

Ethics Commission Executive Organizational Meeting Minutes
January 23rd, 2014

6:00pm - Meeting called to order

Roll Call

Present

Rev. Eric Shaw
John Cubit
Kim Mazor
Larry Ellis
Norris Bendow
Ruth Bennett

Absent

Corey Jamison

1. Nomination and election of Chair and appointment of Secretary:

Chair person

Nominated

Rev. Eric Shaw
John Cubit

Elected

Rev. Shaw

Appointment of co-chair/secretary:

Appointed

John Cubit

2. Review of City Code §43 Code of Ethics and State Law

All commissioners were presented copies, or directions to obtain on-line version of the Cities Code of Ethics, to better understand duties and functions of the ethics commission. Commissioners have been directed to also become familiar with NYS Public Officers Law Article 7 - Open Meetings Law, NYS General Municipal Law, NY Code - Article 3: Adjudicatory Proceedings §301-307 as well as Public Officers Law 73-§a and 74 all of which dictate the functions of all Ethics bodies through out NY State.

3. Review of Ethics Commissions Guidelines (see attachment a)

Submitted by Commissioner Cubit. Guidelines reflect (1) Commission declaration referencing the NYS Public Reform Act of 2011 and City Code §43-14 and declaring the Ethics Commission as an independent and deliberative body. (2) Definitions, (3) Meetings and hearings (4) Public Notices (5) Conduct of executive sessions (6) Minutes and Recording of Votes.

Copies were presented to all present. Motion by Commissioner Ellis to table adopting guidelines so that all can review prior to submission to Legal. Second by Commissioner Bendow. **Vote called to table: 6 yes 0 no**

Item has been tabled till February meeting for full review

4. Formal complaint process (see attachment b)

Submitted by Commissioner Cubit. A formal complaint form has been adopted by the commission and will be submitted to Legal for final approval. It was noted that there has been no formal process prior to receive complaints. Specific instructions need to be laid out for the public, employees, officials and administration on this process. Commissioner Cubit will put those together to coincide with legal claim process that does exist for the city.

5. Staffing

Commissioner Wojiton (Mayor) resigned from his position and Ruth Bennett was appointed to fulfill the unexpired term. This was an appoint of the Mayor. It was also noted that Commissioner Shaw (Mayor) and Commissioner Bendow (Majority) have expired terms. Commissioner Cubit went to the Law Committee to recommend reappointment letters be submitted for both from respective appointees.

6. Meeting schedule for 2014

Suggested to meet every 3rd Thursday at 6:00pm. Motioned and seconded.

Vote called: 6 yes 0 no

Law committee has requested that the time or day be changed after February meeting. Many Council members would like to attend our meetings and currently next to City Council meeting, the Finance Committee is the second most attended meeting by the public. Commissioner Cubit will look at calendar for other city committees so that the Commission can accommodate the public interest. Suggested by Councilman Zalewski to move meeting to 7:00pm.

7. City web site updates

Commissioner Ellis noted that we need to have the City's web site updated. Currently page is 2 years old and missing much of our contact information. Commissioner Cubit contact city on updating the web site to include all commissioners, email and phone number as well as mailing address to City Hall for commission, a link to the "Formal Complaint Form", once approved by legal, a link to meeting schedules, agenda and minutes.

8. Alternative for attending meetings when necessary.

Commission needs to look at the possibility of establishing phone conferencing ability in the event a commissioner can not physically attend a meeting. To make this an opportunity to maintain simple quorum for meetings, voting and hearings. Commissioner Shaw will look at phone conferencing possibility. Commissioner Cubit will check with the City Hall on a phone conferencing option that may be in place.

9. Next meeting

Scheduled for Feb 20th, 2014, 6:00pm at City Hall.

10. Adjourned at 7:00pm

Commissioner Cubit attended Law Committee meeting at 7:30pm to present update on Ethics Commission and answer committees question about the ethics commission.

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.

City of Troy, Ethics Commission
433 River Street
Troy, New York 12180

SWORN COMPLAINT

City of Troy's Ethics Commission has jurisdiction to investigate potential violations of Troy Code of Ethics §43, New York States Public Officers Law, Civil Service Law as they apply to employees, officers and elected officials of the City of Troy or any other persons as set forth in Chapter 43 of the Troy City Code.

COMPLAINANT NAME _____
ADDRESS _____
CITY, STATE, ZIP _____
TELEPHONE _____
EMAIL _____

Please provide a statement or description of the alleged violation of Troy Code of Ethics §43, New York States Public Officers Law, Civil Service Law including facts constituting a violation of the law(s) above, the identity of the individual(s) at issue and, if possible, a date, time, place of the alleged violation. Also note any documents or exhibits you are including to support the allegations.

| | | |
|--|------------------------------|-----------------------------|
| Has this matter been referred to any other agency? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If yes, which agency? | _____ | |
| Is there a pending legal action you are aware of? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If yes, where? | _____ | |

I, _____, being duly sworn, have read the foregoing complaint in its entirety, including any additional pages, and to the best of my knowledge, or based on information and belief, believe it to be true. I also understand the intentional submission of false information may constitute a crime punishable by fine or imprisonment, or both.

Sworn to before me this _____ day of _____
_____, 20____
Month
Signature

NOTARY PUBLIC

