

CITY OF SARATOGA SPRINGS BOARD OF ETHICS 2017 ANNUAL REPORT

Prepared January 2018

Current Members: Justin Hogan, Chairman
John Ellis
Marilyn Rivers
Brendan Chudy
Eileen Venn

Staff: Tony Izzo, Assistant City Attorney

Section 13-5 G 3(h) of the Saratoga Springs Code of Ethics requires that the Ethics Board “report annually to the Mayor and the City Council regarding the Board’s operations of the previous year.” This report summarizes the activities and accomplishments of the Saratoga Springs Ethics Board during 2016.

Membership

1. Eileen Venn was appointed to the Board on February 20, 2018. There is one vacant position on the Board. The Board has been staffed by Tony Izzo.

Policies and Procedures

1. The Board met eight times in 2017.
2. The Board drafted and distributed a statement to City Employees and Officials to make them aware of the Board of Ethics and some of their responsibilities.

Expenses

The Board incurred no operational expenses in 2017

Disclosure Forms

City employees listed in §13-4 B of the Ethics Code are required to file annual disclosure forms by February 15 each year. Notices are sent in December or January, followed by reminder notices. Employees who do not submit disclosure forms by the filing date will receive written notices. Those who do not respond to the notice within the specified time period will receive notices of delinquency, as provided in the Code, with copies, in the case of the Mayor or a City Council member, to the entire City Council, and in the case of the all other municipal officers and employees, to the employee's appointing authority. All required disclosure forms due by February, 2017 have been submitted, reviewed by the Board, and filed in the City Attorney's office.

Inquiries

The Board received eleven inquiry forms in 2017. The Board reviewed and responded to all inquiries in accordance with the Code of Ethics. The Board thoroughly reviewed the submissions and after due consideration provided the complainants with applicable Advisory Opinions. Pursuant to the Board of Ethics Procedures the Board also provided ethics advisory opinion summaries when appropriate to be posted on the city web site.

Other

The Board received proposals submitted by interested citizens for specific revisions to certain provisions of the City's Code of Ethics. In sum, the proposal calls for 1) additional ethical standards applicable only to members of city land use boards, and 2) standards relative to ex parte communications between individual board members and interested parties to applications before the member's board. The Board thanked the contributors of this proposal for their interest in local ethics legislation and for their considerable time and effort in drafting and submitting the proposed changes. The Board was also made aware that Commissioner Mathiesen would be submitting recommended changes based on the citizen draft, and that his proposed changes differ somewhat from those recommended by the Board. Below is the Board's rationale for its recommendations:

1. The Board found it inadvisable to establish separate standards applicable only to members of named boards. While there are certainly several sections now in the Code that apply only to certain officers or employees, the Board believes the changes proposed should be made applicable to all officers and employees wherever possible. This position resulted in proposed changes to two existing Code sections. Section 13-3 (G) was entirely rewritten to broaden disclosure requirements for all city personnel when they are involved in any matter pending before any board. Also, the Board was entirely in favor of a revision to the present definition of "Customer or Client" that would prevent an officer or employee from taking any action that he or she knows would benefit someone that provides goods or services to that officer or employee, rather than only someone who has received goods or services from the officer or employee. The

question of such a reciprocal provision has been discussed by the Board before, and it was an important part of the citizen proposal. JUSTIN HOGAN Chairperson BRENDAN CHUDY JOHN ELLIS MARILYN RIVERS 2 2. The definition of an ex parte conversation is problematic. Extensive research of numerous authorities, including Professor Salkin's New York Zoning Law and Practice, 4th Ed., a frequently cited land use resource among City boards, showed how problematic it can be to establish fair and workable rules. The Board's proposed change, numbered as section 13-3 (R), deals with appointed board members in general, and provides a specific disclosure procedure. 3. The Board found a number of other specific proposals, such as additional requirements for land use board members who live close to a property with an application before their board, and a requirement involving a personal friend of a board member, to be inadvisable. In any situation where such facts exist, general ethical principles would require at least disclosure.