

Village of Mamaroneck Ad Hoc Ethics Code Review Committee December 2, 2021 Meeting  
Minutes

[Most previous meetings of this committee are recorded on Zoom and may be viewed as public record on Mamaroneck's YouTube page]

Pursuant to Chapter 417 of the Laws of 2021, local governments may meet remotely through January 15, 2022, so all in-person public access to the Village of Mamaroneck Ad Hoc Ethics Code Review Committee is suspended. As a result, the committee met via the Zoom platform on December 2, 2021 at 6:00 PM. There were no members of the public in attendance at the meeting.

Present: Chairperson Dan Karson, Jocelyn Donat, Ellen Hauptman, John Hofstetter, Brian Kerr

From the Village: Trustee Nora Lucas

Absent: Mike Kopy

Chairperson Karson called the meeting to order at 6:04 PM. Ms. Hauptman made a motion to open the meeting. Ms. Donat seconded the motion. Mr. Karson welcomed everyone to the meeting as this is the first meeting of the Ad Hoc Committee for a few months and said that the Ad Hoc Committee will try to make the meeting as efficient as the Ad Hoc Committee can.

With no other edits than Mr. Karson's and Ms. Hauptman's edits to the minutes of the meeting on June 29, 2021, Ms. Hauptman made a motion to approve the minutes of the June 29, 2021 meeting. Mr. Hofstetter seconded the motion. All voted in favor of the motion. The minutes were adopted as amended.

Mr. Karson called for a discussion on the sections of the proposed Code of Ethics that were listed on the meeting agenda and set forth in proposed revised form in the email sent by Mr. Karson to members on November 29, 2021. The agenda and email are incorporated in the minutes.

Section 21-17(B) on Advisory Opinions

Mr. Karson stated that at the meeting with members of the Ethics Board on November 5, 2021, a recommendation was made that Village Clerk, and not the Ethics Board, should be responsible for maintaining a file of advisory opinions issued by the Ethics Board. Mr. Hofstetter stated that he is in favor of the substitution because the Ethics Board has turnover among its members. Ms. Donat made a motion to make the substitution. Ms. Hauptman seconded the motion. All voted in favor of the motion.

Section 21-5(K) on Appearances Before Boards

Mr. Hofstetter made a motion to amend the proposed revised section to clarify the requirement for prior approval on appearances. Ms. Hauptman seconded the motion. All voted in favor of the motion.

Section 21-2 on Applicability of the Code of Ethics

Ms. Hauptman made a motion to retain the language suggested by the Ad Hoc Committee members. Mr. Hofstetter seconded the motion. All voted in favor of the motion.

Section 21-1 on Definitions on Confidential Information

Ms. Hauptman made a motion to approve the language suggested. Mr. Hofstetter seconded the motion.

Mr. Hofstetter stated that the definition of confidential information is too broad, in his opinion, and stated that once a vote occurs, the information becomes public information. Ms. Hauptman asked whether, once a determination is made, the decision is public with the information not being able to be redacted. Mr. Karson asked Mr. Hofstetter to write a suggested provision on confidential information or reasons for objection to the provision as written. All voted in favor of the motion except Mr. Hofstetter who voted in the negative on the motion. Mr. Kerr stated that this is the first non-unanimous vote that the Ad Hoc Committee has ever had.

#### Section 21-5(D) on Solicitations

Mr. Karson stated that the word “covered” should be included. Mr. Hofstetter stated that no one should solicit on Village property either directly or indirectly. Mr. Kerr stated that the Code of Ethics only regulates the behavior and actions of certain individuals, not the general public. Mr. Hofstetter stated that the section should include “solicit or accept.” Mr. Karson suggested leaving it as it is currently. Mr. Hofstetter stated that he agreed. Ms. Hauptman made a motion to this effect. Mr. Hofstetter seconded the motion. All voted in favor of the motion.

Trustee Lucas left the meeting at 6:26 PM.

#### Section 21-1 on Definitions of “Relative”

Mr. Karson stated that at the meeting with members of the current Ethics Board on November 5, 2021, there was recommendation that the definition of “Relative” should include friendships and sexual relationship. Ms. Hauptman made a motion to leave the section as drafted. Mr. Hofstetter seconded the motion. All voted in favor of the motion. Mr. Kerr voted in the negative on the motion. Discussion ensued on the opposition. Mr. Kerr stated that he agreed that a sexual relationship or friendship does not fall under the definition of “relative” as defined in the Code of Ethics but believes that such relationships should be legislated or prohibited as applied to conflicts of interest or other violations of the Code of Ethics.

#### Section 21-6 A on List of Persons Required to File Annual Disclosure Statements

Mr. Hofstetter made a motion to adopt the recommendation made by the Ethics regarding that the list of covered persons required to file Annual Disclosure Statements be filed both with the Ethics Board and the Village Clerk-Treasurer. Ms. Hauptman seconded the motion. All voted in favor of the motion.

#### Section 21-6 F on Fines

Ms. Hauptman made a motion to adopt the include the scalable provision of the fines as the Ethics Board suggestion in the section. Mr. Karson seconded the motion. All voted in favor of the motion.

#### Section 21-7(I) on Disclosure Statements

Ms. Hauptman made a motion to make adopt the recommendation made by the Ethics Board to delete the term “misstate” from the section. Mr. Karson seconded the motion. Ms. Hauptman stated that she agreed with the recommendation.

Mr. Hofstetter stated that a person does not misstate material information but has inaccurate information and said that a person can misstate a thing on the disclosure form, but the Ethics Board can make the finding and notice of objection.

Mr. Karson stated that a person can only be suspended for failing to file an annual disclosure statement, not during the pendency of an inquiry. He said that he would try to redraft this section.

Mr. Kerr stated that he believed the timeline and time granted to the subject person and the Ethics Board regarding the determination of omission of material information should be equal. All voted in favor of the motion for the “inaccurate” information provision.

All voted in favor of the motion for the request made by the Ethics Board to increase a filer’s time period to amend or object to fifteen (15) days and the time period for the Ethics Board to respond to thirty (30) days, except Mr. Kerr who voted in the negative on the motion.

#### Section 21-17 on Advisory Opinions

Mr. Hofstetter made a motion to adopt the recommendation made by the Ethics Board that the code provide that the Village maintain a file of publicly available Advisory Opinions on the Village website. Ms. Hauptman seconded the motion. All voted in favor of the motion.

#### Section 21-19(D) on Training

Ms. Hauptman made a motion to amend the section. Ms. Donat seconded the motion. Ms. Hauptman stated that she has had conversations with Mr. Karson and Mr. Kerr about this specific section and said that administering the training is a process, specifically for the Human Resources Department. All voted in favor of the motion.

#### Final Report

Mr. Karson asked for a motion to:

1. allow him to draft a final report to comprise the two prior interim reports, and the additional content to the Code of Ethics agreed upon at this meeting;
2. distribute the draft Final Report to the Ad Hoc Committee for comments;
3. respond to comments and amendments as required;
4. redistribute the draft final report to the Ad Hoc Committee;
5. in the absence of further comment, transmit a final report to the Board of Trustees; but
6. upon the request of one Ad Hoc Committee member, convene a meeting of the Ad Hoc Committee for further discussion.

Mr. Hofstetter made a motion to this effect. Ms. Hauptman seconded the motion. All voted in favor of the motion.

The Ad Hoc Committee members thanked Mr. Karson for his leadership. Mr. Karson expressed his gratitude for the service of the committee members.

Ms. Hauptman made a motion to adjourn the meeting. Mr. Hofstetter seconded the motion. All voted in favor of the motion. The meeting was adjourned at 7:04 PM.

Respectfully Submitted,

Brian Kerr