

## WARREN COUNTY BOARD OF ETHICS

WARREN COUNTY MUNICIPAL CENTER  
1340 STATE ROUTE 9  
LAKE GEORGE, NEW YORK 12845

JAMES MORRISSEY  
CHAIRMAN

BILL TEDESCO  
GAIL SEAMAN

August 8, 2016

Supervisor John F. Strough  
Town of Queensbury  
[qbysupervisor@queensbury.net](mailto:qbysupervisor@queensbury.net)

Dear Supervisor Strough:

Please accept this letter as an advisory opinion from the Board of Ethics in response to your request. It is our understanding that this opinion should address two issues: (1) a possible conflict of interest pursuant to your position as a Supervisor on the Warren County Board of Supervisors (hereinafter the "Board") and your position on the Warren County SPCA Board (hereinafter "SPCA"); and 2) a possible conflict of interest between your position as supervisor on the Warren County Board of Supervisors and your seat on the SUNY Adirondack Board of Trustees (hereinafter "ACC Board").

On January 15, 2016, the Warren County Board of Supervisors voted to renew the County's contract with the Warren County SPCA. See Resolution No. 34 of 2016. At that meeting you disclosed on the record that you were a Warren County SPCA Board Member. In addition to your disclosure you voted to approve the contract between Warren County and the Warren County SPCA.

Additionally, we've been asked to render an opinion on whether it is a conflict of interest to sit on both the Warren County Board of Supervisors and the SUNY Adirondack Board of Trustees.

Warren County Local Law 6 of 2014 ("Warren County Ethics and Disclosure Law"), states that "no municipal employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest." §5.

When a matter requiring the exercise of discretion comes before the Board and the disposition of the matter could result in a material benefit to the Board member or a private organization in which they have an interest, the municipal officer must disclose the interest in writing, to be filed with the Board, at the earliest possible time. §6.

An "interest" is defined as "a direct or indirect financial or material benefit...A municipal officer or employee is deemed to have an interest in any private organization when he or she...is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock." §3(c).

“No municipal officer... may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself...or a private organization in which he or she is deemed to have an interest.” §8(a).

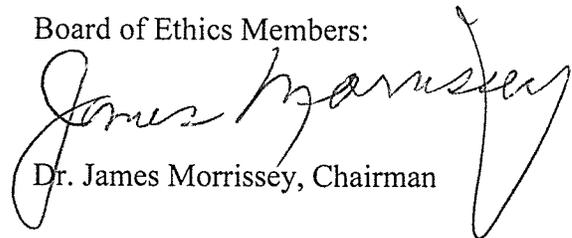
However, disclosure, recusal, and abstention will not be required in any matter that directly affects: all residents or taxpayers of the municipality or an area of the municipality; or the general public. §9(a).

In analyzing the local law step by step, it is the opinion of the Warren County Board of Ethics that there is not a conflict of interest for you to vote on the contract with the Warren County SPCA, nor is there a conflict of interest in your membership on the ACC Board.

It is undisputed that you do have an interest in the Warren County SPCA since you are an officer of the organization. It is also undisputed that voting on the contract was a matter that required the exercise of discretion. It is less clear whether or not the contract with the Warren County SPCA would result in a material benefit to you, although it surely results in a material benefit to the Warren County SPCA, a private organization in which you have an interest. However, because the contract with the Warren County SPCA is a matter which directly affects all residents or taxpayers of the municipality and the general public it is not necessary for you to disclose your interest, recuse yourself, or abstain from voting.<sup>1</sup>

Additionally, your membership on the ACC Board does not result in a material benefit to you, nor is ACC considered a private organization. Therefore, your association with ACC does not constitute an interest in a private organization, as ACC is not one. Therefore, Warren County Local Law 6 of 2014 does not pertain to your seat on the ACC Board.

Board of Ethics Members:

  
Dr. James Morrissey, Chairman

Gail Seaman



Dr. Bill Tedesco



---

<sup>1</sup> Warren County has contracted with the Warren County SPCA for the prevention of cruelty to animals in Warren County and which services will be “provided on a fair and equitable basis throughout the County.”