

LOCAL LAW 2 OF 2021 OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING AN AMENDMENT TO LOCAL LAW 5 OF 2016 AMENDING ETHICS, CHAPTER 49, SECTION 5 (B) (4) QUALIFICATIONS OF MEMBERS OF ETHICS BOARD OF THE CODE OF THE CITY OF KINGSTON

Sponsored By: Laws & Rules Committee: Alderman: Ventura
Morell, O'Reilly, Scott-Childress, Tallerman,
Worthington

WHEREAS, a request has been made to amend Ethics, Chapter 49, Section 5 (B) (4) Qualifications of members of Ethics Board; and

WHEREAS, Ethics, Chapter 49, Section 5 (B) (4) Qualifications of Members of Ethics Board needs to be amended by eliminating Section 5 (B) (4) removing the requirement that “one member of the Board of Ethics be a City official or City employee”; and

WHEREAS, said revision to Ethics, Chapter 49, Section 5 (B)(4) is in the best interests of said Ethics Board.

NOW THEREFORE, BE IT ENACTED AS FOLLOWS:

SECTION 1. That the Common Council authorizes amending Local Law of , amending Ethics, Chapter 49, Section 5 (B) (4) of the City Code as follows:

Section 5 (B) (4) Qualifications of members of Ethics Board Removal

One member of the Board of Ethics shall be a City official or City employes

SECTION 2. If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

SECTION 3. This local law shall take effect upon filing with the Secretary of State.

Submitted to the Mayor this ____ day of _____, 2021

Approved by the Mayor this ____ day of _____, 2021

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2021

HR
2021

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Mayor DATE: 5-19-21

Description: Amend the Ethics Law to remove the requirement for one member of the Ethics Board to be a City employee.

Signature: _____

Motion by R. SC

Seconded by P O'R

Action Required: _____

SEQRA Decision:
Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Jeffrey Ventura Motell, Chairman <i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick O'Reilly Ward 7	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rennie Scott-Childress, Ward 3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Don Tallerman, Ward 5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rita Worthington, Ward 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

L+R

Steven T. Noble
Mayor



April 29, 2021

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: Ethics Board

Dear President Shaut,

I recently was notified that a few members of the Board of Ethics have decided to step off the board after many years of service. In addition, one member who I believe would like to keep serving, has an appointment that has expired.

Current membership of the Board of Ethics includes Allen Nace and Mike Decker. Both of these individuals were recommendations made by the Common Council previously. I would like to ask whether you would like to recommend Mr. Nace to serve another term as his term has expired. Additionally, one council appointment is vacant.

Per the Ethics Law, the Mayor also can recommend and appoint two individuals, one of which previously was a city employee. Currently, both Mayoral recommendations are vacant. I would propose that the Common Council amend the Ethics Law (Chapter 49-5, B) to remove the requirement that "One member of the Board of Ethics shall be a City official or City employee". I believe that at this time, it should not be a requirement that a city official or city employee be on the board as it can often be difficult for that person to review ethics complaints of individuals that they work with on a daily basis or could interfere with their city workload.

I would also suggest that as part of the 2022 budget process, we jointly work to make sure that the Ethics Board has the appropriate budget and administrative staff to conduct their business.

Please feel free to contact me if you have any questions or concerns.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven T. Noble".

Steven T. Noble
Mayor

Tinti, Elisa

From: Shaut, Andrea
Sent: Thursday, April 29, 2021 9:04 AM
To: Morell, Jeffrey
Cc: Tinti, Elisa; Scott-Childress, Reynolds; Worthington, Rita; O'Reilly, Patrick; Tallerman, Donald
Subject: Laws & Rules - Ethics Board

Dear Jeffrey,

Currently the Ethics Board, which is a five member body, only has two members serving. This is not enough for a quorum, therefore, we are currently without a functioning Ethics Board. According to the city code, in Chapter 49-5 Section C.1, "The Mayor shall appoint the members of the Ethics Board. The Mayor shall solicit recommendations from the Common Council with regard to three members of the Board." Although the mayor has not approached us for recommendations, I would like the Laws & Rules committee to proactively discuss the matter and present the mayor with three recommendations. I have copied the members of the Laws & Rules committee to this email in order for all to start the process of finding qualified and interested citizens.

Please let me know if you have any questions. I have included a link to the city's code for your review.

<https://ecode360.com/6723060?highlight=board,ethics,ethics%20board,ethics%20ethics%20board&searchId=6120350087882862#6723060>

Elisa – please add this email to my folder. I plan to assign it to committee for May.

Very Respectfully,

Andrea Shaut

Council President, City of Kingston

City Planner
Members of the City Planning Board
Members of the City Zoning Board of Appeals
Director of Economic and Community Development
Director of Civil Service
City Engineer
Members of Human Rights Commission
Director of the Office of Human Rights
Members of the City Board of Ethics
Members of the City of Kingston Local Development Corporations
Members of the City of Kingston Revolving Loan Fund
Grant Manager

C. Annual disclosure form. See § 49-9, Forms.

§ 49-5 Board of Ethics.

- A. Ethics Board established. The Board of Ethics for the City of Kingston, which shall consist of five members, is hereby established. The Corporation Counsel, or Assistant Corporation Counsel in his or her stead, shall serve as counsel to the Board of Ethics. In the event the Corporation Counsel identifies a conflict of interest, or a conflict of interest is identified in writing by the Board of Ethics, outside counsel shall be secured for the Board. There will be a budget line established and maintained for outside counsel in an amount of at least \$10,000. Written retainer agreements shall be required for retention of services of outside counsel. Such retainer agreements shall be subject to the approval by the Mayor of the City of Kingston. In the event that the matter involves the Mayor or a member of his family or household as those terms are defined above, the Alderman at Large shall act in the Mayor's place.
- B. Qualifications of members of Ethics Board.
- (1) No Ethics Board member shall hold office in a political party or hold elective office in the City.
 - (2) At any given time, no more than two Ethics Board members may be registered in the same political party.
 - (3) Ethics Board members must be residents of the City throughout their tenure as Board members.
 - (4) One member of the Board of Ethics shall be a City official or City employee.
- C. Appointment of Ethics Board members; term of office.
- (1) The Mayor shall appoint the members of the Ethics Board. The Mayor shall solicit recommendations from the Common Council with regard to three members of the Board. The Board of Ethics shall select its Chairperson annually.
 - (2) Each Board member shall be appointed to a five-year term. For the initial terms, one member will be appointed for five years; one member for four years; one member for three years; one member for two years and one member for one year.
- D. Ethics Board vacancies. Vacancies on the Board of Ethics shall be filled by Mayoral appointment for the unexpired term of the member.
- E. Removal of Ethics Board members. An Ethics Board member may be removed from office by the Common Council for failure to meet the qualifications set forth in this chapter, substantial neglect of duties of office, or violation of this chapter, after written notice and opportunity for reply.
- F. Ethics Board meetings. The Ethics Board shall meet at least biannually. A quorum shall be three members, and a majority of the full Board shall be required for the Ethics Board to take formal action. The Chair or any member may call a meeting of