

## Gas Drilling May Create Ethical Conflicts

by Sue Smith-Heavenrich

*Broader View Weekly*, October 2, 2009

Tioga County Legislators involved in crafting natural gas policies should disclose gas leases on their property, said the Tioga County Board of Ethics, in an opinion delivered earlier this month. They added that elected officials should also disclose the existence of any negotiations they have been in, or are currently engaged in, with gas companies, and recommended that they also recuse themselves from voting on legislation or policy dealing with natural gas.

At the beginning of the summer, the seven-member board, appointed by the Tioga County Legislature and at the request of county attorney Mark Dixson, began considering questions raised “concerning the gas issue as it pertains to legislators who have gas interests”. In particular Dixson asked the board to render an opinion about whether legislators with gas interests should be involved in creating legislation of those issues.

The board met four times over the summer, going over copies of legislator’s financial disclosure statements and responses to a questionnaire. In particular, the board was interested in the amount of acreage legislators owned and the extent of their involvement in oil and gas leases.

In addition, the board invited all county legislators to present any comments that might help in their deliberations. Of the nine legislators, only Dale Weston and Loretta Sullivan showed up to address the Board of Ethics.

“We learned that most of the legislators don’t have leases on their properties,” said ethics board member Martha Goodsell.

After reviewing a number of documents, including Tioga County’s ethics law, the recommendations from the Broome County Attorney, and the NYS Attorney General’s recently-negotiated Code of Conduct for wind farms, the board was ready to submit recommendations to the county legislature.

For the most part, the Tioga County Board of Ethics agrees with the conclusions of the Broome County Attorney regarding disclosure and recusal. As with Broome County, the board feels that Tioga legislators should recuse themselves from voting on proposals if they, or an immediate family member has a gas lease, belongs to a landowner’s coalition that is negotiating a gas lease, or is involved in negotiations or believes that negotiations will soon commence.

“An important difference is that we understand that legislators who have dealt with gas companies bring unique knowledge to the legislature in its consideration of gas issues,” said Goodsell. “We encourage them to be involved in the discussion, even though they should not vote.”

Dixson delivered the ethics board’s opinion to the Tioga County Legislature on September 10. He explained that they don’t take any official action on the opinion; it serves to advise them.

Like others on the ethics board, Andy Fagan understands that their role is purely advisory, not binding. Still, Fagan said, referring to the opinion, “Whether they adopt them or not, this is what people should do to avoid conflicts of interest.”

### **Town Codes of Conduct**

Although the Board of Ethics was directed to respond to questions related to the Tioga County Legislators, both Fagan and Goodsell believe that their recommendations serve as a model for town codes of ethics.

The Town of Candor already has a code of conduct, adopted in December of 1977. Among the provisions:

-Town officers and employees may not accept gifts, including services, hospitality or promises that would influence or reward decisions or actions.

-Town board members, officers or employees who participate in discussion or give an official opinion to the town board on any legislation before it, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

-Town officers shall not hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.

You may read the entire code of ethics at the town’s website, [www.candorny.us](http://www.candorny.us); click on Town Board and go down the menu.