

New Rochelle Board of Ethics
City of New Rochelle
515 North Avenue
New Rochelle, NY 10801

Robert Cox
Publisher
Talk of the Sound
10 LeCount Place
New Rochelle, NY 10801
(914) 335-4616

March 20, 2022

Ethics Complaint - Mayor Noam Bramson, et al.

Dear Chairman Phipps,

In the course of my reporting on the City of New Rochelle, it has come to my attention that an elected official of the City of New Rochelle sought to use his elected office to enrich himself by obtaining through coercion, actual or implied, a job with an annual salary exceeding \$200,000, plus benefits, for which he is not qualified under the New Rochelle City Charter, that he subjected a public officer to unwarranted assaults on their integrity and that he has sought to usurp the authority of the City Manager through coercion, actual or implied, and in so doing may have violated the New Rochelle City Charter, the New Rochelle Ethics Policy and New York State law.

To wit, Noam Bramson, the Mayor of New Rochelle, sought appointment by City Manager Charles B. Strome to the position of Commissioner of Economic Development.

Upon reason and belief, in so doing, Mayor Bramson violated the New Rochelle City Charter for the purposes of obtaining a lucrative management position in the City organization, a position for which Mayor Bramson is clearly unqualified.

Article VI Section 41 of the City Charter states the responsibility of the City Manager in making appointments as follows:

Appointments made by or under the authority of the City Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform.

Article VII Section 76.00 of the New Rochelle City Charter enumerates the required qualifications for the Commissioner of Economic Development

- *reasonable knowledge of the generally accepted principles of community planning, traffic engineering and renewals and redevelopment projects and planning and administration.*
- *not less than 10 years of progressively responsible technical and managerial experience in any one or several of these areas.*

Mayor Noam Bramson does not meet *any* of the qualifications required under the City Charter to fill the position of Commissioner of Economic Development in the City organization and is prohibited under the City Charter from requesting, formerly or informally, any position in the City organization, but did so anyway, repeatedly, for about one year and possibly more.

In this effort, Mayor Bramson may have had the support of a former Commissioner of Economic Development, who, in turn, was seeking a lucrative consulting agreement for himself in the event Mayor Bramson was appointed as Commissioner of Economic Development.

Under Article III § 33-9 E, the New Rochelle Board of Ethics shall have “all the powers and duties as prescribed by Article 18 of the General Municipal Law”.

General Municipal Law 18 is the principal State statute governing conflicts of interest on the part of municipal officers and employees and, among other things, is meant “*to protect innocent public officers from unwarranted assaults on their integrity.*”

When we asked Mayor Bramson whether he had sought the position of Commissioner of Economic Development, he made the following statement in an email (attached).

Chuck and I had informal conversations about the possibility -- it's intriguing in concept -- but a shift like that is just unworkable on multiple levels, and I did not apply for the position. I am very enthusiastic about Adam's selection; he will do a splendid job.

Mayor Bramson is a member of Council.

Article VI Section 43 prohibits members of Council from interfering in *appointments* or removals by the City Manager.

Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office or employment by the City Manager or any of his subordinates.

My reading of Article VI Section 43 (and I defer to the Ethics Board on this) is that the City Manager appointing a sitting elected official in and of itself may not be a violation of the City Charter but as Council members cannot request the appointment of any person — including themselves — to office or employment by the City Manager, the violation was in the asking, by

the Mayor. Attempting to get around that, as the Mayor has done, by claiming the requests were “informal conversations” is a distinction without a difference under the City Charter, especially when the City Manager serves at the pleasure of Council which operates largely at the direction of Mayor Bramson and so there exists coercion, actual or implied, in the asking by Mayor Bramson.

The ICMA advised the City Manager (attached) that appointing a sitting elected official would violate three of the twelve tenets of the ICMA Code of Ethics and concluded, “it is extremely important that the appointment be made after an open, transparent and competitive process. And that at the conclusion of the process, the individual selected meets the requirements of the position as outlined in the charter and the recruitment information. Absent those two steps, then the public will lose confidence that decisions are made in their best interests. Frankly, appointing a sitting elected official to serve in a staff position, even if they meet all the qualifications, looks like patronage and self-dealing.”

The concern is that if, as alleged, Mayor Bramson violated the City Charter, the New Rochelle Code of Ethics, New York State law, in particular Article 18 of the General Municipal Law, and/or any other applicable law, or policy, or aspect of the City Charter, in seeking appointment by the City Manager to a lucrative position over a period of months, he had an undisclosed conflict of interest and acted unethically and possibly illegally in pressuring the City Manager to act in a manner not in the best interest of the City of New Rochelle and in violation of the International City/County Managers Association (ICMA) Code of Ethics which would subject the City Manager to public censure by the ICMA.

The City Manager detailed his concerns in an undated memorandum (attached) to the Mayor sent earlier this month.

Further, it has also come to my attention through my reporting that Mayor Bramson does not want Kathleen Gill to ascend to the position of City Manager, as she would be unlikely to act differently than City Manager Strome with regards to appointing Mayor Bramson to the Development Commissioner position.

The City Manager serves at the pleasure of Council, which operates under the direction of the Mayor, so that Strome can be terminated at any time based on four votes of members of Council.

Since the City Manager announced the appointment of Kathleen Gill as Deputy City Manager on Thursday, Mayor Bramson, I am told, has reached out to four members of Council to organize four or more votes to go to the City Manager with enough votes in hand to demand the City Manager rescind the appointment of Gill as Deputy City Manager under a not-so-veiled threat that the Council would vote to fire Strome if he did not capitulate and rescind the Gill appointment.

Bramson may have received support from two other members of Council but not enough to accelerate what amounts to a *coup d'état* by the Mayor to circumvent the City Charter which re-

quires a Council/Manager form of government, and to install a puppet City Manager who would appoint Bramson to a \$210,000 a year job for which he is unqualified under the City Charter.

Article VI Section 43 prohibits Council from interfering in appointments *or removals* by the City Manager.

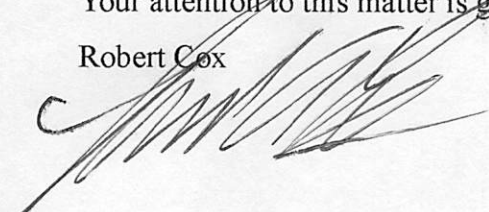
The efforts by Mayor Bramson to pressure the City Manager both regarding his appointment as Commissioner of Economic Development and so that Strome would rescind the appointment of Kathleen Gill as Deputy City Manager appear to be blatant violations of the City Charter.

By his actions Mayor Bramson offered Strome a series of Hobson's choices: (1) appoint Bramson as Development Commissioner or risk the ignominy of censure for violating the ICMA Code of Ethics; and (2) rescind the appointment of Kathleen Gill as Deputy City Manager paving the way for a City Manager of Bramson's choosing who would be willing to appoint Bramson as Development Commissioner or risk the ignominy of being fired after three decades of service to the City of New Rochelle.

Mayor Bramson's actions raise grave questions of whether he, and others on Council, may have knowingly and deliberately violated the New Rochelle City Charter, the New Rochelle Code of Ethics, New York State law, in particular Article 18 of the General Municipal Law, and/or other applicable laws, or policies, or aspects of the City Charter.

Your attention to this matter is greatly appreciated.

Robert Cox

A handwritten signature in black ink, appearing to read 'Robert Cox', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Charles B. Strome III
City Manager
(914) 654-2140



515 North Avenue
New Rochelle, NY 10801
Fax: (914) 654-2174

Email – Cstrome@newrochelleny.com

City of New Rochelle
New York

PERSONAL AND CONFIDENTIAL

TO: HONORABLE MAYOR NOAM BRAMSON
FROM: CHARLES B. STROME, III, CITY MANAGER
SUBJECT: DEVELOPMENT COMMISSIONER

As you are well aware, we have been mutually considering whether there is an appropriate match for me to appoint you as Commissioner of Development for the City. As we have both discussed, this would be an extraordinarily unusual appointment for both me, as City Manager, and you, as the sitting Mayor of the City.

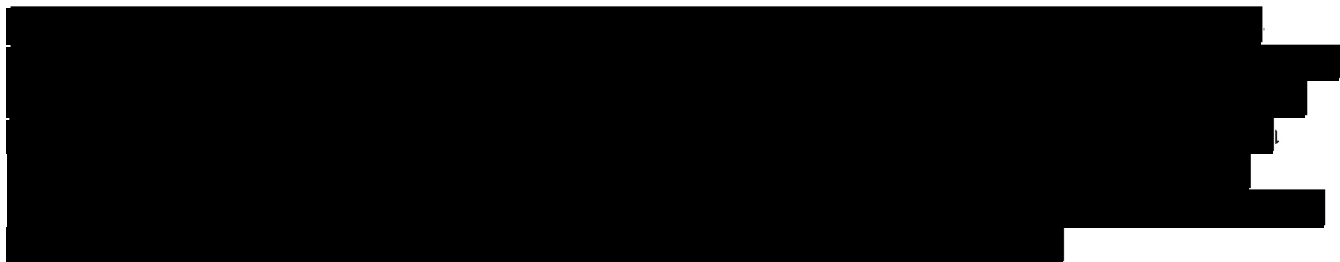
From the beginning, I have been as up front and honest as I can be as to what I would consider in determining if this is the right thing to do. I have continually advised you that I would be doing significant due diligence and talking to a select group of people to get opinions from elected officials, my colleagues in the profession and a small number of developers or developer representatives.

As I told you previously, that list included the County Clerk, two members of the City Council, two City Managers and two developers. I have asked all to keep our conversation in confidence. Apparently, some did not and I apologize for that. As expected, the reaction and advice from this group was mixed and proved not very helpful in my ultimate decision.

Although you may disagree, I have always felt there were two major obstacles for me to consider making this appointment. One is the optics of a professional manager appointing an elected official (politician) to a management position in the City organization. To my knowledge this has never been done before here and is exactly the main point of the Council/Manager form of government – the separation of politics and administration. Once an appointment of this kind is made, the slippery slope has begun and there will be pressure on future managers to make similar appointments. Secondly, I was very concerned with my reputation as a professional Manager and how my peers would react to such an appointment. As you know, I am retiring at the end of the year and after serving as a professional administrator for over 30 years, I do not want my reputation tarnished among my peers, even in retirement. It is very important to me that my professional reputation be preserved.

I have also mentioned that I was concerned about the City Charter implications and the professional ethics implications of making such an appointment. I wanted to be sure that assuming I could get past the optics of the situation (and I still believe that would be extremely difficult), I was not in violation of either the City Charter or my Professional Association's (ICMA) Code of Ethics, a code I have dutifully followed for over 30 years and take very seriously.

To that end, I sought two opinions: 1) an opinion from the City's outside legal counsel on whether appointing a sitting elected official was a violation of the City Charter and 2) an opinion from ICMA on whether appointing a sitting elected official could be considered a violation of our Code of Ethics, which would subject me to public censure by the Association. I have attached copies of both of those opinions as well as a copy of the ICMA Code of Ethics



As with any legal opinion, this one is subject to different interpretation. So, on its own, I do not believe it would prevent me from finding a path to making such an appointment. However, a much larger factor for me is the ICMA Code of Ethics that I abide by. As you can see from the opinion from ICMA's Director of Member Services and Ethics Director, appointing a sitting elected official would violate three of the twelve tenets of the Code of Ethics. It is clear that the Code of Ethics requires the appointment be made after an open, transparent and competitive process. You will recall that after the first recruitment effort I decided to hire an executive recruiting firm to assist in the second effort. When I suggested you participate in that process by submitting a resume, you decided you would not do so.

The conclusionary paragraph in the opinion states:" But it is extremely important that the appointment be made after an open, transparent and competitive process. And that at the conclusion of the process, the individual selected meets the requirements of the position as outlined in the charter and the recruitment information. Absent those two steps, then the public will lose confidence that decisions are made in their best interests. Frankly, appointing a sitting elected official to serve in a staff position, even if they meet all the qualifications, looks like patronage and self-dealing."

As a result of the above, I simply am not willing to put myself in the position of being charged with a violation of my profession's Code of Ethics and subject myself to public censure among my peers. I have spent my entire career promoting professional government and the Council/Manager form of government and I will not retire looking like I didn't really mean it.

I want you to understand that I and I alone have made this decision. You should also know that despite all of the land mines that would have come along with appointing you to the position, I gave it very serious consideration. I can tell you that most of my peers in the profession would

have dismissed the idea out of hand. The bottom line for me is that in the end, I believe, given all of the above, appointing a sitting elected official to a professional position (qualified or not) could be a violation of the City Charter and is most certainly a violation of my professional Code of Ethics. I am not willing to do that.

I know you will be disappointed with this decision but I am hopeful you will accept it and understand that I gave it serious thought and am just not able to come to the conclusion that it is the right decision to make. I am truly hopeful that this will not change the working relationship we have had over my remaining time in office. The whole process has been very uncomfortable and the time has come, in fairness to both you and me, to end it at this time. I know this is not the outcome you would have liked and I am sorry for that. But I do believe it is the right and only decision I, as City Manager, can make.

Gill, Kathleen

From: Gill, Kathleen
Sent: Friday, March 18, 2022 10:33 AM
To: Gill, Kathleen
Subject: FW: ETHICS OPINION

From: Martha Perego <mperego@icma.org>
Sent: Thursday, February 24, 2022, 11:22 AM
To: Strome, Chuck
Cc: Yamuder, Robert; James Palmer; Patti Dwyer; Gill, Kathleen
Subject: RE: ETHICS OPINION

EXTERNAL SENDER: DO NOT CLICK links or open attachments unless you recognize the sender and know the content is safe. If unsure, contact IT for guidance.

Chuck: Good morning! I reviewed your email below and the letter from the city attorney that you included. Here is my assessment of the situation.

As the city manager responsible for selecting, appointing and supervising the Commissioner for Economic Development for the City, you are ethically obligated under the ICMA Code of Ethics to appoint that individual based on merit, i.e. they meet the requisite qualifications for the position. The relevant portion of the Code is:

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Should you appoint an individual who lacks those qualifications, especially an elected official, then you also run the risk of violating two other very important Tenets of the profession:

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

I can certainly understand that well intentioned people may be offering suggestions for how the city can fill this position to provide a very important function. But it is extremely important that the appointment be made after an open, transparent and competitive process. And that at the conclusion of the process, the individual selected meets the requirements of the position as outlined in the charter and the recruitment information. Absent those two steps, then

the public will lose confidence that decisions are made in their best interests. Frankly, appointing a sitting elected official to serve in a staff position, even if they meet all the qualifications, looks like patronage and self-dealing.

I believe that your stance on the matter is correct and aligns with the requirements of the ICMA Code of Ethics. Glad to have a follow-up discussion if that would be helpful.

Regards,
Martha

Martha Perego, ICMA-CM | Director of Member Services & Ethics



International City/County
Management Association
777 N. Capitol Street, NE
Washington, DC 20002

(202) 962-3668 Ofc.
(703) 772-2317 Cell
mperego@icma.org
www.icma.org

From: Strome, Chuck <Cstrome@newrochelleny.com>
Sent: Tuesday, February 22, 2022 10:29 AM
To: Martha Perego <mperego@icma.org>
Cc: Yamuder, Robert <ryamuder@newrochelleny.com>; James Palmer <jpalmer@vobny.com>; Patti Dwyer <pdny212@gmail.com>; Gill, Kathleen <kgill@newrochelleny.com>
Subject: ETHICS OPINION

To: Martha Perego, Director of Member Services and Ethics Director, ICMA
From: Charles B. Strome, III, City Manager, City of New Rochelle, New York
Subject: Request for an Ethics Opinion

Dear Martha:

My name is Charles B. Strome, III, City Manager of the City of New Rochelle, New York. I have been a member of ICMA for over 30 years. I am writing to you today in the hopes that you can provide me with an opinion that would resolve an issue I am facing here in New Rochelle.

I have been the City Manager here for almost 23 years and am retiring at the end of 2022. Except for a few years, I have worked with the same Mayor during my time as City Manager. We currently are attempting to fill a senior executive level position in our organization, the Commissioner of Economic Development. Our recruitment efforts have been difficult and the position has been vacant (occupied by an Interim Commissioner) for more than a year now. We are in the final stages of the process utilizing the services of an executive recruiter.

Since we have been having difficulty, the Mayor has been suggesting that he would be the best qualified person for the position – something I am obviously resisting. It is an uncomfortable position to be in as we have a very strong Council/Manager system here in New Rochelle and I obviously would not want to do anything to weaken that system. And, appointing the sitting Mayor to such a position would obviously do that, whether or not he was the most qualified person for the job.

I have attached an opinion from our outside Legal Counsel summarizing the difficulty of such an appointment based on the City Charter and State Law. Despite all the arguments he makes, it is not an outright opinion that such an appointment violates the Charter or the State Law.

The reason for my email to you is to seek an opinion from ICMA that such an appointment would be a violation of the ICMA Code of Ethics. Such an opinion would completely resolve the matter for me. For the record, I have no intention of making such an appointment but this opinion would make the process much easier for me at this point. It is my opinion that a Manager appointing a sitting Mayor to a professional position of which the Mayor is not qualified could be a violation of Tenet 7, Tenet, Tenet 10 and Tenet 11 of the ICMA Code of Ethics. Receiving such an opinion, if I am correct, from ICAM would be very helpful and much appreciated.

If you could review this request and let me know if such an opinion is possible, I would greatly appreciate it. My contact information is as follows:

Charles B. Strome, III
City Manager
City of New Rochelle, New York
(914) 654-2145 (Office)
(914) 760-0385 (cell)
cstrome@newrochelleny.com



Noam Bramson

Friday

To: Robert A. Cox >

Hi Bob,

Chuck and I had informal conversations about the possibility -- it's intriguing in concept -- but a shift like that is just unworkable on multiple levels, and I did not apply for the position. I am very enthusiastic about Adam's selection; he will do a splendid job.

Noam