

Opinion of the City of Rochester Board of Ethics
Opinion Number 2018-3
November 13, 2018
C17-4

Overview

On 12/26/2017, Rachel Barnhart ("Barnhart") submitted a request ("Request") (C17-4) for an advisory opinion from the Board of Ethics ("Board") of the City of Rochester ("City") concerning potential conflicts of interest with respect to Deputy Mayor Alexander's outside business activities and his official duties as Deputy Mayor.

Applicable Code of Ethics Provisions

Sections of the Code of Ethics alleged to have been violated:

- C.1 *No City officer or employee shall have any employment, or engage in any business or commercial transaction, or engage in any professional activity, or incur any obligation, as a result of which, directly or indirectly, he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her official duties or that would be in conflict with the performance of his or her duties.*
- C.5 *No City officer or employee shall use or permit the use of city-owned vehicles, equipment, materials or property for the convenience or profit of himself or herself or any other person.*

Opinion

The Board determines that insufficient evidence has been presented that Deputy Mayor Alexander carried out outside business activities on City time or that his outside business activities impaired his ability to independently perform his official duties. The Board noted that the Mayor is the ultimate appropriate authority to evaluate the work performance of her direct subordinates and supervise their daily work activities.

It is the opinion of the Board that the Deputy Mayor does not violate the referenced provisions of the Code of Ethics with respect to his outside business interests.

(Ginett, Lee, Scott, Sierra, Steinbrenner, Weir)