

corporation or limited liability company, and/or matters that may lead to the employment, demotion, discipline, suspension, dismissal, or removal of a particular person or business entity.

Ayes: All

Noes: None

Motion Carried

Motion by Chairperson Teager, seconded by Ms. Leonard, to move out of executive session at 6:34 P.M.

Ayes: All

Noes: None

Motion Carried

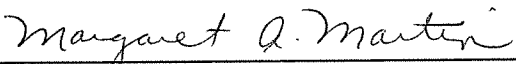
ADJOURNMENT

Motion by Chairperson Teager, seconded by Mr. Kavanaugh, to adjourn the meeting at 6:35 P.M.

Ayes: All

Noes: None

Motion Carried



Margaret A. Martin
Deputy Town Clerk/Secretary to the Ethics Board

TOWN OF WEST SENECA



West Seneca
Ethics Board

CHAIRPERSON
Michael Teager
VICE CHAIRPERSON
Theresa Funk
MEMBERS
Anna Garvey
Lawrence Kavanaugh, Jr.
Kayla Leonard

December 30, 2023

Dear Town Board:

Below is a brief summary of the Ethics Board's work in 2023.

Early this year, the Ethics Board again passed suggested updates to the Ethics Code regarding annual financial disclosure forms for contractors and vendors. These changes included:

- Updated language for §13-5 of the Ethics Code noting exceptions for completion of the contractor & vendor disclosure form
- Updated language for §13-2 of the Ethics Code defining both "independent contractor" and "vendor" (neither term is currently defined in the Ethics Code)

These updates were originally approved in April 2022. However, Town Attorney Trapp asked the Ethics Board to further consider if special exception was needed for vendors on the state bid list. This was considered and voted on, and we submitted the proposed update to Mr. Trapp in February 2023. Our hope is that an official adoption of some updates to the form and code may alleviate confusion that accompanies the current form and related processes.

The Ethics Board also worked on updating official code language regarding its composition. The Ethics Board ultimately voted to approve proposed language for updating §13-7 A in December 2023. Some of the proposed changes simply align the code with current and recent practice and remove redundant language. Other changes, if passed, will require adjusted processes. The proposed updates include:

- Staggering members' terms so that one member is appointed each year (currently, three are appointed in one year, two in the subsequent year, with several years having no appointments)
- Adjusting the appointed terms for current members to align with the above scheme
- Appointing new members by a majority vote of the Town Board (this has been the case in recent years, but the current code stipulates that each member of the Town Board may appoint a member)
- Removing ex-officio members who are appointed and elected officials (this aligns with recent practice)
- Ensuring the appointed secretary comes from the Town Clerk's office to ensure minutes, agendas, and accompanying processes align with Town and State processes and requirements (this has been the case in recent years, which the Ethics Board appreciates, but it is by no means guaranteed)

Individual financial disclosure forms for elected officials, appointees, and department heads are separate from the above, and our reviewing and handling of those has continued without issue throughout 2023.

Looking ahead to 2024, the Ethics Board may consider additional revisions to and clarification of the Ethics Code (Chapter 13). A November 2023 work session included an initial discussion of 13-6 Whistleblower Policy, but much more work will be needed before any proposals may be considered.

In compliance with the training and educational requirements specified in the Ethics Code, the board members completed the following:

- The updated Comprehensive Ethics Training Course (CETC) specifically meant for “Unpaid and Per Diem Officers” (UPO) from the NYS Commission on Ethics and Lobbying in Government (COELIG)
- COELIG’s *Responsibilities of the Agency Ethics Officer*
- The Committee on Open Government’s *Open Meetings Law: A Refresher and Update*

Of note is Ms. Molly Martin’s continued service as secretary to the Ethics Board. Ms. Martin is a tremendous asset, and the Ethics Board is grateful for both her secretarial duties as well as her regular insight into the Town’s workflow and operations. Her contributions are extremely valuable.

Finally, we’d like to highlight Mr. Jon Minear’s expertise and helpful service in providing reasoned and objective guidance on a range of issues over the years. His tenure as attorney to the Ethics Board now comes to a close as he assumes his new role as West Seneca Town Justice. We wish him well in his future endeavors.

Thank you for your time.

Sincerely,

Michael Teager
Chairperson, Ethics Board