A RESOLUTION OF THE
SARATOGA SPRINGS CITY COUNCIL

WHEREAS, the Saratoga Springs City Charter, Title 2, Section 2.7 “Code of Ethics,” provides that the City Council “shall adopt a Code of Ethics to guide the actions of elected and appointed City officers and employees;” and

WHEREAS, the Saratoga Springs City Code, under Part I “Administrative Legislation” and Chapter 13, “Ethics, Code Of” establish rules pursuant to the provisions of Section 806 of the New York State General Municipal Law, “… to promulgate these rules of ethical conduct for officers and employees of the City of Saratoga Springs. These rules shall serve as a guide for official conduct of officers and employees of the City of Saratoga Springs;” and

WHEREAS, the City’s Ethics Code Section 13-3(I) prescribes, “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;” and

WHEREAS, the Saratoga Springs Board of Ethics was approached by Joanne D. Yepsen, Mayor as well as Commissioners Madigan, Mathiesen, and Scirocco concerning discussions between the Mayor and the Saratoga Hospital Foundation about a possible private contract during a time period when the Saratoga Hospital was “doing business” with the City within the meaning of Section 13-3(I); and

WHEREAS, Mayor Yepsen requested an advisory opinion from the Board of Ethics on January 14, 2016 regarding recusal from matters pertaining to the Saratoga Hospital’s business with the City. Further on February 1, 2016 Commissioner Madigan sent a letter to the Board of Ethics Chairman, Justin Hogan, requesting additional information on the January 19, 2016 recusal of Mayor Yepsen from a discussion and vote on the Hospital PUD; and

WHEREAS, on July 14, 2016 the Board of Ethics provided “Inquiry Findings #6-2016” (attached hereto), in a letter to Mayor Yepsen that outlined their review of the inquiry and stated “it must find, as a matter of law, that any efforts to solicit or negotiate for outside employment with one who does business with the city, within the meaning of that section, including your described efforts with the hospital foundation, constitute a violation of Section 13-3(I) of the Code of Ethics;” and

WHEREAS, the findings also state that the Hospital Foundation was an inseparable part of Saratoga Hospital, and Saratoga Hospital was doing business with the city within the meaning of Section 13-3(I) of Ethics. Further, the findings state that the fact that the discussions failed to result in a contract did not affect its conclusions; and
WHEREAS, the Saratoga Springs City Council recognizes its paramount responsibility to address violations of the Code of Ethics; and

WHEREAS, in instances where the violation is made by a member of the City Council, and in this case Mayor Yepsen; the City Council requests the investigation and recommendation of a higher legislative or legal authority.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Saratoga Springs, New York, as follows:

1. That the City Council censures Mayor Yepsen for her violation of Section 13-3(I) of the Saratoga Springs Code of Ethics as outlined by the Board of Ethics Inquiry Findings #6-2016. The power of censure is a serious one. It is a harsh rebuke and severe warning, used rarely and with gravity.

2. That the City Council requests the New York State Attorney General’s Public Integrity Bureau to thoroughly investigate and review the violation of the Saratoga Springs Code of Ethics by Joanne D. Yepsen, Mayor, as outlined by the Board of Ethics Inquiry Findings #6-2016.

3. That the City Council requests the New York State Joint Commission on Public Ethics to thoroughly investigate and review the violation of the Saratoga Springs Code of Ethics by Joanne D. Yepsen, Mayor, as outlined by the Board of Ethics Inquiry Findings #6-2016.

A copy of this resolution shall be forwarded to the New York State Attorney General’s Public Integrity Bureau and the New York State Joint Commission on Public Ethics.

AYES_______

NAYS_______

Dated: CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, NY

By: __________________________
John P. Franck, City Clerk