

## **The Board of Ethics of the City of Mount Vernon**

### **Minutes of the meeting of April 18, 2023**

The meeting was called to order at 6:36 p.m. at a room at City Hall, and the following four members were in attendance in person: Curtis Brewington, Chair; John McGlynn, Vice-Chair; Ed Byrnes, Secretary; and Leslie Alpert. Member Khendra David joined the meeting via Zoom due to extraordinary circumstances, namely care-giving responsibilities, and the Chair gave approval for this. Member Blair Hoplight was not present for most of the meeting because, at the same time, he was required to be at an emergency meeting of the “faculty senate” at the university with which he is associated; Blair joined this Board of Ethics meeting around 7:45 p.m., as the Board came out of the confidential session.

Curtis noted that with at least four members being physically present, a quorum was achieved.

City Clerk Tanesia Walters was also physically present at the meeting.

A motion was made and seconded to approve the proposed minutes for 4/6/23. Approved 5-0.

### **Vote on a revision to one of the Board’s Rules**

A motion was made and seconded that the present Board’s Rule, ARTICLE V, §2 be replaced by the following language:

§2. First Step. A majority of the Board members present at a Board meeting could vote in favor of conducting a “Full Investigation” (see §3 and §4 below) of a complaint by concluding that there is “good cause” to believe that the complaint is meritorious. As an alternative to initially conducting a “Full Investigation”, a majority of the members present at a Board meeting could vote to conduct a “Preliminary Review”, which would be conducted by two members, who would be appointed by the Chair. The goal of the two-member subcommittee would be to determine whether there is “good cause” to believe that the complaint is meritorious, and the subcommittee would report its determination to the Board within 21 days, if possible. At the next Board meeting after the “Preliminary Review” is completed, the Board would take a vote as to whether it would conduct a “Full Investigation”.

After a discussion, this motion was approved by a vote of 5-0.

### **Discussion regarding the March 22 City Council Resolution**

Tanesia Walters initiated a discussion regarding the March 22 City Council Resolution, which introduced some changes to the City Code §24-11 concerning what persons would be required to file Financial Disclosure Statements. One of the changes was that the Board of Ethics members would now be required to file FDSs. John had received some blank FDSs from the City Clerk and he distributed them to the members who needed them. No Board members expressed any concern about the FDS filing requirement for Board members.

A different concern was expressed about a passage in the City Council Resolution that stated that a broad category of city positions would now be required to file FDSs, if it was determined by the City Council that such a city position was that of a “policymaker”, or a position that could “influence policy decisions”, or positions that “perform any of the duties listed in General Municipal Law of this article.”

The concern was that the City Council had apparently not yet made any determination as to what specific additional city positions would fit under the broad category defined by the City Council Resolution, and the Board wanted to see that determination. Ms. Walters inquired of the Board as to whether it wanted to have the City Council specifically name such additional city positions in a writing under the City Council letterhead, and the answer from the Board members was that they did want that from the City Council, so that the Board would know for sure who exactly in city government is required to file a FDS in accordance with the March 22 City Council Resolution.

Ms. Walters was informed that the Board would send to the City Council a message which would be requesting the Council to make a determination, in accordance with their Resolution, as to what specific city positions would be added to those that are specifically listed in the City Code §24-11 as being required to file FDSs, and the Board would copy Ms. Walters on such a message.

### **A motion was made to go into a confidential session**

Since it was known that there were a few confidential matters that had to be discussed by the Board, a motion was made and seconded that the Board should go into a confidential session. A vote was taken, and it was unanimous that the Board would immediately go into such a confidential session. The Zoom recording stopped while the Board was in the confidential session, and Ms. Walters left the meeting room.

### **Confidential session**

*All confidential matters have been redacted in order to allow this version of the minutes to be available to the public.*

The Board decided to end the confidential session, and Ms. Walters returned to the room. At this point Blair joined the meeting via Zoom.

A motion was made and seconded that the Board go out of the confidential session and return to a public session. The motion was approved by a unanimous vote.

### **Public session resumes**

A discussion took place concerning the scheduling of future meetings. After a discussion, an agreement was achieved by all members that the schedule for our next meetings would be on Thursdays, May 11, June 1 and June 15.

All members agreed to end the meeting at 7:55 p.m.

Prepared by Ed Byrnes, Secretary