



GERARD E. MANEY
Chairman

JAMES MELITA
Secretary

COUNTY OF ALBANY
COUNTY ETHICS COMMISSION
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BERNARD J. MALONE
Member

BRYAN BEST
Member

Ethics Commission Annual Report for 2022

Members of the Ethics Commission

The Commission in 2022 was comprised of four members. Gerard E. Maney served as Chairman and James Melita served as Secretary. The other members of the Commission included Bernard J. Malone and Bryan Best. By the end of 2022, a vacant position remains on the Ethics Commission, as a vacancy left from previous years was never filled. Under the Ethics Law, the authority to fill this vacancy rests with the County Executive's Office. Mr. Melita's term expired at the end of 2022 and the Majority Counsel for the Legislature will request his reappointment in early 2023.

Meetings

The Commission met four times in 2022. The meeting minutes are attached to this Report. The Commission approved the list of Required Filers in April 2022. The deadline for Financial Disclosure forms was moved to May 16th as the return date fell on a non-business day. The return rate for completed Financial Disclosure forms was lower this year than in the recent past. The Clerk of the Legislature emailed delinquent filers several times and then at the direction of the Commission sent an email to certain department heads where the rate of return was low. The Commission continued to receive and review Financial Disclosure forms throughout 2022 and reviewed every Financial Disclosure form submitted.

The Commission discussed whether Financial Disclosure forms could be recertified from year to year and determined that at this time it will continue to require that Financial Disclosure forms be completed annually as required under the Ethics Law.

Responses to Complaints and Advisory Opinions

The Commission received one complaint on October 19, 2022 and an amendment to the complaint on January 11, 2023. The Commission has decided to undergo a preliminary review phase of the complaint due to allegations of a potential Ethics Law violation of Local Law 8 for 2011 as amended by Local 7 of 2019 Section (5)(1)(c). Because of conflicts within the Law Department, the Commission determined that outside counsel is necessary to handle the preliminary review phase.

The Commission did not issue any Advisory Opinions in 2022.

Dated: March 29, 2023

Albany County Ethics Commission Meeting Minutes
April 13, 2022 3:00pm
Room 940
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted in person and remotely via telephone

In attendance: Bryan Best, Bernard Malone, Gerard Maney, James Malita, Sia Googas, Jennifer Clement and Patrick Collins (via telephone)

Meeting was called to order by Chairman Maney at 3:08 p.m.

All 4 members present- quorum present

1. Reviewed the meeting minutes from October 13, 2021 the meeting, a motion from Mr. Malone to adopt the minutes without modification was seconded by Mr. Maney, and the meeting minutes were adopted with two abstentions.
2. Welcomed new Ethics Commission members Bryan Best and James Malita
3. Election of a Secretary
 - a. Mr. Malone moved to elect Mr. Malita as secretary, Mr. Best seconded the motion, the vote passed with one abstention.
4. The Commission discussed the list of required filers to the Financial Disclosure forms.
 - a. Human Resources Commissioner Clement presented the list of required filers that are employees of the County of Albany. Ms. Clement explained that this year she removed the title of confidential secretary from the list as this position is a traditional secretarial role and not subject to the Ethics Law. Ms. Clement explained how she added the titles of Website Developer and Chief Information Officer on the list as these titles have a role in how information is presented to the public and thus subject to the Ethics Law. Ms. Clement explained that attorneys must remain on the list as they take an oath of office for their role and have the ability to influence thus fall under the definition of high ranking officials.
 - i. Mr. Malone moved to adopt the list of required filers as presented by Ms. Clement, Mr. Best seconded; the motion was unanimous
 - b. Counsel to the Chair of the County Legislature, Mr. Collins presented the list of required filers for Board members appointed by the County Executive or the County Legislature. Mr. Collins explained the list contains boards comprised of different members, but only the members who are appointed by the County Executive or the County Legislature are considered required filers under the Ethics Law. Mr. Collins

explained that two boards were deleted from the list after the Ethics Commission determined last year they were not subject to the Ethics Law- the Fire Advisory Board and the Agricultural and Farmland Protection Board. Mr. Collins explained that the Redistricting Commission was added to the list since they offer advice to the Albany County Legislature and are considered policy makers under the Ethics Law.

- i. Mr. Malone moved to adopt the list of required filers as presented by Mr. Collins, Mr. Malita seconded; the motion was unanimous
5. The Commission discussed the date to return the Financial Disclosure Forms which is set as May 15th. This year the return date fell on a non-business day. Mr. Malita moved to have the return date to be the next business day, May 16th. Mr. Maney seconded. The motion passed unanimously.
6. The Commission discussed the adoption of the Annual Report for 2022.
 - a. Mr. Malone moved to adopt the Annual Report and to submit it to the County Executive and the County Legislature as required under the Ethics Law. Mr. Maney seconded. There were two abstentions.
7. The Commission discussed and accepted Mr. Hyde's resignation from the Commission. Mr. Hyde provided the County Executive his resignation effective on December 31, 2021 as he was appointed to the Albany City Common Council and could no longer could serve on the Ethics Commission.
8. The Commission discussed whether Financial Disclosure forms could be recertified from year to year and tabled the discussion for a future meeting.
9. The Commission discussed its next meeting and a tentative date was set for June 22, 2022 at 3 pm.
10. Motion to adjourn – Mr. Best moved to adjourn, Mr. Malita seconded. The motion was unanimous.

Meeting ends 4:02 pm.

Albany County Ethics Commission Meeting Minutes
June 22, 2022 3:30pm
Room 940
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted in person

In attendance: Bryan Best, Bernard Malone, Gerard Maney, James Malita, Sia Googas and Patrick Collins

Meeting was called to order by Chairman Maney at 3:33 p.m.

All 4 members present- quorum present

1. Reviewed the meeting minutes from April 13, 2021, a motion from Mr. Malone to adopt the minutes with a change to the date of the meeting was seconded by Mr. Best. The meeting minutes were unanimously adopted with the change.
2. Update on the return of Financial Disclosure forms
 - a. Mr. Collins advised the Ethics Commission that the return date for the forms was Monday, May 16th and that only about 50 to 60 percent of required filers had responded within the time frame.
 - b. The Clerk of the Legislature sent an email to department heads, committee chairs and to nonresponsive employees two weeks after due date asking for compliance and the return of the forms.
 - c. The Clerk of the Legislature intended to send another email out a month after the due date requesting any outstanding Financial Disclosure forms be returned.
3. Discussed what Ethics Commission members should keep in mind when reviewing the Financial Disclosure forms.
4. Financial Disclosure forms were distributed for review among Ethics Commission membership
5. Determined that reviewed Financial Disclosure forms should be returned to Majority Counsel's Office by July 22nd
6. The Commission discussed whether Financial Disclosure forms could be recertified from year to year and determined that at this time it will continue to require that Financial Disclosure forms be completed annually as required under the Code of Ethics and Financial Disclosure Law of the County of Albany.
7. The Commission discussed its next meeting and a tentative date was set for August 10, 2022 at 3:30 pm.
8. Motion to adjourn – Mr. Best moved to adjourn, Mr. Malita seconded. The motion was unanimous.

Meeting ends 3:53 pm.

Albany County Ethics Commission Meeting Minutes
September 21, 2022 3:00pm
Room 940
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted in person

In attendance: Bryan Best, Bernard Malone, Gerard Maney, Sia Googas, and Patrick Collins

3 of 4 members present- quorum present

Meeting was called to order by Chairman Maney at 3:10 p.m.

1. Reviewed the meeting minutes from the June 22, 2022 meeting, a motion from Mr. Malone to adopt the minutes without modification was seconded by Mr. Best, and the meeting minutes were adopted unanimously.
2. An update on the return of the Financial Disclosure Forms was provided by Mr. Collins
 - a. The notification process was outlined in the discussion:
 - i. Human Resources had requested that all department heads notify their employees of their requirement to submit a Financial Disclosure form and provided a blank copy of the form.
 - ii. Human Resources sent a reminder to all employees before the deadline of May 16 to submit a Financial Disclosure form
 - iii. After the deadline, the County Clerk asked Human Resources to send another reminder email.
 - iv. The Clerk of the Legislature then reached out individually to members who haven't complied with the Ethics Law on several occasions
 - b. About 80 forms are still outstanding
 - c. Mr. Collins will look to see if there are any patterns as to which required filers are not submitting their Financial Disclosure forms.
3. There was discussion about the Fire Advisory Board being inadvertently left on the required filers list for 2022. In 2021, the Ethics Commission determined that the members of the Fire Advisory Board are not required filers per the Ethics Law. It was discussed that the Fire Advisory Board members do not need to file a Financial Disclosure form for 2022 and are to be stricken from the required filers list without further action by the Ethics Commission.
4. The Commission discussed its next meeting and a tentative date was set for December 7th at 3 pm.
5. Motion to adjourn – Mr. Best moved to adjourn, Mr. Malone seconded. The motion was unanimous.

Meeting ended at 3:25 pm.

Albany County Ethics Commission Meeting Minutes

December 14, 2022 3:00pm

Albany County Office Building, Room 940

112 State Street, Albany, NY 12207

Meeting conducted in person

In attendance: James Melita, Bernard Malone, Gerard Maney, Sia Googas, and Patrick Collins

3 of 4 members present- quorum present

Meeting was called to order by Chairman Maney at 3:09 p.m.

1. Reviewed the meeting minutes from the September 21, 2022 meeting, a motion from Mr. Melita to adopt the minutes without modification was seconded by Mr. Malone, and the meeting minutes were adopted unanimously.
2. An update on the return of the Financial Disclosure Forms was provided by Mr. Collins
 - a. A review to find any pattern in the delinquent filers found the Sheriff's Department struggled in compliance.
 - b. The Ethics Commission directed the Clerk of Legislature to send a hard copy of a delinquent filers list directly to the Sheriff's Department and provide 30 days for employees to return their forms.
 - c. The Ethics Commission will review any newly provided Financial Disclosures Forms at its next meeting.
3. Motion to move into Executive Session to discuss the Ethics Complaint submitted on October 19, 2022 ("Ethics Complaint") and to discuss the employment history of a particular person (OML §105(1)(f)) was made by Mr. Malone, Mr. Melita seconded. The motion was unanimous.
4. Motion to move out of Executive Session was made by Mr. Melita, Mr. Malone seconded. The motion was unanimous.
5. Motion made pursuant to the Ethics Law, Local Law 8 for 2011, Section (5)(1)(c) and pursuant to Albany County Ethics Commission Regulations Governing Complaints and Investigations Paragraph (3) to undertake a preliminary review phase of the Ethics Complaint was made by Mr. Malone, seconded by Mr. Melita. The motion was unanimous.
 - a. The Clerk of the Legislature is to request that Complainant sign and swear to any amendments previously submitted before they are considered part of the record
 - b. A formal notice will be drafted by Ethics Counsel and reviewed by the Ethics Commission before it is provided to the Respondent
6. The Commission discussed its next meeting and a tentative date was set for January 25, 2023 at 3 pm.

7. Motion to adjourn – Mr. Melita moved to adjourn, Mr. Malone seconded. The motion was unanimous.

Meeting ended at 4:23 pm