



CITY OF SARATOGA SPRINGS
BOARD OF ETHICS
474 Broadway
Saratoga Springs, NY 12866-2296
518-587-3550 Ext 2414
518 587-1699 Fax

JUSTIN HOGAN
Chairperson

BRENDAN CHUDY
COURTNEY DeLEONARDIS
JOHN ELLIS
MARILYN RIVERS

Saratoga Springs Board of Ethics Advisory Opinion 2-2016

To: Joanne D. Yepsen
Mayor
Saratoga Springs, NY

Dear Mayor Yepsen

This Board has reviewed your request for a written opinion and has found as follows:

The Board is aware that Saratoga Hospital is currently seeking an amendment to its existing Planned Unit Development ordinance, and has made numerous appearances in support of that proposed amendment before the City Council on which you serve as Mayor. The City Council, as our local legislature, will vote on whether to enact the proposed PUD amendment. You indicate that you have recently had conversations with members of Saratoga Hospital Cares Foundation regarding a possible contract in which you would do work for them as a private development consultant. You voluntarily stated at our 1/14 meeting that Saratoga Hospital Cares is a part of Saratoga Hospital, has different membership than the Saratoga Hospital Board of Directors, and in several ways works and cooperates with the Saratoga Hospital Board of Directors. You stated that some specifics of the work were discussed, as well as the amount of compensation, but that no final written contract has been signed and no work has been done. You ask for an opinion as to whether you must recuse from voting on the amendment as a council member.

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Section 13-3 (I) of our Code of Ethics reads:

"I. Outside Employer or Business. Officers and or employees shall not engage in, solicit, negotiate for or promise to accept work for an outside employer or business who does business with the City which creates an implied conflict with or impairs the proper discharge of his official duties or results in personal gain"

The critical inquiry here is whether you, in discussing particulars of future work with Saratoga Hospital Cares Foundation, you have become involved with an entity that is an inseparable part of an entity that is "doing business with the City" within the meaning of the section. On the facts presented, the Board finds that to be the case. Saratoga Hospital has applied for an amendment that requires approval from a number of city boards and officials, including the City Council. It is the Board's opinion that doing so constitutes "doing business" within the plain meaning of 13-3 (I). Therefore, your vote would be contrary to section 13-3 (I). The Board finds no other specific prohibition in the Code applicable to the facts stated.

Dated: January 19, 2016