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Chairman

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BERNARD J. MALONE
Member

Ethics Commission Annual Report for 2021

Members of the Ethics Commission

The Commission in 2021 was comprised of four members. Bernard Malone served as chairman for the first half 2021. In June 2021, Gerard E. Maney was elected Chairman and E. Hyde Clarke was elected Secretary. Michael Rest who has served many years on the Commission, resigned in October 2021 due to his move outside of Albany County. E. Hyde Clarke effectively resigned from the Commission when he was elected to a local city council position. Under the local Ethics Law, a member of the Commission cannot hold a public office and serve. At the end of 2021, Mr. Malone's second term on the Commission was expiring and he was reappointed for a second four-year term. By the end of 2021 there were three vacant positions on the Ethics Commission. A vacancy left from previous years was never filled over the course of the year. Two of the vacant positions belonged to Majority Counsel's office to fill and one vacant position belonged to the County Executive's Office.

Meetings

The Commission met four times in 2021. The meeting minutes are attached to this Report. The Commission approved the list of required filers in March 2021 and reviewed every Financial Disclosure Forms submitted. The deadline for Financial Disclosure forms was kept at May 15th this year and the return rate for completed Financial Disclosure forms

was over 95 percent. The Commission discussed ways to make the Financial Disclosure forms more streamlined and what offices and positions should be considered required filers. No formal recommendations for changes to the Financial Disclosure forms or who should be considered required filers were made in 2021.

Responses to Complaints and Advisory Opinions

The Commission received no complaints and received no requests for Advisory Opinions in 2021.

Dated: April 13, 2022

Albany County Ethics Commission Meeting Minutes

March 10, 2021 3:00pm

Room 940

Albany County Office Building

112 State Street, Albany, NY 12207

Meeting conducted in person and remotely via Turbo-Bridge phone conference.

In attendance: Hyde Clarke, Michael Rest, Bernard Malone, Gerard Maney, Patrick Collins, Sia Googas and Jennifer Clement

Meeting was called to order by Chairman Malone at 3:19 p.m.

All 4 members present- quorum present

1. Reviewed the meeting minutes from October 27, 2020 meeting-- a motion to adopt the minutes was made by Mr. Rest, seconded by Mr. Maney, minutes were adopted with one abstention.
2. Chairman Malone discussed the receipt and review of the titles and offices required to fill out the Financial Disclosure Forms. A list was distributed by Mr. Collins. The Commissioner of Human Resources, Ms. Clement, addressed the members and discussed the list that was submitted.
3. Ms. Clement explained that the list was updated by including newly created titles for the 2021 budget and she removing titles if that no longer existed within the budget. Ms. Clement explained that the list before the Commission was of high ranking positions and policy making officials and included 357 filled positions and 12 vacancies.
4. Chairman Malone inquired about what board positions were required to complete the Financial Disclosure Form. Mr. Collins stated that board positions that have been appointed by a County officer must complete the Financial Disclosure Form. Mr. Collins explained that the heads of the various boards would be contacted by the Clerk of the Legislature and notified of the obligation to complete the form. Chairman Malone inquired whether a list of board positions could be compiled and provided to the Commission by the Clerk of the Legislature. Mr. Collins said that could be completed and circulated to the Commission via email. Judge Maney agreed that the Commission should review the list of board positions required to complete the Financial Disclosure Form. Mr. Clarke inquired about the timing to adopt the list of board positions.
5. Chairman Malone inquired about the process if employees or board positions do not respond to the Financial Disclosure Form. Mr. Collins stated that all employees must be respond by May 15th and getting compliance often requires multiple attempts by the Clerk of the Legislature. Mr. Collins indicated that it

is often more difficult to get board positions to complete the form as there is no penalty for not responding.

6. A Motion to accept the list of positions required to complete the Financial Disclosure Form that was provided by Ms. Clement was made by Mr. Maney, Mr. Clarke seconded. The motion was unanimous.
7. Ms. Clement discussed that a delay in Financial Disclosure Forms being submitted timely last year was due to the COVID-19 pandemic and a lack of ability for employees to find a notary. She indicated that this may also present an issue this year. She expressed that Human Resources is working towards allowing electronic notarization. Mr. Maney suggested that employees be made aware where to find notaries in the building and utilize the various legal departments to get their Financial Disclosure Forms notarized.
8. Chairman Malone requested to review and update the Financial Disclosure Form to make it more clear and concise. He requested that Ms. Googas and a contact in the Human Resource Department work with the Commission. Chairman Malone indicated that there should be a more clear explanation of what constitutes a high ranking county position and whether there needs to be a separate category for a policy making official.
9. Chairman Malone requested a review of what information has to be included in the Financial Disclosure form and whether the breadth of information requested is an invasion of privacy. Chairman Malone questioned the breath of the information needed from relatives of the filer of the Financial Disclosure Form. Mr. Maney indicated he believed the Financial Disclosure Form mirrors that from required for New York State and that they are written to allow for a check for a conflict of interest. Mr. Maney agreed that the form needs to be clarified and be more user friendly.
10. Chairman Malone indicated that the Board should consider a deeper review of what positions truly need to complete the Financial Disclosure form. Chairman Malone provided an example that an assistant public defender or an assistant district attorney need to file but they are not necessarily a policy making official or hold a high ranking position.
11. Chairman Malone and Mr. Collins discussed that updating the Financial Disclosure Form may require amending the Local Law.
12. The Comptroller's Audit of the Commission was discussed by Chairman Malone. Mr. Maney stated that at a previous meeting Mr. Apostol, former attorney to the Commission, indicated that many recommendations of the report were implemented, but some needed to be reviewed and approved by the Commission. Mr. Maney requested that at the next meeting, Ms. Googas provide an update as to what recommendations need to be reviewed by the Commission for adoption. Chairman Malone requested that a review and

discussion of the Comptroller's Report be placed on the agenda for the next meeting.

13. Chairman Malone discussed the need to submit a 2020 Annual Report of the Ethics Commission. The Commission has not had any new complaints submitted, but would like to submit their recommendations about updating the Financial Disclosure Form to the County Legislature. Chairman Malone requested that Mr. Collins and Ms. Googas prepare a brief Annual Report for 2020 that can be reviewed by the Ethics Commission for submittal.
14. Motion to adjourn – Mr. Rest moved to adjourn, Mr. Clarke seconded. The motion was unanimous.

Meeting ends 4:00 pm.

Albany County Ethics Commission Meeting Minutes
May 26, 2021 3:00pm
Room 710
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted in person and remotely via Turbo-Bridge phone conference.

In attendance: Michael Rest, Bernard Malone, Gerard Maney, Hyde Clark, Patrick Collins, Sia Googas

Meeting was called to order by Chairman Malone at 3:17 p.m.

All members present- quorum present

1. Reviewed the meeting minutes from October 27, 2020 meeting. After making two corrections, a motion from Judge Maney to adopt the minutes was seconded by Mr. Rest, and minutes were unanimously adopted.
2. Mr. Collins discussed the responses to the Financial Disclosure forms. In part the new form and process was working exactly as planned, that while there were still some outstanding but that amount was far reduced from years prior. Mr. Collins also advised that the Clerk of the Legislature has already sent letters directing compliance with the local law for the completion of the Financial Disclosure Forms.
3. The body discussed feedback received regarding the format of the Financial Disclosure Form. Ms. Googas and Mr. Collins provided a variety of forms used by other municipal or state entities to comply with the mandates of the Public Officer's Law. The body will review the forms and determine what, if any, parts are worthwhile.
4. Chairman Malone discussed determining the power of the Commission to alter the state of the form and whether it would require legislative approval to make the forms more clear. Chairman Malone asked that the Commissioner of Human Resources and the Office of the County Attorney assist the Commission on modifying the Financial Disclosure Form.
5. The body was updated on the status of the State Comptroller's audit. The County has provided a reply to the draft report, that the County had objections to portions of the form, including the methodology of the report. The Commissioners asked what recommendations were followed. Of the 12 recommendations made, a majority have been made or were being worked on.
6. The final agenda item, adopting recommendations of the report, was deferred to the next meeting to gather more information.
7. The Commissioners selected June 30, 2021 at 3:00pm as the next meeting.

8. Motion to adjourn – Mr. Rest moved to adjourn, Judge Maney seconded. The motion was unanimous.

Meeting ends 3:55 pm.

Ethics Commission Meeting Minutes
June 30, 2021 3:00 pm
Room 940
Albany County Office Building
112 State Street, Albany NY 12207

Meeting conducted in person

In attendance: Michael Rest, Bernard Malone, Gerard Maney, Hyde Clarke, Patrick Collins, and Sia Googas

1. Meeting called to order on 3:18 and quorum present with four present members.
2. Previous Meeting Minutes - Meeting minutes for May 26th
 - a. Correct Hyde Clarke's name.
 - b. Rest moved to adopt previous minutes; Maney seconded.
 - c. Unanimous with the change.
3. Review of the financial disclosure forms
 - a. New package of returned financial disclosure forms was distributed.
 - b. Less than 5% of the total amount have not returned; about 20 people.
 - c. Discussion on certain required filers.
 - i. The Commissioner of Human Resources is coming out with a list of people who are in titles who are not obligated to file financial disclosure forms.
 - ii. Fire advisory board
 1. The Board doesn't ultimately serve in a policy making role.
 2. They do trainings.
 3. Decision to have them removed from the list of required filers.
 - iii. Farmland protection board
 1. The board does not serve in a policy making roll.
 2. The board makes recommendations.
 3. Ethics board doesn't have to make the decision; legislature should make the decision they shouldn't be on the list.
 - iv. Staff to look to review boards that really shouldn't be included on the financial disclosure forms.
 - d. Commission agrees to review the requirements of those charged with filing.

- i. Legally required by state law; if County Legislature wants to expand it to more persons.
 - ii. Have the form short, understandable and applicable to only to those people who can truly have a conflict.
 - iii. Volunteers on boards and commissions should be weeded out by exclusion by the Legislature.
 - iv. Make a recommendation to the Legislature to adjust the form.
 - v. Have someone weed out.
 - 1. Done administratively without legislative action.
 - vi. Members concluded such recommendations could be made a change to the law.
 - vii. Previous amendments to the law included a letter of support from the Department of Law, and this should as well.
 - viii. Members discussed reaching out to the New York State Association of Counties to discuss how other counties are handling the requirements of the law.
 - ix. Clarke suggested the form identify who needs which form; and possibly bifurcating the form into two forms
 - 1. Direct which filing status each person falls under (high ranking, policy making, etc).
 - x. Commission may want to have an appeals process if a person does not believe they are required to fill out the form.
- e. Reviewed the annual report
 - i. Malone made corrections
 - ii. Clarke moved; Maney seconded; unanimous in favor
- f. Election of Officers
 - i. Titles
 - 1. Secretary- E. Hyde Clark- nominated by Malone; seconded by Rest; 3 in favor; one abstained (Clarke)
 - 2. Chairman- Gerard Maney---- nominated by Malone; seconded by Rest; 3 in favor; one abstained (Maney)
- g. Next meeting set for September 29th at 3:00 pm.
- h. Motion to adjourn by rest; seconded by Clarke; all in favor
- i. Meeting adjourned at 4:00 pm

Albany County Ethics Commission Meeting Minutes
October 13, 2021 3:00pm
Room 940
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted in person and remotely via Zoom

In attendance: Michael Rest, Bernard Malone, Gerard Maney, and Hyde Clarke (via Zoom), Patrick Collins, and Sia Googas

Meeting was called to order by Chairman Maney at 3:00 p.m.

All 4 members present- quorum present

1. The Open Meetings Law and the effect of the COVID-19 Pandemic Governor's Executive Orders on its suspension were discussed. It was determined that Mr. Clarke could participate in the meeting via Zoom.
2. Reviewed the meeting minutes from June 30, 2021 meeting, a motion from Judge Malone to adopt the minutes without modification was seconded by Mr. Rest, and the meeting minutes were unanimously adopted.
3. The Commission discussed the responses to the Financial Disclosure forms. Mr. Collins brought to the Commission a new committee, the Redistricting Commission and it was discussed whether they need to fill out Financial Disclosure forms. It was determined since they offer advice to the Albany County Legislature on the redistricting map that they are policy makers and subject to the Ethics Law and should be directed to complete a Financial Disclosure Form.
4. The Clerk of the Legislature will provide a list to the Ethics Commission of any outstanding Financial Disclosure forms for 2021. All persons with outstanding Financial Disclosure forms have been noticed at least once that they need to return a completed Financial Disclosure form.
5. Mr. Rest proffered his resignation to the Ethics Commission effective at the end of the meeting due to his upcoming move to a home outside of Albany County. The Commission thanked him for his service and accepted his resignation as effective at the end of the meeting.
6. The Commission discussed the need for more members to the Ethics Commission due to the fact that following Mr. Rest's resignation there will be two vacancies. The Commission discussed the need for more Republicans/Conservatives to serve as required by the Ethics Law. Mr. Collins said that he would discuss with leadership in the majority and minority offices as the two vacancies belong to the Albany County Legislature.

7. The Commission discussed required filers for the 2022 Financial Disclosure forms. It was discussed to have Ms. Clement, the Commissioner of Human Resources, provide the Commission her recommended list of required filers earlier so that the Commission has time to review and make recommendations prior to adopting the list. It was discussed whether department heads should provide their recommendations on who they identify as policy makers.
8. The Commission discussed the drafting of the Annual Report for 2021. It was decided that Chairman Maney would review the first draft prior to the meeting and then the Committee would have a chance to review and comment at the meeting prior to adopting the 2021 Annual Report.
9. The Commission discussed its next meeting and a tentative date was set for January 19th at 3 pm. It was discussed that a meeting should not be held until further appointments to the Ethics Commission were made so that Commission could be at the operating level set by the Ethics Law.
10. Motion to adjourn – Mr. Rest moved to adjourn, Mr. Hyde seconded. The motion was unanimous.

Meeting ends 3:37 pm.