



**Adam McFadden** Council Vice President, Finance Committee Chair, South District Member  
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August 2, 2018

TO THE COUNCIL

Ladies and Gentlemen:

Re: Local Law – Amending Section 2-18  
of the City Charter - Code of Ethics

Transmitted herewith for Council approval is a Local Law amending Section 2-18 of the City Charter with respect to the Code of Ethics for the City of Rochester.

The amendment to the Code of Ethics will create two groupings that are required to fill out annual financial disclosure forms and clarify which form each group has to submit.

- Group 1 – Elected Officials, Candidates and Members of Senior Management are required to fill out the more detailed form passed at the December 2017 Council Meeting with the elimination of the liability section.
- Group 2 – All other titles as required by City Charter will fill out the annual financial disclosure form that had been used prior to December 2017.

Respectfully submitted,

Adam C. McFadden  
Vice President  
Finance Committee Chair  
South District

# INTRODUCTORY NO.

315

Local Law No.

## Local Law amending the Code of Ethics

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending the following provisions of Section 2-18, Code of Ethics:

A. Subdivision B to add the following definition immediately following Subdivision B(7):

(8) SENIOR MANAGEMENT — Any officer or employee duly appointed to one of the following positions: Deputy Mayor, Chief of Staff (Administration), Director of Special Projects & Education Initiatives, Director of the Office of Public Integrity, Director of Communications, Corporation Counsel, Director of the Office of Management and Budget, Director of Finance, Director of Human Resource Management, Commissioner of Environmental Services, Chief Information Officer, Commissioner of Neighborhood and Business Development, Commissioner of Recreation and Youth Services, Emergency Communications Center Director, Chief of Police, Fire Chief, Library Director, City Clerk, and Chief of Staff (Council).

B. Subdivision G(2) to read in its entirety as follows:

The Mayor, Candidates for Mayor, Members of City Council, Candidates for City Council and senior management shall complete the financial disclosure statement that is designated for elected officials, candidates and senior management. All other officers and employees designated pursuant to Subsection G(1) shall complete the financial disclosure statement that is designated for unelected officers and employees not in senior management.

The completed financial disclosure statement shall contain the prescribed information with respect to each person covered by Subsection 1, as well as the spouse of the person and any unemancipated child of the person. For this purpose, "spouse" shall mean any individual married to (and not legally separated from) or living with the person required to file, and "unemancipated child" shall mean any son or daughter, any stepson or stepdaughter (with or without formal adoption), any foster child or any individual for whom the person required to file or such person's spouse serves as guardian who is unmarried, living in the home of the person required to file or living at school and claimed as an exemption on the federal income tax return of the person required to file or such person's spouse.

C. Subdivision G(3) to read in its entirety as follows:

Completed financial disclosure statements shall be filed with the Secretary of the Board of Ethics of the City of Rochester, which shall be the repository

for such statements. The Secretary shall advise, in writing, each person required to file of such filing requirement at least 15 days prior to the deadline for filing, except that the Secretary shall so advise persons required to file as candidates at least five days prior to the deadline for filing. Failure of the Secretary to so advise shall not relieve any person required to file of the obligation to file in a timely manner. Such statements shall be filed by April 15 each year, containing the prescribed information relating to the previous calendar year. New City officers or employees hired between March 15 and December 31 shall file such statements within 30 days of the effective date of their employment. Candidates for Mayor or City Council who are not currently ~~City officers or employees~~ Mayor, a Member of City Council, or senior management shall file such statements within seven days of the last day allowed by law for the filing of designating or nominating petitions, whichever is applicable and earlier in each candidate's case. Extensions of time to file may be granted by the Secretary upon written application of a person required to file showing justifiable cause or undue hardship, except that as to City officers and employees, no extension shall be granted for longer than 60 days, and as to candidates ~~who are not currently City officers and employees~~, no extension shall be granted for longer than 20 days.

D. The heading and the first paragraph of the Statement of Financial Disclosure form incorporated into the Charter by Subdivision G(13) and designated as C Attachment 1 is hereby amended to read as follows:

City of Rochester

**STATEMENT OF FINANCIAL DISCLOSURE  
ELECTED OFFICIALS, CANDIDATES AND SENIOR MANAGEMENT  
FOR CALENDAR YEAR 20\_\_**

Rochester City Charter requires ~~all City officials and certain employees~~ the Mayor, Members of Council, candidates for the offices of Mayor and Member of Council, and senior management to complete ~~a~~ the following financial disclosure statement each year. ~~You have been identified as occupying a position in which disclosure is mandated.~~ Reference City Charter 2-18, Code of Ethics, Section G, Financial Disclosure. **Please complete this form and return it no later than April 15, 20\_\_ for office holders and senior management, or by the deadline set forth in Subsection 2-18(G)(3) for candidates.**

E. The Statement of Financial Disclosure form incorporated into the Charter by Subdivision G(13) and designated as C Attachment 1 is hereby amended to delete from pages 5 to 6 thereof a provision regarding Liabilities as follows:

**Liabilities**

a. ~~List each and every liability outstanding as of December 31 of the last calendar year having a face value exceeding \$5,000, and indicate for each liability the category of amount by using the appropriate letter. Describe each liability and to whom it was owed sufficiently for it to be identified (e.g.,~~

Central Trust Bank loan for 1990 Ford Mustang). Exclude from this list any liabilities to family members and any obligation to pay alimony and child support.

Item	Category of Amount of Value

b. List the category of amount or value that best describes as of the filing the sum total of all payments for revolving charges, loans, notes, mortgages, non-escrowed property taxes, and judgments due and owing during the next twelve months.


F. The Statement of Financial Disclosure form incorporated into the Charter by Subdivision G(13) and designated as C Attachment 1 is hereby amended by adding an additional form at the end thereof and commencing on a separate page and to read as follows:

City of Rochester

**STATEMENT OF FINANCIAL DISCLOSURE  
UNELECTED OFFICERS AND EMPLOYEES  
WHO ARE NOT SENIOR MANAGEMENT  
FOR CALENDAR YEAR \_\_\_\_\_**

Rochester City Charter requires certain unelected officers and employees not in senior management to complete this type of financial disclosure statement each year. You have been identified as occupying a position in which disclosure is mandated. Reference City Charter 2-18., Code of Ethics, Subsection G-Financial Disclosure. **Please complete this form and return it no later than April 15.**

**Please  
Print**

\_\_\_\_\_

Last Name

\_\_\_\_\_

First Name

\_\_\_\_\_

Middle Initial

Title or position: \_\_\_\_\_

Name of spouse/domestic partner: \_\_\_\_\_

Unemancipated children: \_\_\_\_\_

Please answer each question by checking the appropriate box. **If you answer yes to any question you must complete the corresponding numbered item on Page 2 of this form. Each question refers to the period from January 1, through December 31.**

- |   |           |   |
|---|-----------|---|
| 1. Did you, or any member of your immediate family, including family members employed by the City, receive compensation from any person or entity that engaged in any transaction or activity with the City?                          | <b>NO</b> | <b>YES, please complete item 1 on page 2.</b> |
| 2. Did you, or any member of your immediate family, have a direct financial interest (including stocks, bonds, mutual funds, partnership interest) in any person or entity that engaged in any transaction or activity with the City? | <b>NO</b> | <b>YES, please complete item 2 on page 2.</b> |
| 3. Did you, or any member of your immediate family, serve as an officer, director or trustee of an entity (non-City boards, associations or organizations) that engage in any transaction or activity with the City?                  | <b>NO</b> | <b>YES, please complete item 3 on page 2.</b> |
| 4. Did you, or any member of your immediate family, own or hold an interest in any real estate located in the City of Rochester?  | <b>NO</b> | <b>YES, please on page 2.</b>                 |

I certify under penalty of perjury under the laws of the State of New York that the information provided on this page, and on page 2, and on any attached sheets is true and correct and that I have made reasonable inquiry to determine the truth, accuracy, and completeness of my responses.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



Section 2. This local law shall take effect immediately upon filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law and the new financial disclosure statements prescribed herein shall first be used in 2018 for reporting on calendar year 2017.