



City of Kingston Board of Ethics

Allen Nace, *Chair*
Michael Decker
Charlotte Adamis
John Douglas Getman

ETHICS BOARD MINUTES **July 16, 2024** **City Hall Conference Room 1**

The meeting of Board of Ethics was called to order by Chairman Allen Nace at 4:16 p.m.

Roll Call: Present: Allen Nace, Chair; Charlotte Adamis, John “Doug” Getman
Also present: Assistant Corporation Counsel Matt Jankowski, Ethics Board Clerk Amee Peterson, Council President Andrea Shaut
Excused: Michael Decker

Minutes: The minutes from the May 9, 2024, meeting were received and reviewed by the board members. Motion to approve the minutes: Doug; seconded by Charlotte. Motion carried.

Agenda:

Old Business:

None

New business:

No new complaints.

Charlotte informed the Board that Andrea Shaut finished the draft of the Task Force's proposed revision for the City's Ethics Code. There are issues around filing that the Board has no capacity/authority/control to enact.

Questions still exist as to where files should be kept; some files are with Corporation Counsel and some are with the clerk.

Andrea will send a Doodle poll to get a consensus when the task force can meet and review the draft and ask questions.

There must be two (2) readings before it becomes local law.

Allen asked for a review of the Code of Ethics to consider revising and addressing the appearance of impropriety. Many restrictions are financially centered; Board of Ethics needs clarity as to what they need to cover. In fairness to employees and officials, there needs to be clarification if they didn't know what they were doing was wrong.

Storage of sensitive documents must be addressed. Matt advised that financial affidavits statutorily must be filed with the Clerk. All but financial should be filed with Corp Counsel.

Charlotte inquired how we put that into the code; Allen responded that since financials must be with the Clerk, that the remaining documents can be codified by the Board of Ethics. Matt: all confidential documents must be maintained on City property.

The Board reviewed the Introduction/Instructions to the CoK Board of Ethics Complaint Form.

Doug: Is the complainant protected by the Whistleblower Act? Matt: yes

Doug: Is there an appeals process? Matt: they could file an Article 78.

Allen: a complaint may not be fileable under the purview of the BoE; there are limitations. Also, a finding could be “no decision”.

Andrea cited that the Board doesn't have a “home”, and that one may need to be created. It's easier to change Rules and Regulations than it is to change Code.

Allen addressed financial disclosures and that the time frame has been reached to warrant letters to those not in compliance. Matt and Ameer will review.

As there is no determination on sanctions, Charlotte made the motion to send a letter that those who are delinquent are in violation. Doug seconded the motion. Motion carried 3 – 0. The Common Council cannot vote on the penalty; needs to be discussed with the Mayor. There is no manner or method to collect or deposit any funds received from assessing a penalty. Charlotte suggested that a Common Council member lose voting powers, but there is no solution for Department Heads.

Andrea: Delinquency is likely more procrastination than intentional. Charlotte suggested they come to the BoE Exec Session. Andrea asked if this should be in the code, but Charlotte replied that it's better in Rules and Regulations as it could be amended. Andrea pointed out that though she likes it in the rules and regs, Dept. Heads don't read rules and regs, but will read the code.

Allen hypothesized that if someone isn't forthcoming on the financial disclosure but violates the ethics code, they can just leave the board/commission. Is there anything in rules and regulations that would require them to come before the Ethics Board?

Andrea: Put it in the code. Close to completion.

Allen: How do we make sure that violators come before the board?

Andrea: Put in rules and regs. Prefer to put something in and then take it out, vs. adding later.

Allen: Establish a connection between Common Council and Task Force

Andrea: Will appoint herself as a Common Council liaison for the remainder of the year.

Board reviewed updated Rules and Regulations

Doug motioned to accept revised complaint form for 2024; Doug; seconded by Charlotte. Motion carried 3 - 0

Charlotte: In the Rules and Regs - revised complaint form and introduction – available online

Purpose: unchanged

Scope: Don't need L.: Set Next Meeting Date

Responsibilities: Annual Report due to Mayor by January 15th, so can't be in second meeting. Annual disclosures aren't due until February 15th, so letter pre-dates.

Codified in the statute– no longer submit an anonymous complaint

Regarding proposed agenda: will not vote without Mike's input. Perhaps remove Moment of Silence.

Next meeting date: September 5th, Conference Room 1, 4:00 p.m.

Motion to Adjourn 5:36: Doug, Second, Charlotte

Respectfully submitted,

Ameer Peterson