

Opinion of the City of Rochester Board of Ethics
Opinion Number 2018-5
November 13, 2018
C18-2

Overview

On 2/02/2018, Rachel Barnhart ("Barnhart") submitted a request ("Request") (C18-2) for an advisory opinion from the Board of Ethics ("Board") of the City of Rochester ("City") concerning the use of city resources to produce political advertisements and support political events. The complaint referenced analysis conducted of spending and email records which indicate that City resources are allegedly used to produce political ads paid for by Mayor Warren's campaign, Friends of Lovely Warren and political action committee, Warren for a Stronger Rochester PAC. Examples provided in the complaint primarily referenced event advertisements placed with local religious institutions.

Applicable Code of Ethics Provisions

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

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 the information cited in the complaint is insufficient to find that the Mayor or her staff has knowingly used City resources for convenience or profit, and notes additionally that the matters referenced are de minimis in scope in nature.

The Board cautions, however, that clear lines should be established between City business and political campaign activities so as to not give rise to allegations of inappropriate conduct.

The Board suggests the following recommendations for the City to consider:

- Strengthen employee training regarding participation in campaign activities.
- Minimize using City staff as key members of campaign committees.
- Provide mechanisms for City employees to report potential conflicts involving political campaigns.

It is the opinion of the Board that the Mayor or her staff are not in violation of the referenced provisions of the Code of Ethics with respect to the political advertisements cited.

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