



# *ETHICS BOARD*

July 2, 2014

Present: Melissa Eggert, Jeff Darlington, Jonathan DeCollo, Joseph Amprey – 4

Also Present: Ed Stock, Solicitor  
Shelly Katzenmoyer, Secretary

The meeting was called to order at 12:00 pm by Mr. Darlington.

A quorum is present.

## PUBLIC COMMENT

There were no members of the public present.

## APPROVAL OF MINUTES

**Motion was made by Ms. Eggert, seconded by Dr. Amprey, to approve the February 19 and June 18, 2014 minutes as written. Motion carried unanimously.**

## OLD BUSINESS

- Campaign Forms and Advertising Requirements

Mr. Stock stated that he and Ms. Katzenmoyer worked on the new advertising requirements and forms regarding campaign finance. He stated that the ad must be placed every six months and suggested that it be advertised in conjunction with the election cycle in late July and January.

Ms. Katzenmoyer explained that there are two versions before the Board – one for the City and Election Services websites and one for the newspaper.

Mr. Darlington questioned if the cost of the ads would be paid from the Board's annual budget. Ms. Katzenmoyer stated that it would.

**Motion was made by Ms. Eggert, seconded by Mr. DeCollo to approve the forms and the ads as submitted. Motion carried unanimously.**

Ms. Katzenmoyer questioned if the forms, when submitted by candidates, should appear on the website for ease of access.

Dr. Amprey stated that placing the forms on the website would increase transparency.

**Motion was made by Ms. Eggert, seconded by Mr. DelCollo, to place the forms on the website when they are submitted. Motion carried unanimously.**

- Advisory Opinion

Mr. Stock explained that the Board has received a request for an advisory opinion. He stated that the benefit of the advisory opinion is that it can provide a defense if it is followed and subsequently challenged. He stated that the advisory opinion questions if a City employee can serve on a municipal authority.

Mr. Stock stated that a draft was circulated to Board members for their review. He stated that it is his opinion that there is nothing in the Charter or the Code of Ethics which prohibits this per se. He stated that it is also not prohibited in the State Ethics Law or the Municipal Authorities Act. He stated that it is his opinion that the subject can continue to serve in both roles.

Mr. Darlington stated that there are constraints in voting on certain matters. Mr. Stock stated that this is correct. He stated that the subject must weigh these matters on a case by case basis and abstain when necessary. He explained that the advisory opinion is not specific to a certain situation. He stated that the opinion does include language to remind the subject that these items must be followed to avoid violation. He stated that conflicts must be addressed as issues arise.

Mr. Stock explained that the broader issue cannot be addressed as there is no jurisdiction.

Mr. Darlington questioned who would enforce this issue if this Board does not. Mr. Stock stated that if there is a specific violation, this Board would address the issue upon complaint. He stated that service in itself is not a violation.

**Motion was made by Dr. Amprey, seconded by Mr. DelCollo, to send the advisory opinion as drafted. Motion carried unanimously.**

#### NEW BUSINESS

Mr. Stock stated that City Council has been asked to consider an amendment to the Code of Ethics to add a provision prohibiting employment by an elected official or employee with an entity doing business with the City for three years after termination with the City. He stated that Ms. Katzenmoyer has requested the Board review the amendment.

Ms. Eggert questioned if this was common elsewhere.

Mr. DelCollo stated that the State requires this time period to be only one year.

Ms. Katzenmoyer also questioned if this wording was acceptable and if this is the proper placement in the Code.

Mr. Darlington expressed the belief that one year is reasonable but that three years seems unreasonable. Mr. DelCollo agreed.

Dr. Amprey suggested that the Board recommend that the time period be amended to one year.

Mr. Stock stated that the Board can make this recommendation to Council via letter. He expressed the belief that one year is reasonable.

Dr. Amprey stated that the State requires a one year time period. Mr. Stock and Mr. DelCollo stated that Federal law also requires a one year time period.

Dr. Amprey noted the need for consistency.

**Dr. Amprey moved, seconded by Ms. Eggert, to submit a recommendation to City Council that this provision be for a one year time period.**

Mr. Stock stated that he will draft the letter. Ms. Katzenmoyer requested the document by July 9 so that it can be forwarded to Council.

#### EXECUTIVE SESSION

- Complaint 12-0703

Mr. Stock stated that the Board would be entering into executive session to discuss this complaint as per Sunshine Act Section 708 (a) 4 regarding litigation.

The Board entered executive session at 12:25 pm and exited at 12:50 pm with no further action.

#### NEXT MEETING

The next meeting is scheduled for July 29 at 5 pm.

Meeting adjourned at 12:52 pm.

Respectfully submitted,  
*Shelly Katzenmoyer*  
Deputy City Clerk