

April 26, 2018

Ethics Committee meeting minutes

6:09pm. meeting call to order

Attendees: R. Manley, S. Muller, M. Keefe, D. Jones

1. **Approve Feb 22, 2018 ethics commission meeting minutes** – Daquetta motioned a approve meetings. M. Keefe 1st and S. Muller 2nd. All in favor. Feb 22, 2018 approved.

2. **The Ayotte ethics complaint review** in depth. R. Manley provided an updated regarding his discussion with Ayotte. After further review by the ethics commission a decision was made for R. Manley to reach out to complainant Ayotte regarding providing more details about the complaint such as naming the violator, and what they did. R. Manley will draft a letter to Ayotte re: recommendations by ethics commission to receive additional information. At this time the complaint doesn't rise to an ethics commission violation. This is more of a code violation. S. Muller will check the code file.

3. **2018 City of Troy Annual Disclosures** R. Manley received the 2018 Ethics commission. The commission reviewed. Daquetta will reach out to the Cooperation Counsel Office for a list of all employees and appointees that are required to file. In the interim, the annual disclosures were divided up between R. Manley, S. Muller, M. Keefe and D. Jones to review in depth and noted any issues by next meeting July 26, 2018 at 6pm.

4. Mayor Madden has requested as Advisory Opinion - Regarding Charrette Planning Process

After further review, the ethics commission's opinion is that there is not a conflict of interest. The ethics commission appreciated Mayor Madden transparency and bringing this matter to the ethics commission's attention for advisory opinion. Per the ethics commission:

- Due to Mayor Madden's current relationship with Ms. Irwin it does not appear to fall within the definition of the term "Family" as defined in § 43-4, she is not a member of your household, and Mayor Madden will not personally financially benefit as a result of any contract between the City of Troy and River Street Planning & Development
- Evaluation of the proposals and a final decision will be made by the Planning Department, all decisions of which you have no role. Mayor Madden's limited involvement is to execute the contract once all approvals are in place in accordance with the City of Troy's Procurement Policy.
- Section 43-2B of the Ethics Code allows for an exclusion in which an act is not prohibited, or recusal is not required as the result of a "ministerial act." "Ministerial Act" is defined under the code as "[a]n action performed in a prescribed matter without the exercise of substantial judgment or discretion as to the propriety of the act." Thus such action would not require Mayor Madden's recusal or be prohibited under the Ethics Code.

- Based upon the foregoing, it is the overall opinion of this commission that any contracts entered into between the City of Troy and River Street Planning & Development would not require Mayor Madden's recusal and any such contract would not be prohibited under the Ethics Code with regard to the facts that have been presented.
- The ethics commission voted on this decision. Daquetta motioned to approved decision. M. Keefe 1st and S. Muller 2nd motion.
 - R. Manley, Chair will send a letter to Mayor Madden with the Ethics Commissions' opinion that overall there is no conflict of interest

5.. 2 Open Matters:

- There are still two vacancies on the board that need to be filled. It was noted that this meeting was open to the public and there were no attendees. R. Manley updated the ethic commission that he has emailed the City of Troy Council regarding two slots open and requires appointment.
- FOIL Request – R. Manley has reached out to the IT Department with the City of Troy as R. Manley or D. Jones cannot respond and for the FOIL Request to be sent to the correct contact

6. No other business, motion to adjourn made by D. Jones, 1st by S. Muller and 2nd by R. Manley. All in favor. Meeting adjourned at 7:04 p.m. Next meeting scheduled for July 26 at 6pm.