ethics Commission to call a meeting of the Ethics Commission outside of the required quarterly meeting; and

WHEREAS: It is the sense of the Chair and the Ethics Commission that the Commission should meet monthly, rather than quarterly, to review all recent action taken; now, therefore be it

RESOLVED, that pursuant to §43-19 (B) of the Code of Ethics, the Commission hereby calls eight (8) regular meetings outside of and in addition to the required quarterly meetings; and be it further

RESOLVED, that the Commission hereby adopts the Regular Meeting Schedule set forth below, with each Scheduled meeting held in the Main Conference Room at Troy City Hall, 433 River Street, 5th Floor, Troy, NY 12180.

Regular meeting schedule 6:00pm

January 27, 2016
February 24, 2016
March 30, 2016
April 27, 2016
May 25, 2016
June 29, 2016
July 27, 2016
August 31, 2016
September 28, 2016
October 26, 2016
November 30, 2016
December 21, 2016

Pass ___ Fail ___
Vote Count: Yes ___ No ___

Date _____
Certified to be a true submission