

Opinion of the City of Rochester Board of Ethics
Opinion Number 2019-1
January 8, 2019
C18-8

Overview

On September 12, 2018, Ms. Rachel Barnhart submitted a complaint regarding a landscaping project at 683 East Main St, Rochester, New York, the offices of WDKX-FM and Monroe Broadcasting. The complaint alleged that the City donated shrubs and gave preferential treatment with respect to the location of a generator being installed as part of the project. In addition, the complaint cited concerns that a City employee was involved with the project.

Applicable Code of Ethics Provisions

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

2. No City officer or employee shall have or enter into any contract with any person who has or enters into a contract with the City, unless

(i) The contract between the person and the City is awarded pursuant to the competitive bidding procedures of the General Municipal Law; or

(ii) The contract between the person and the City is one with respect to which the City officer or employee: (a) has no interest, (b) has no duties or responsibilities, or, if the contract with the person is one which the City officer or employee entered into prior to becoming a City officer or employee, he abstains from any performance of duties or responsibilities, and (c) exercises or attempts to exercise no influence.

4. No City officer or employee, acting in the performance of his official duties, shall treat, whether by action or omission to act, any person more favorably than it is the custom and practice to treat the general public.

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

After review of the information provided by the complainant and the City's Departments of Environmental Services (DES) and Neighborhood and Business Development (NBD), the Board found no evidence to support the allegation that the City contributed any materials to the project.

Based on information provided by the City, the board also determined that the installation of the generator was in standard compliance with applicable City rules and regulations. As a result, the Board found no evidence of preferential treatment by the City with respect to the landscaping project.

The Board lastly determined that although a City employee on personal time, was involved in the preliminary stages of the landscaping project and received compensation for their work, such services related to only an initial design sketch that did not become part of the final design of the project. Additionally, DES confirmed that the employee had no involvement or decision-making authority with respect to approval by the City of the

Revised Copy Filed with City Clerk 3/18/19

landscaping project. As a result, the Code of Ethics provisions alleged to have been violated were, in fact complied with.

The Board therefore finds no violations of the Code of Ethics with respect to this complaint.

(Weir, Ginett, Hodgins, Scott, Steinbrenner)

APPROVED