



TOWN OF WEST SENECA

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TOWN SUPERVISOR
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TOWN COUNCIL
EUGENE P. HART
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MEMO

To: The Honorable Town Board
From: Tina M. Hawthorne, Town Attorney
Date: October 30, 2019
Subject: Ethics Board Advisory Opinion

Attached is the Ethics Board Advisory Opinion regarding the Citizen Budget Advisory Committee's use of a private, closed FaceBook Group, which does not include all of its members and includes a non-member who is a current political candidate. I advise you adopt the attached resolution in light of the advisory opinion.

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RESOLUTION

WHEREAS, the Town of West Seneca Board of Ethics received a complaint with respect to certain actions taken by the Citizens Budget Advisory Committee's (hereinafter referred to as Committee) use of a private, closed FaceBook Group, which does not include all its members and includes a non-member of the Budget Committee who is currently a political candidate; and

WHEREAS, the Board of Ethics determined that the Committee is a public entity established with the purpose of conducting meetings and deliberations open to the public; and

WHEREAS, the Board of Ethics further determined that the Committee should be operating in an open and transparent manner as a part of the Town Government and not through a private, closed FaceBook Group, which fails to include every member of the Committee and includes a non-member of the Committee who is currently a political candidate; and

NOW THEREFORE BE IT RESOLVED, that the Town of West Seneca Town Board accepts the recommendation of the Board of Ethics that the Committee shall immediately cease communicating via their private, closed FaceBook Group and shall shut down the private Facebook Group immediately. The Committee shall conduct all business in an open and transparent manner.



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MEMORANDUM DECISION

TO: The Ethics Board
From: Jon F. Minear, Esq., Ethics Board Attorney
Date: October 28, 2019
Re: In the Matter of the Citizens Budget Advisory Committee Private Facebook Group

COMPLAINT

A complaint was made to the Ethics Board concerning the West Seneca Citizens Budget Advisory Committee's (the "Budget Committee") use of a private, closed Facebook Group, which does not include all members of the Budget Committee and includes a nonmember of the Budget Committee who is currently a political candidate.

INVESTIGATION

On October 9, 2019, the Ethics Board conducted a meeting and investigation into the Budget Committee's actions, including, but not limited to, its use of the private Facebook Group to determine whether there were any ethical violations.

FINDINGS

After reviewing the initial purpose of the Budget Committee and determining that its purpose was to conduct meetings and deliberations open to the public, along with the members and nonmembers of the Facebook Group, it is hereby decided as follows:

The Ethics Board views the Budget Committee as a public entity, serving in an advisory capacity similar to the Ethics Board. Therefore, the Budget Committee should be operating in an open and transparent manner as a part of the Town government, and not through a closed, private social group, which fails to include every member of the Budget Committee and includes a current political candidate who is not a member the Budget Committee.

RECOMMENDATION

Consistent with this Memorandum Decision, the Budget Committee shall immediately cease communicating via their private Facebook Group, shall shut down their private Facebook Group, and shall conduct all business in an open and transparent manner.