

Meeting Notes from - Town of Halfmoon Ethics Committee Meeting - Thursday
December 15, 2011. Held at 7pm Conference Room at Halfmoon Town Hall

Town of Halfmoon Ethics Committee members-Present

Scott Fischer
Beverly McBride
Mark Pierre
Craig Hayner

Notes from meeting prepared and submitted by Craig Hayner

Agenda and Notes from Meeting

1) Welcome. Why the topic of ethics has become so important to examine and discuss in today's culture.

Some leading influences drawing the serious need to focus attention on ethics in our culture today.

- a) Public cynicism and lack of trust is at an all time high. Lack of good judgement and questions of ethical behaviors are playing out in every area of our society.
- b) Various scandals over the years in Washington DC and New York State Government has led to a greater focus on why there is a crisis in ethics.
- c) The causes of the Real estate housing bubble that led to our economic woes. The bailouts of major banks, insurance companies and more has impacted the need to look closer at ethics.
- d) The drift from moral standards and absolutes towards a relativistic society has created a sliding scale of ethics. "Doing what is right in one's own eyes" is now relative to what one allows their conscious to justify. Letting one's "conscious be the guide" in today's culture has all too often had its negative consequences on those effected by those decisions.

Examining Ethics is critical in the concept of Self

Government. The very principle our nation was founded upon.

- a) Our Government was founded on the principle that “We The People” were to be responsible for governing ourselves. If it were not so, George Washington would have been the first King of the United States of America, not the first President. When the articles of Confederation were not working, many people were calling for George Washington to become the first King of America to bring order from out of the chaos. He refused. Instead, he and the other founders debated and worked for months in Philadelphia to bring forth our constitution in hopes of being ratified by each state of the union. The basis of which starts with “We the People”. A special gift entrusted to our care for self-governing.
- b) What happens over time if we lose our ability to govern ourselves and our actions? The inability to govern ourselves leads to government growing larger and gaining more control of our everyday lives and freedoms. More power is entrusted with fewer people. This leads to more decision making from a “top down” view versus a “bottom up” view. Today it is very easy to draw the conclusion that more power and decisions are being made from a “top down” view. Some easy examples of this include various laws, regulations and mandates placed on local governments and our schools from state and federal government bodies and agencies.

2) Consideration for updating the Town of Halfmoon ethics structure and laws. Why Update?

- a) Town of Halfmoon Ethics laws have been in place since 1970. Though they are good laws, it is in the best interest that they be carefully examined and considered for updating where necessary to insure transparency and sound structure of our town government, it's officials, managers and employees.
- b) The 2010 census shows the population in the Town of Halfmoon has grown significantly since the previous census. The Town of Halfmoon population is approximately 20,000 people. The growth has certainly had its upside. Lending to more opportunities and services for those who live in and work in our town. Growth also presents it share of challenges. As the need to carefully consider the sustainability and character of the community now and in to the future.
- c) As stated previously, the reality of today's culture gives credence to careful and thoughtful examination and consideration of the topic of Ethics. Having good dialogue and debate concerning the way which we govern ourselves in town

can have a tremendous impact not only on our town, but surrounding communities and beyond.

- d) Updating sound ethics board structure and legislation will set our town up for success for years to come. The hardworking people in our community, our ancestors, our children and grandchildren deserve the very best we have to offer of ourselves.

3) Purpose and Principles of Sound Town Ethics Law

This information has been gathered for consideration for updating Ethics Committee Structure and laws best practices. Much of the information was gathered from Mark Davies. Mark Davies has served and written several publications concerning Municipal Law and local Government ethics legislation. Mark Davies is an adjunct professor of law at Fordham University and has been a guest speaker at the NYS Associations of Town's annual meetings.

* A resources sheet from Mark Davies was passed out to all ethics board members for their reference and study of the key topics that will be discussed below.

Key topics and points pulled from Mark Davies materials

A) Purpose and Principles of Sound Town Ethics Law

- 1) Purpose is to promote both the reality and the perception of integrity in town government by preventing conflicts of interest violations before they occur.
- 2) Pro-active approach to prevent potential conflicts of town employees or elected officials before they occur.
- 3) Keeping and protecting the town integrity by protecting good officials and employees.
- 4) To Foster Public confidence.

4) Proper Structure of updated, effective Town Ethics Board and Legislation. (From Mark Davies materials)

- 1) Code of Ethics: Needs to be understood by a lay person, not just an attorney.
- 2) Annual Disclosure (transactional, applicant, annual)
- 3) Ethics Committee:
 - a) 5 Person Board recommended with possibly a separate Secretary to keep minutes along with legal counsel.
 - b) Ethics members must be able to react quickly to inquiries. Board is only as good as the integrity of the members on that board.
 - c) Ethics board members terms staggered – 2,3,4,5 year terms.
 - d) Town employees or elected officials should not sit on the ethics board.
 - E) 5 members vote for one to be chair of the committee.
 - F) Administration (Independent ethics board providing legal advice, training and education, public disclosure, enforcement, granting advisory opinions).

A) Actions and duties of a Updated Ethics Committee

- 1) Analyzing an ethics complaint. Who is inquiring? What are the merits of the Complaint? Complaint or inquiry needs to be in writing. Does the inquiry violate Article 18? Does the inquiry violate any local laws? Does the conduct itself have an appearance of impropriety?
- 2) Has a strict guideline to work within with the ability to make sanctions, penalties and the ability to dismiss. Confidentiality is imperative.
- 3) Has the ability to act independently.
- 4) Has the ability to provide advisory opinions to public officials. Rendering an opinion in writing. Chair should not give adhoc advice. Public official has the ability to inquire for an opinion without disclosing their name. Pro-active, advisory opinions from the ethics committee in writing will help a town official or employee dissolve any complaint of impropriety when they have a letter in their pocket stating there is no conflict of interest . A template should be made on how advisory opinion should be made and the need to be totally confidential.
- 5) Has its own budget to be able to get its own legal consultation if necessary.
- 6) Respond in a timely manner to a written inquiry.

7) Avoid partisanship - Sound character of ethics board members a must to insure careful examination of the inquiry and rule in a fair and just manner.

8) Avoid public statement to the press concerning confidential information

****Other Resources for the Ethics Board to consider:**

- The town of Clifton Park in recent years has updated their ethics legislation and structure. Clifton Park ethics legislation and structure is considered to be good example of best practices in New York State. Town of Clifton Park ethics laws can be found on the Town of Clifton Park website.
- New York State General Municipal Law Article 18

5) 2012 Ethics Committee Members - Interest in serving in 2012.

6) Establishment of Meetings for 2012 - Monthly Meetings.

Resolutions by the Town of Halfmoon Ethics Committee

The Ethics committee took action on the following items and makes the following recommendations for the Halfmoon Town Board's consideration in it's organizational meeting for 2012.

- 1) All current Town of Halfmoon Ethics Board Members, Scott Fischer, Beverly McBride, Mark Pierre and Craig Hayner are interested in continuing their service as members of the ethics Committee for 2012.
- 2) The Town of Halfmoon Ethics Committee has agreed to meet monthly on the third Thursday of the month throughout 2012. The meetings to be held 7pm at Halfmoon Town Hall. The committee also requests a town attorney be present at each meeting.
- 3) Based on the recommendations of leading experts concerning updating the structure of local municipality ethics boards; observing best practices; and the growing population of Halfmoon based on the census of 2010. The town of Halfmoon Ethics Committee recommends the following items for consideration by the Halfmoon Town Board: It is recommended that the current ethics board structure move to a five member board in 2012 and that the terms of Ethics board members be staggered at 2,3,4 and 5 year terms.

*****Final Notes:** Lisa Perry, secretary to the Town Supervisor is working on designating an area on the Town of Halfmoon website. This area will be dedicated to the Town of Halfmoon Ethics information. Posted on there will be meeting dates along with the agenda and minutes of the meetings.

The meeting notes from the December 15th, 2011 meeting have been prepared and are respectfully submitted by Craig Hayner.

A resolution to approve the summary meeting notes was moved by unanimous vote at the 1/19/12 meeting of the Town of Halfmoon Ethics Committee.

Motion: Scott Fischer

Second: Mark Pierre

All in Favor: Scott Fischer, Mark Pierre, Beverly McBride, Craig Hayner