

Opinion of the City of Rochester Board of Ethics - 2015-1

April 21, 2015

Overview

On April 9, 2015, City of Rochester Chief of Staff Jeremy Cooney submitted a request by letter (“Letter Request”) for an advisory opinion by the Board of Ethics on attendance at a proposed private welcome event for the newly nominated City of Rochester Commissioner of Neighborhood and Business Development (“NBD”).

The Board of Ethics reviewed and discussed the letter and its contents at its April 21, 2015 regular meeting. During the deliberations, the Board reviewed all relevant portions of the Code of Ethics of the Municipal Code of the City of Rochester.

The authority of the Board of Ethics is defined in the City Charter, Section 2-18 F as follows:

(3) The Board of Ethics shall render written advisory opinions to City officers and employees with respect to the Code of Ethics and Article 18 of the General Municipal Law or amendments to either. Any relevant matter may be brought before the Board for an opinion upon the written request of any City officer or employee or upon the initiative of the Board...

The proposed invitation-only private reception was to be organized and paid for by a private law firm with the NDB Commissioner, the Mayor of the City of Rochester, and other City of Rochester employees attending. Appetizers and refreshments would be available to those attending at no charge. While the law firm does not presently have any matters pending or proposed with the City of Rochester or any of its agencies, it has represented clients and been involved in matters with the City of Rochester and its agencies in the past.

Opinion

The sole focus of the Board of Ethics under the current Code of Ethics can only be to review and render advisory opinions on issues involving City employees under the standards of conduct set forth in the Code of Ethics as currently in effect. The Board of Ethics cannot and is not rendering an opinion on whether additional ethical considerations should be taken into account or if the appearance of a conflict of interest might be present.

The sole relevant portion of the Code of Ethics is Section 2-18(C)(6) which states:

(6) No City officer or employee shall solicit any gift, nor shall any City officer or employee accept or receive any gift having a value of \$25 or

more, regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before any City agency...

Section 805-a of Article 18 of New York State General Municipal Law also has a relevant provision that is similar to the City's Code of Ethics:

1. No municipal officer or employee shall: a. directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part ...

It is the opinion of the Board that the value of food and drink received by the selected City of Rochester officers and employees invited to the reception would likely be less than \$25.00, and, in any event, the law firm does not have any tangible or economic benefit or advantage to be gained in any matter presently pending before any City agency, nor could it be inferred that attendance at the reception was intended to influence or could reasonably be expected to influence the City officers and employees present. There are therefore no restrictions in the Code of Ethics or New York State General Municipal Law restricting attendance at the subject event as described.

(Steinbrenner, Antonevich, Lindley, Scott, Lee, Maneiro, Weir)