



**Tompkins County Attorney**

125 East Court Street  
Ithaca, NY 14850  
Phone: (607) 274-5546  
Fax: (607) 274-5547  
*"Inclusion Through Diversity"*

May 3, 2022

**Via Email Only**

Richard T. John, Esq.  
Chair, Ethics Advisory Board  
Governor Daniel D. Tompkins Building  
121 East Court Street  
Ithaca, NY 14850

RE: Request by Cynthia Brock for a review by the Tompkins County Ethics Advisory Board of certain City of Ithaca Action.

Dear Rich:

I write as the Tompkins County Attorney in connection with the above-captioned matter. Cynthia Brock, a member of the City of Ithaca Common Council, seeks a review of certain acts and decisions made by City of Ithaca ("City") personnel and others during recent consideration of changing how local law enforcement is conducted in the City.

The question I address is, what authority if any does the Tompkins County Ethics Advisory Board have to consider the present request to review certain actions of the City and render an opinion as to whether these acts were proper. General Municipal Law §808, Chapter 55 of the City Code, bearing the title "Code of Ethics," Chapter 32 of the County Code, bearing the title "Code of Ethics," govern these questions.

General Municipal Law §808 generally addresses how Boards of Ethics are to work. Tompkins County has created a Board of Ethics while the City of Ithaca has not. The fact that the City of Ithaca has not created a Board of Ethics creates the result that it is the County Board of Ethics which must evaluate requests to render opinions concerning issues about how a governmental organization in Tompkins County, other than the County, has conducted its officers as alleged herein.

I rely on the following statutory sections in analyzing this issue. General Municipal Law §808 (2), (3) and (4) state as follows:

2. The board shall render advisory opinions to officers and employees of municipalities wholly or partly within the county with respect to this article and any code of ethics adopted pursuant hereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board may prescribe and shall have the advice of counsel employed by the board, or if none, the county attorney. In addition, it may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon the request of the governing body of any municipality in the county.

3. The governing body of any municipality other than a county may establish a local board of ethics and, where such governing body is so authorized, appropriate moneys for maintenance and personal services in connection therewith. A local board shall have all the powers and duties of and shall be governed by the same conditions as a county board of ethics, except that it shall act only with respect to officers and employees of the municipality that has established such board or of its agencies. The members of a local board shall be appointed by such person or body as may be designated by the governing body of the municipality to serve at the pleasure of the appointing authority and such board shall consist of at least three members, a majority of whom are not otherwise officers or employees of such municipality. Such board shall include at least one member who is an elected or appointed municipal officer or employee.

4. The county board of ethics shall not act with respect to the officers and employees of any municipality located within such county or agency thereof, where such municipality has established its own board of ethics, except that the local board may at its option refer matters to the county board.

Chapter 32 of the Tompkins County Code of Ethics states in relevant part:

(6) Rendering advisory opinions to other municipalities.

(a) The Ethics Advisory Board shall, as provided by state law, render advisory opinions to officers and employees of municipalities wholly or partly within the County with respect to this article and any other applicable municipal code of ethics. The advisory opinion shall be rendered pursuant to a written request of

any such officer or employee under such rules and regulations as the Board may prescribe, and the Board shall have the advice of the County Attorney.

(b) In addition, upon the request of the governing body of any municipality in the County, the Board may make recommendations with respect to the drafting and adoption of a code of ethics or amendment thereto for that municipality.

(c) The County Ethics Advisory Board shall not act with respect to the officials or employees of any municipality located within the county or agency thereof, where such a municipality has established its own board of ethics, except that the local board may, at its option, refer the matter to the County Ethics Advisory Board.

Based upon my reading of the relevant statutory law, I believe the Tompkins County Board of Ethics is charged with responding to the complaint filed by Cynthia Brock. Ms. Brock is an official, employee or officer of the City of Ithaca and she has requested that the Board issue an advisory opinion relevant to the specific allegations and concerns she has set out in her application for an advisory opinion.

Sincerely,



William J. Troy III  
County Attorney