

Summary of Minutes
AGENDA/CHARTER COMMITTEE
February 27, 2023
5:00 p.m.

Chairman Johns called the meeting to order at 5:00 p.m.

MEMBERS PRESENT: Mark Johns (Chair), Steve Brew (Vice Chair), Sean M. Delehanty, Rachel Barnhart (RMM), Dave Long, Sabrina LaMar (Ex-Officio)

OTHER MEMBERS PRESENT: Tracy DiFlorio, Sean McCabe, Frank X. Alkofer, Howard Maffucci, John B. Baynes, Albert Blankley, Susan Hughes-Smith, Maria Vecchio

ADMINISTRATION PRESENT: Robert Franklin (CFO), John Bringewatt (County Attorney), Laura Smith (Chief Deputy County Attorney), Adrienne Green (Staff Assistant), Dawn Staub (District Attorney’s Admin), Richard Tantalo (Public Safety Director)

PUBLIC FORUM: There were no speakers.

APPROVAL OF MINUTES: The minutes of January 23, 2023 were approved as submitted.

NEW BUSINESS:

23-0007 - Enacting a Local Law Amending the Code of Ethics – Legislator Rachel Barnhart

MOVED by Legislator Brew, SECONDED by Legislator Barnhart.

MOTION TO AMEND MOVED by Legislator Brew, SECONDED by Legislator Barnhart.

ENACTING A LOCAL LAW AMENDING THE CODE OF ETHICS OF THE COUNTY OF MONROE

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 45-3 of the Administrative Local Laws of Monroe County is amended to read as follows:

INTEREST

A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires, and shall be deemed to include the business or financial affairs of the officer's or employee's spouse, minor children and dependents; a firm, partnership or association in which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

HARASSMENT

Verbal, written, or physical conduct that: (1) is based on an individual’s protected class under federal, state or local law; (2) is unwelcome; and (3) rises above the level of what a reasonable victim of harassment or discrimination with the same protected characteristic would consider petty slights or trivial inconveniences.

MUNICIPAL AGENCY

Any department of the County of Monroe or division, board, district, commission or bureau of any department of the County, including but not limited to the Gates-Chili-Ogden Sewer District, Irondequoit Bay Pure Waters District, Northwest Quadrant Pure Waters District, Rochester Pure Waters District, and the Monroe County local social services district.

OFFICER OR EMPLOYEE

An officer or employee of the County of Monroe, whether paid or unpaid, including members of the Monroe County Legislature, and of any administrative board, commission or other agency of ~~the~~ Monroe County.

SEXUAL HARASSMENT

Harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. It includes unwelcome conduct, such as sexual advances, requests for sexual favors, sex stereotyping or other verbal, written, or physical conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Section 2. Section 45-4 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-4 General standard of conduct.

No officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or ~~professional~~ activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest.

Section 3. Section 45-5 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-5 Interest in business or professional dealings with County.

No officer or employee of the County of Monroe shall have an interest, direct or indirect, in any manner whatsoever except by operation of law, in any business or professional dealings with the County of Monroe or any ~~agency~~ Municipal Agency thereof.

Section 4. Section 45-6 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-6. Representing other persons or corporations in transactions with County.

No officer or employee of the County of Monroe shall act as attorney, agent, broker, representative or employee in business or professional dealings with the County or any ~~agency~~ Municipal Agency thereof ~~for any person or corporation in which he has a direct or indirect interest.~~

Section 5. Section 45-8 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-8. Incompatible employment.

A. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interest when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

B. Employees in the Management and Professional classification must seek approval for any outside employment pursuant to the County's Dual Employment Policy, as may be amended from time to time.

C. If an officer or employee's outside employment creates a conflict with or impairs the proper discharge of his official duties with respect to a particular matter, the officer or employee must recuse himself from that matter. Such recusal shall be made in writing on a form prescribed by the County Law Department and shall be a matter of public record.

Section 6. Section 45-9 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-9. Future employment.

A. No officer or employee shall, after the termination of service or employment with such municipality, appear or practice before any ~~board or agency~~ Municipal Agency of the County of Monroe in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

B. No person who has served as a County officer or employee in the Management and Professional classification shall within a period of two years after the termination of such service or employment appear or practice before any Municipal Agency of the County of Monroe or receive compensation for any services rendered by such former officer or employee on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application or other matter before such Municipal Agency of the County of Monroe.

Section 7. Section 45-12 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-12 Gifts.

No officer or employee shall, directly or indirectly, solicit any gift or accept or receive any gift having more than a nominal value, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, from any person, firm, corporation or other entity that has a direct or indirect interest in any contract for the provision of goods or services to the County of Monroe or any ~~agency~~ Municipal Agency thereof. The term “gift” shall be defined pursuant to New York Legislative Law §1-c(j) as amended from time to time. Any local development corporation contracting with the County of Monroe shall include the requirements of the County Code of Ethics in its code of ethics.

Section 8. Section 45-13 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-13. Course of conduct.

A. Every officer or employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust. He should not use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others. He should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, position or influence of any party or person.

B. It shall be a violation of the Code of Ethics of the County of Monroe for an officer or employee to engage in harassment or sexual harassment.

~~C. The name or image of a County officer or employee shall not appear on any printed newsletter mailed or distributed to County residents, or in any paid advertisement published in print or online or aired on TV or radio in the County, the cost of which is incurred by the County, within 30 days of any election for public office in which the County officer or employee is a candidate for such office.~~

D. Unless otherwise prohibited by law, officers and employees shall not be denied the right to support or refuse to support a political party or committee, or a candidate for public office. Officers or employees shall not coerce, or request or authorize another to coerce, any County officer or employee, consumer of County services or County contractor to support or refuse to support a political party or committee, or a candidate for public office. Officers or employees shall not make use of a County workplace to request, or authorize another to use a County workplace to request, that any person participate in an election campaign or contribute to a political party or committee.

Section 9. Section 45-23 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-23 Penalties for offenses.

Any contract willfully entered into by or with Monroe County or any agency thereof in which there is an interest prohibited by this chapter shall be null and void and wholly unenforceable. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code, including engaging in harassment or sexual harassment conduct, may be fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.

Section 10. Section 45-25(B) of the Administrative Local Laws of Monroe County is amended to read as follows:

B. The Board may also accept from the general public, an officer or employee, or from its own members and consider any complaint or allegation of conflict of interest, harassment, or sexual harassment on the part of any officer or employee of Monroe County. All such complaints or allegations are to be kept in the confidential records of the Board. Should the Board determine that there is apparent merit in the complaint or allegation, it shall send a written invitation to the officer or employee so charged to appear at a private meeting of the Board and explain the apparent conflict of interest, allegation of harassment, or allegation of sexual harassment. Should: (1) such officer or employee fail to appear in response to such invitation or should he appear and; (2) such officer or employee fail to satisfy the Board that there is no conflict of interest; or (3) the Board substantiates an allegation that the employee or officer engaged in harassment or sexual harassment, the Board shall send a written report on the matter to the County Executive. The report Reports concerning conflicts of interest shall not be made public except by the County Executive or by the unanimous vote of the Board. Reports finding that the employee or officer engaged in harassment or sexual harassment shall be made public with any identifying information regarding the compliant(s), witness(es), and victim(s) redacted. In the event the Board receives a complaint or allegation that involves harassment or sexual harassment in the workplace, such complaint shall be referred to the Monroe County Department of Human Resources and shall be subject to the provisions of the Monroe County Policy on Unlawful Discrimination and Harassment, as amended or changed.

Section 11. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 12. This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

ADOPTED: 5-0

MAIN MOTION ADOPTED AS AMENDED: 5-0

23-0031 - Banning of Vaping in Monroe County Parks – Legislators Linda Hasman, Howard Maffucci, Susan Hughes Smith and Albert Blankley

MOVED by Legislator Delehanty, SECONDED by Legislator Long.

MOTION TO AMEND MOVED by Legislator Brew, SECONDED by Legislator Delehanty.

ENACTING A LOCAL LAW AMENDING CHAPTER 323 OF THE MONROE COUNTY CODE

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 323-29 of the Monroe County Code is hereby amended to read as follows:

§ 323-29 Controlled substances and Vaping

A. No person shall use, carry, transport or sell within a park any marijuana, narcotic drug, hallucinogen or controlled substance as defined in § 220.00, or drug paraphernalia as defined in § 220.50 of the New York State Penal Law. Violations of this section will be prosecuted in accordance with the New York State Penal Law. Violators will be subject to the penalties prescribed therein.

B. No person shall use an electronic cigarette, as that term is defined in New York State Public Health Law § 1399-aa, within a park [within (1) one-hundred (100) feet of a county-operated lodge or shelter currently being rented and occupied within a park; or (2) one-hundred (100) feet of a county-operated playground within a park]. This provision shall not apply to County employees within outdoor areas of a park that are: (1) not open to the public (e.g., park maintenance areas), and (2) designated by the County for such use.

Section 2. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3. This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

ADOPTED: 3-2 (Legislators Barnhart and Long Voted in the Negative.)

MAIN MOTION ADOPTED AS AMENDED: 5-0

23-0058 - Confirmation of Reappointment to the New York State Department of Environmental Conservation Region 8 Fish and Wildlife Management Board – County Executive Adam J. Bello

MOVED by Legislator Delhanty, SECONDED by Legislator Brew.

ADOPTED: 5-0

OTHER MATTERS

ADJOURNMENT:

There being no other matters, Chairman Johns adjourned the meeting at 5:22 p.m.

The next Agenda/Charter Committee meeting is scheduled for **Monday, March 27, 2023 at 5:00 p.m.**

Respectfully Submitted,
David Grant
Clerk of the Legislature