

Erie County Ethics Board

March Meeting Minutes

March 5, 2018 8 a.m. 16th Floor Rath Building

MEMBERS:

___ Steven Schwartz, Chair
___ Chris Trapp, Vice-Chair
___ Rebecca Town, Secretary
___ Leslie Ortiz-Fogg, Ex-Officio

STAFF:

___ Vianne Uthman, Administrative Staff

EXCUSED:

___ Warren Galloway

ABSENT:

___ Miles Gresham

OTHERS PRESENT:

___ Ross Kostecky, Legislature Office (recording)

1. Meeting called to order at 8:13 am.
2. February 2018 meeting minutes reviewed. Minutes could not be approved without the necessary number of votes of those present at the February meeting. These minutes will be reviewed again at next meeting in April.
3. Website Updates / Email Updates (Uthman /Town /Schwartz):
 - i. Request for opinions/actions: The Dept. of Public Works requested an opinion from the Board regarding an employee who has a separate contract with the Dept. as a vendor to repair equipment that the employee uses as an employee when with the Department. The contract was originally entered into when said employee was part-time. They have since been made full time and the contract is now up for renewal. The Board determined that the contract should not be renewed until there can be a determination of fact on a number of outstanding questions. The Board requested that the Department of Law provided an update at the April meeting.
 - ii. FOIL Requests:
 - i. Galbraith requested to have the fee waived for the requested disclosures. The request was denied and copies will be provided once payment is received.
 - iii. Other communications: Various corrections have been made to the Board's website, including a link to the legislature's recordings of the meetings.
4. Old Business:
 - i. (Ortiz-Fogg) Galloway and Town terms appear to end in 2018 however this may have been recorded wrong because there is usually a one year gap between appointments.
 - ii. (Trapp): No new update in the matter of Morton vs. County of Erie, et al.:
 - iii. (Trapp) Board performed a final review of updates of Board of Ethics Rules and Regulations which have been clarified to tighten the language and keep flexibility. Language was added to clarify that anonymous complaints will not be accepted but complaints do not need to be formal and can be made orally. Board voted to approve the revisions of the rules and regulations.

- iv. Members review of updates to 2016 Financial Disclosure form. Minor changes made, including additional lines at the end and specification of dates for disclosure of debts. Changes approved by the Board.
- v. Trapp provided Testimony to Legislature on proposed changes to Code of Ethics legislation reflecting the Board's concerns. These were compared to the revised legislation. Among changes were a return to May 15 filing, authority of Board to revise Disclosure Forms and reference to sporting events.

Buffalo News: <http://buffalonews.com/2018/02/17/does-proposed-ethics-law-forbid-erie-county-officials-from-accepting-free-sabres-or-bills-tickets-umm/>

5. New Business:

- i. The Chair's Draft of 2017 Annual Report to the Legislature and County Executive was reviewed and approved for posting and distribution.
- ii. Chair will provide testimony to the County Executive at the Public Hearing on the proposed changes to the Code of Ethics legislation. The concerns included substitution of POL 73 form for the county disclosure, concern with "understated" amounts and issues relating to confidentiality of deliberative materials. There are also issues of informing employees, appointed and elected officials about changes mid-year. Our forms will need revision if the legislation is signed.

6. Next meeting scheduled for Monday April 2, 2018 at 8 a.m.

7. Motion to adjourn by Trapp at 9:02.