

**BOARD OF ETHICS MEETING MINUTES
THURSDAY, JUNE 7, 2018**

Public Meeting:

DATE: June 7, 2018

TIME: 9:37 a.m. called to order by Kitley Covill, Acting Chair

PRESENT: Board of Ethics Members
Kitley Covill
Brett Summers
Dennis Kremer
Walter Matystik

ALSO IN ATTENDANCE: County Attorney John Nonna
Assistant County Attorney David Polizzi
Steven Leventhal, Esq. – Independent Consultant
Emily Saltzman – Assistant to the County Executive

ABSENT:
Joshua Mandel

1. Discussion about appointing a chair to the Committee and reviewing the by-laws. Ms. Saltzman will speak to the County Executive about appointing a Chair.
2. Approval and adoption of the minutes of May 14, 2018, with modifications. Motion made by Mr. Matystik and Ms. Covill seconded. Unanimous vote to adopt.
3. The Agenda was approved as revised by the Motion of Mr. Summers and seconded by Mr. Matystik.
4. There was no need for a public comment period.

UNFINISHED BUSINESS FROM MAY 14, 2018 MEETING

Financial Review by Mr. Leventhal:

5. Steve Leventhal, the Independent Consultant discussed the process for the review of the 2016 Financial Disclosure Forms. He works with his partner, Steven and clerical person.

Three spreadsheets are used in the review process adhering to the following protocol:

- confirm that all individuals required to file have done so;
- confirm that each question on the form has been answered;
- compare the volunteer forms and investments with the with the list of County vendors;
- generally see if anything seems to “pop out” on the form which may require further inquiry;

The Board discussed different scenarios on what may constitute a conflict of interest.

The Board discussed the criteria for when a form can be FOIled and what can be redacted.

When the process is completed a report is generated indicating the following:

--the number of forms filed;
--the number of employees filed and the number of volunteers who filed;

--the number of complete and incomplete forms;
--questions which went unanswered;

The Board discussed whether or not to notify a person if he/she is going to be FOILED and giving them the opportunity to amend their form if they inadvertently omitted a question.

The Board discussed appointing an Information Officer in the department (this may have been addressed in previous years).

The Board discussed redacting:

- Categories of amounts which can be done on a case-by-case basis.
- Home addresses;
- Names of minor children;
- Intra-Agency advice;
- If Mr. Leventhal's report should be deemed "interim" before being approved;

Renewal of Mr. Leventhal's Contract:

The Board discussed:

- Possible appointment of Mr. Leventhal as "Special Counsel" and what would be required to do so.
- ACA Polizzi will obtain the terms of the contract and the monetary amounts.

Ethics Training:

The Board discussed the need to retrain employees and board members.

The Board discussed modifying the Code of Ethics and possibly preparing a booklet "Code of Ethics" and even a plain-language guide with relative portions of the Code included.

All requirements of Article 18 of the GML should be included in the Code of Ethics.

The Board discussed who needs mandatory training and who can do so on a voluntary basis and how often. It was discussed that 1.50 hours every two years would suffice. Employees could be trained during the day and Board/Committee members at night.

Vendor List Review:

The Board discussed the Vendor List provided by ACA Polizzi. A motion was made by Mr. Matystik and seconded by Ms. Covill to approve the list prior to ACA Polizzi receiving Certification of same from the Chief Information Officer.

Ethics Code Review:

The Board discussed revising the Code of Ethics and having the Board review and approved same.

Mr. Leventhal said the revised code should include:

Article 1 Code of Conduct

Article 2 Disclosure
Article 3 Administration

Mr. Leventhal offered to give us samples of Ethics Code revisions.

The Board discussed the ethics reform recommendations provided in the 2013 Westchester County Charter Revision of which copies were provided by Mr. Summers.

Forms Review:

The Board discussed the need to possibly reduce the amount of Form B filers, as many may be from the previous administration.

The Board discussed the fact that persons who are required to file are candidates for county-wide office and political party chairpersons.

ACA Polizzi has a contact in Information Technology and it may be possible to have digitized forms.

The Board discussed having a portal so that forms can be filed on-line.

County Website:

The Board discussed getting the telephone number operational on the website and including all minutes and agendas on the website.

The Board discussed having a "mission statement" of the Board of Ethics on the website and a list of its members.

GENERAL DISCUSSION / NEW BUSINESS

The Board discussed the possibility of appointing an independent auditor.

The Board discussed the RFP process.

The Board again discussed the need for an inspector general.

The Board discussed a Memo of Understanding for ACA Polizzi outlining his obligations to the Board regarding advice and confidentiality.

EXECUTIVE SESSION

At 11:43 a.m. a motion was made by Ms. Covill and seconded by Mr. Summers to enter into Executive Session to discuss the contract and reappointment of Mr. Leventhal and what it entailed.

ACA Polizzi is to find out about the contract and monetary issues involving same including an increase in pay and possibly a role as "special counsel".

At 11:48 a.m. Mr. Summers moved to end the Executive Session which was seconded by Ms. Covill.

The Public Meeting resumed at 11:48 a.m.

ACA POLIZZI HAS BEEN REQUESTED TO DO THE FOLLOWING:

1. Find out about the re-appointment of Mr. Leventhal;

2. Prepare a "warning" letter for the Board's approval for all persons who have not yet filed their Financial Disclosure Forms.

NEXT BOARD OF ETHICS MEETING

The next meeting will be held on Thursday, July 19, 2018 at 9:30 a.m.

ADJOURNMENT

At 11:54 a.m. a motion was made to adjourn the public meeting by Ms. Covill.

Submitted by:

Ellen A. Trotta
Legal Secretary II
(Secretary to the Board of Ethics)
July 19, 2018