

City of Rochester Board of Ethics – December 9, 2014

MINUTES

Meeting called to order at 6:34 pm by Board Chair Carl Steinbrenner.

Members present:

Carl Steinbrenner
Honorable Loretta Scott
James Antonevich
Saul Maneiro
Calvin Lee
Chris Lindley
Tim Weir

Members not present: None

Non-Members Present:

Deputy Corporation Counsel Brian Curran

Reading of Agenda:

- Chair Steinbrenner reviewed the Agenda for the meeting.

Approval of Minutes:

- Minutes for the November 18, 2014 meeting were approved by a vote of 7 – 0.

Business

- Board Member Lee continued his recusal from deliberations pertaining to the Rochester Housing Authority (RHA) due to his current appointment to the RHA Board.
- Chair Steinbrenner opened the floor for discussion on the following question posed by Councilmember Ortiz:

Is it inappropriate, illegal and/or a conflict of interest for the sitting council member to serve as the executive director of the RHA?

Chair Steinbrenner reminded the Board that during last month's deliberations it was agreed the Board would not consider the language "inappropriate" or "illegal" since those determinations are not within the Board's scope of authority. He recommended the Board deliberate on whether a significant "conflict of interest" exists in holding both positions concurrently.

Board Member Lindley referenced a letter provided by RHA which described the role (or lack thereof) of the RHA Executive Director in participating in collective bargaining negotiations. Board Member Lindley wanted to make it clear the Board had no issue with the Executive Director's involvement in such negotiations and that his/her participation in such activities was not relevant to the discussion at hand. Other Board members agreed the letter was not relevant to the discussion. Board Member Maneiro added the letter didn't address his concern expressed in last month's meeting regarding the materiality of the RHA compensation package required to be approved by City Council per New York State law.

Board Member Scott provided each member a copy of a Notice of Claim involving Tim Mains, Edward Cavalier and the City of Rochester which involved issues similar to those before the Board.

Chair Steinbrenner cited City Charter Section 218 subsection C.3(a) as pertinent to the deliberations. This section states the following:

No City officer or employee shall discuss, vote on, decide or take part in, formally or informally, any matter proposed or pending before any agency or other City officer or employee in which he or she has an interest. This provision shall not apply to any City officer or employee whose interest in the proposed or pending matter is minimal, provided that these procedures are followed strictly:

(a)The City officer or employee shall identify his or her interest, that is, the benefit or advantage that would be gained or lost if the City acts on the matter in various ways, and the underlying basis of it, such as ownership, an investment, a contract or claim, employment or a relationship, if any.

Board discussion continued and focused on whether or not the potential conflicts of holding the position of City Councilmember and Executive Director, RHA were in fact "minimal" and whether current safeguards, such as recusal, were sufficient to prevent a significant conflict of interest. Chair Steinbrenner stated that based on the discussion and review of the Ethics Code, he saw no "ethical impediments" to a City Councilmember holding the position of Executive Director, RHA and that no conflicts of

