



# Allegheny County Council

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## Legislation Text

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Motion of the Council of Allegheny County censuring Council Member Robert Macey for conduct, specifically his employment with Pennsylvania State Senator Brewster while serving as a Member of Council, together with conduct undertaken in the course of his service as a Member of Council during the course of that investigation, and urging him to comply with the recommendations of the Ethics Commission in order to remedy this violation of the County Ethics Code, specifically §5-1013.09.O(4) of the Administrative Code of Allegheny County.

**WHEREAS**, Article II, Rule M.9. of Council's Rules permits the censure of Council Members by motion; and

**WHEREAS**, all members of Council are expressly included within the definition of "covered persons" contained within the Allegheny County Ethics Code, and are thus covered by the Code's provisions, which set standards of conduct and prohibited activity for covered persons; and

**WHEREAS**, Council Member Robert Macey made the public aware of his employment as a Constituent Services representative for Pennsylvania State Senator Brewster via public appearances on behalf of the Senator, and through several media reports by the Post-Gazette and Tribune Review in January of 2014 ; and

**WHEREAS**, the Ethics Code, §5-1013.09 O(4)(a) states that County Council members are prohibited from being employed, in a confidential administrative capacity, in local, state or federal government; and

**WHEREAS**, this prohibition is further defined in subsection (1) which prohibits Council Members from serving as personal staff of any elected official in local, state, or federal government, or from being employed by any legislative body to function as personal staff for any elected official; and

**WHEREAS**, Council Member Macey's employment with Senator Brewster was the foundation for a complaint to the Accountability, Conduct and Ethics Commission (ACE Commission) and subsequent investigation which resulted in a report of a final findings, conclusions and recommendations, attached to this motion as a non-confidential document pursuant to the provisions of §5-1013.27 of the Ethics Code; and

**WHEREAS**, the ACE Commission distributed its final findings, conclusions and recommendations report to Council on May 6, 2015, indicating that the Commission had determined that Council Member Macey is employed on the personal staff of Senator Brewster in a confidential and administrative capacity in state government, and thus is in violation of the County's Ethics Code; and

**WHEREAS**, based on these findings, the ACE Commission recommended that Council censure Council Member Macey, and that such censure should require that Mr. Macey resign his position with the PA General Assembly within 10 days or his office as a member of County Council shall be forfeited; and

**WHEREAS**, it has also come to the Council's attention through personal accounts and various media reports that Council Member Macey has conducted himself in a manner that is additionally problematic in the course of an investigation pursuant to his ethics violation; and

**WHEREAS**, according to various media report, public disclosures by Council Member Macey, and the final report of the Ethics Commission, the Commission's investigation into this matter was ongoing as of September 11, 2014, at which time that Council's Committee on Appointment Review met to consider three appointments to the Allegheny County Ethics Commission; and

**WHEREAS**, Council Member Macey attended this Appointment Review Committee meeting and in the presence of other members of Council recommended for appointment to the ACE Commission a candidate whom he admitted to knowing personally; and

**WHEREAS**, Council Member Macey spoke in favor of and voted to affirmatively recommend all three appointments to the ACE Commission while under investigation by the Commission, and did not disclose this conflict nor did abstain from the recommendation which further violated § 5-1013.09 M. of the County Ethics Code, entitled "Voting Conflict"; and

**WHEREAS**, it is further the judgment of Council that these effects are clearly contrary to the Ethics Code requirement that all covered persons, including Members of Council, maintain "the highest ideals of honor and integrity in all public relationships in order to merit the respect and confidence of covered persons, and the public;" and

**WHEREAS**, Council additionally finds that this course of action has profound potential to erode the public's trust in Council as a legislative body; and

**WHEREAS**, it is desired to vote on this censure motion immediately as the County Ethics Code § 5-1013.29 indicates that County Council should take appropriate action upon the receipt of the final findings/recommendations of the ACE commission and that the disposition of such shall be noticed to the ACE Commission within 30 days of the distribution of the final report;

**NOW THEREFORE, IT IS MOVED, BY THE COUNCIL OF ALLEGHENY COUNTY,**

That Council Member Robert Macey is hereby censured by Allegheny County Council for his prior and continuing employment with Pennsylvania State Senator Brewster while seated as a Member of County Council, and his conduct during the investigation into such employment. Additionally, pursuant to the conclusions and recommendations made by the ACE Commission, Robert Macey is formally requested to resign either his position with Senator Brewster or his Council seat immediately.