

Sullivan County, NY
Thursday, October 27, 2011

Article VIIIA. Code of Ethics

[Added 6-18-1998 by L.L. No. 2-1998]

§ A8A-1. Purpose and intent.

Pursuant to the provisions of Article 18 of the General Municipal Law, the Legislature of the County of Sullivan recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this article to promulgate the rules of ethical conduct for the officers, appointees and employees of the County of Sullivan. The proper administration of the government of the County of Sullivan requires its County officers and employees, whether elected or appointed, paid or unpaid, including any members of administrative boards, commissions or other agencies, to be impartial and free from conflicts of interest in fulfilling their public responsibilities. The purpose of this article is to state for those County officers, employees or appointees of the County of Sullivan, and for the citizens of the County, standards of conduct necessary to assure these goals, in addition to and in accordance with the standards prescribed in Article 18 of the General Municipal Law.

§ A8A-2. Definitions.

When used in this article and unless otherwise expressly stated, or unless the context otherwise requires, the following terms shall have the meanings indicated:

CONTRACT

Any claim, account or demand against or agreement with the County, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

COUNTY

The County of Sullivan and any department or division, board, commission or bureau of Sullivan County.

COUNTY OFFICER OR EMPLOYEE

An officer or employee of Sullivan County, whether paid or unpaid, including members of any administrative board, commission or other agency thereof, and also includes any officer or employee paid from County funds. No person shall be deemed to be a County officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief.

INTEREST

A direct or indirect pecuniary or material benefit accruing to a County officer or employee as the result of a contract with the County. For the purposes of this article, a County officer or employee shall be deemed to have an interest in the contract of:

His spouse, minor children and dependents, except a contract of employment with the County.

- B. A firm, partnership or association of which such officer or employee is a member or employee.
- C. A corporation of which such officer or employee is an officer, director or employee.
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

TREASURER

The County Treasurer.

§ A8A-3. Standards of conduct.

Except as provided in § A8A-5, every County officer and employee of the County of Sullivan shall be subject to and abide by the following standards of conduct:

- A. Conflicts of interest prohibited.
 - (1) No County officer or employee shall participate in the consideration of, vote on, or administer a matter in which he or she has any interest.
 - (2) No County officer or employee shall engage in a business or transaction or have an interest which is prohibited by Article 18 of the General Municipal Law of the State of New York, nor shall such person have an interest in any contract which is prohibited by Article 18 of the General Municipal Law of the State of New York.
 - (3) Every County officer and employee shall disclose publicly, in writing, to the Sullivan County Legislature any interest he or she has in any legislation before the Sullivan County Legislature, as soon as he or she has knowledge of such interest. Every such written disclosure shall be made part of and set forth in the official record of the proceedings of the Sullivan County Legislature. Every County officer and employee shall also disclose publicly any conflict of interest as and to the extent required by § 803 of Article 18 of the General Municipal Law of the State of New York.
 - (4) A County officer or employee may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any Sullivan County Agency of which he or she is an officer, member or employee or over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee, unless such interest is disclosed, in writing, to the Clerk of the Legislature, and provided that such interest is not in conflict with the proper discharge of his or her official duties.
 - (5) A County officer or employee may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any Sullivan County agency whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, unless the fee to be received by such person is based upon the reasonable value of the services rendered, and provided that such action is not in conflict with the proper discharge of such person's official duties.
 - (6) No person who has served as a County officer or employee of the County or any

County agency shall, within a period of six months after the termination of such service or employment, appear before any board or agency of Sullivan County or receive any compensation for services rendered on behalf of any person (other than for himself or herself), firm, corporation or association in relation to any case, proceeding or application with respect to which such person was directly concerned or in which he or she personally participated during the period of his or her service or employment or which was under his or her act or consideration.

- B. Use of public property. No County officer or employee of the County shall use or permit the use of County property (including land, vehicles, equipment, materials and/or any other property) for personal convenience or profit; except when such use is available to County citizens generally or is provided as a condition of County employment or as a matter of County policy.
- C. Confidential information. No County officer or employee shall disclose confidential information acquired by him or her in the course of official duties or use such information to further his or her personal interest, or use for profit of himself or herself or others information about the property, affairs, finances or government of the County of Sullivan that is not generally available to the public, exclusive of information available to the public under the Freedom of Information laws.
- D. Gifts. No County officer or employee shall, directly or indirectly, solicit any gift or accept or receive any gift having a value of \$75 or more whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

§ A8A-4. Disclosure in certain applications.

- A. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, permit pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of the County shall state the name, residence and the nature and extent of the interest of any officer or employee of the County or of a municipality wholly or partly within the County, in the person, partnership or association making such application, petition or request (hereinafter called the "applicant") to the extent known to such applicant.
- B. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
 - (1) Is the applicant;
 - (2) Is an officer, director, partner or employee of the applicant;
 - (3) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant; or

- (b) Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than 5% of the stock of a corporation whose stock is listed on the New York or American Stock Exchange or NASDAQ shall not constitute an interest for the purposes of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

§ A8A-5. Exceptions.

The provisions of § ~~A8A-3~~ shall not apply to:

- A. The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of funds of the County except when the chief fiscal officer, treasurer, or his deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the municipality would be required because of the foregoing restriction, a bank or trust company within the municipality may nevertheless be so designated.
- B. A contract with a person, firm, corporation or association in which a County officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract.
- C. The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.
- D. The purchase by the County of real property or an interest therein from a County officer or employee, provided that the purchase and the consideration therefor is approved by order of the Supreme Court upon petition of the legislature.
- E. The acquisition of real property or an interest therein, through condemnation or tax proceedings according to law.
- F. A contract with a membership corporation or other voluntary nonprofit corporation or association.
- G. The sale of bonds and notes pursuant to § 60.10 of the Local Finance Law.
- H. A contract in which a County officer or employee has an interest if such contract was entered into prior to the time he was elected or appointed as such officer or employee, but this subsection shall in no event authorize a renewal of any such contract.
- I. A contract with a corporation in which a County officer or employee has an interest by reason of stockholdings when less than 5% of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee.

- L. A contract for the furnishing of public utility services when the rates or charges therefor are fixed or regulated by the public service commission.
- K. A contract for the payment of a reasonable rental of a room or rooms owned or leased by an officer or employee when the same are used in the performance of his official duties and are so designated as an office or chamber.
- L. A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part-time service in the official duties of the office.
- M. A contract in which a County officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of \$100.
- N. A contract with a member of a private industry council established in accordance with the federal Job Training Partnership Act or any firm, corporation or association in which such member holds an interest, provided that the member discloses such interest to the council and the member does not vote on the contract.

§ A8A-6. Equality of treatment.

All County officers or employees of the County of Sullivan shall treat all members of the public, whether a person, firm, corporation or other organization, with equal courtesy and consideration and without special advantage to anyone.

§ A8A-7. Contracts void.

Any contract willfully entered into by or with the County in which there is an interest prohibited by this article shall be null, void and wholly unenforceable.

§ A8A-8. Penalties for offenses.

- A. Any County officer or employee who willfully and knowingly violates the foregoing provisions of this article shall be guilty of a misdemeanor.
- B. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate this section may be fined, suspended, reprimanded or removed from office or employment in the manner provided by law.

§ A8A-9. Filing and posting requirements.

- A. The County Manager shall cause a copy of this article to be kept posted in each public building under the jurisdiction of the County in a place conspicuous to its officers and employees. Failure to post any such copy shall have no effect on the duty of compliance with this article, nor with the enforcement of the provisions thereof.
- B. Upon adoption of this Code of Ethics, the County Manager shall cause a copy thereof to be distributed to every officer and employee of the County. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

- C. The Clerk of the County shall maintain as a record subject to public inspection:
 - (1) A copy of any Code of Ethics or any amendments to any Code of Ethics adopted within 30 days after the adoption of such code or such amendment;
 - (2) A statement that the County has established a Board of Ethics, in accordance with General Municipal Law § 808; and/or
 - (3) A copy of the form of the annual statement of financial disclosure described in Subdivision 1 of § 811 of the General Municipal Law and either a statement of the date such annual statement form was promulgated by local law, ordinance or resolution of the County, if adopted pursuant to Subdivision 1(a)(i) of § 811 of the General Municipal Law, or a statement that the County has, by local law, ordinance or resolution, resolved to continue the use of an authorized form of annual statement of financial disclosure in use on the date such local law, ordinance or resolution is adopted, if adopted pursuant to Subdivision 1(a)(ii) of § 811 of the General Municipal Law.
- D. On or before February 15 of each year the Clerk of the County shall file with the State Legislature a report stating whether or not the County has in effect, as of the filing date, a Code of Ethics.

§ A8A-10. Board of Ethics.

- A. The legislature hereby establishes a County Board of Ethics. The members of such Board of Ethics shall be appointed by the County Manager, subject to confirmation by the Legislature. Such Board of Ethics shall consist of five members, a majority of whom shall not be officers or employees of the County or municipalities wholly or partially located in the County and at least one of whom shall be an elected or appointed officer or employee of the County or a municipality located within such County. Members of the Board of Ethics shall be volunteers, and shall receive no compensation for the performance of duties as members of the Board.
- B. Powers and duties; procedures.
 - (1) The Board shall establish rules and regulations, which shall be subject to the approval of the County Legislature, providing for the issuance of advisory opinions and for the conduct of proceedings for determining if violation(s) have occurred and establishing and imposing penalties if violations are adequately proven. As used in this subsection, the term "advisory opinion" applies only to County officials and employees who seek an opinion about their own conduct or intended conduct. Requests for advisory opinions shall be filed directly with the Board of Ethics.
 - (2) There is hereby created an Ethics Subcommittee of the Executive Committee of the County Legislature. The subcommittee shall consist of three County Legislators. The Chairman of the Legislature shall choose, by drawing names at random from a box, the three members to serve in any particular matter. If a legislator is involved in the complaint, his or her name shall not be included among those to be drawn.
 - (3) All ethics complaints against County officials or employees must be in writing, signed and sworn to. All such complaints must contain sufficient allegations of fact to support

the accusation. All complaints shall be filed with the Clerk of the Legislature. If, after review, a majority of the members of the Ethics Subcommittee find that the complaint may have merit and should be further investigated, the complaint shall be referred to the Board of Ethics for further action, pursuant to its rules.

- (4) The County Attorney, or his designee, shall serve as counsel to the Board of Ethics. The Board of Ethics may, however, request that the Legislature appoint different counsel in any case where it appears that the County Attorney may have a conflict of interest.
 - (5) If the Ethics Subcommittee finds the complaint frivolous or otherwise without merit, it shall dismiss the complaint. Any record of a dismissed complaint shall be sealed and not subject to disclosure or inspection under the Freedom of Information Law or other applicable law, unless disclosure is ordered by a court of County-wide or statewide jurisdiction, or a court of the United States.
- C. 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, if such municipality has established its own Board of Ethics, except that the local Board may at its option refer matters to the County Board.
 - D. The Board of Ethics of the County shall file a statement with the Clerk of the County that it is the authorized repository for completed annual statements of financial disclosure and that on account thereof, such completed statements will be filed with it.
 - E. Members of the Board of Ethics shall be appointed to four-year terms and may be removed for cause only after a hearing before the Legislature, or a committee thereof, and a two-thirds vote of the Legislature in favor of removal.
 - F. The Board of Ethics shall be subject to the legislative oversight of the Executive Committee of the County Legislature.

§ A8A-11. Additional definitions.

As used in §§ ~~A8A-12~~ and ~~A8A-13~~ of this article, the following terms shall have the meanings indicated:

APPROPRIATE BODY OR APPROPRIATE BODIES

The County Board of Ethics, if it is in existence at the time an annual statement of financial disclosure is due, or, if it is not in existence, the temporary state commission on local government ethics.

CONSTITUTED COMMITTEE AND POLITICAL COMMITTEE

The same meanings as those contained in § 14-100 of the Election Law.

LOCAL AGENCY

A. The County or any agency, department, division, board, commission or bureau thereof; and

B. Any public benefit corporation or public authority not included in the definition of "state agency."

LOCAL ELECTED OFFICIAL

An elected official of the County, except judges or justices of the unified court system.

LOCAL OFFICER OR EMPLOYEE

The heads (other than local elected officials) of any agency, department, division, council, board, commission or bureau of the County and their deputies and assistants, and the officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils who hold policymaking positions, as annually determined by the County Manager and set forth in a written instrument which shall be filed with the County Board of Ethics during the month of February; except that the term "local officer or employee" shall not mean a judge, justice, officer or employee of the unified court system. Members, officers and employees of each industrial development agency and authority shall be deemed officers or employees of the County.

LOCAL POLITICAL PARTY OFFICIAL

A. Any Chairman of a County committee elected pursuant to § 2-112 of the Election Law, or his or her successor in office, who received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating \$30,000 or more;

B. That person (usually designated by the rules of the County committee as the "County leader" or "chairman of the executive committee"), by whatever title designated, who pursuant to the rules of the County committee or in actual practice possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating \$30,000 or more:

- (1) The principal political, executive and administrative officer of the County committee;
- (2) The power of general management over the affairs of the County committee;
- (3) The power to exercise the powers of the Chairman of the County committee as provided for in the rules of the County committee;
- (4) The power to preside at all meetings of the County executive committee, if such a committee is created by the rules of the County committee or exists de facto, or any other committee or subcommittee of the County committee vested by such rules with or having de facto the power of general management over the affairs of the County committee at times when the County committee is not in actual session;
- (5) The power to call a meeting of the County committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the County committee pursuant to the rules of the County committee, for the purpose of filling an office at a special election in accordance with § 6-114 of the Election Law, for the purpose of filling a vacancy in accordance with § 6-116 of such law or for the purpose of filling a vacancy or vacancies in the County committee which exist by reason of an increase in the number of election districts within the County occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its members, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a

Chairman of an assembly district committee or other district committee smaller than a County and created by the rules of the County committee, to call a meeting of such district committee for such purpose;

(6) The power to direct the treasurer of the party to expend funds of the County committee; or

(7) The power to procure from one or more bank accounts of the County committee the necessary funds to defray the expenses of the County committee.

MINISTERIAL MATTER

The same meaning as ascribed to such term by Subdivision 1 of § 73 of the Public Officers Law.

REGULATORY AGENCY

The same meaning as ascribed to such term by Subdivision 1 of § 73 of the Public Officers Law.

RELATIVE

Such individual's spouse, child, stepchild or stepparent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

SPOUSE

The husband or wife of the reporting individual, unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to:

- A. A judicial order, decree or judgment; or
- B. A legally binding separation agreement.

STATE AGENCY

Any state department, or division, board, commission or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the Governor, or the State University of New York or the City University of New York, including all their constituent units, except community colleges and the independent institutions operating statutory or contract colleges on behalf of the state.

UNEMANCIPATED CHILD

Any son, daughter, stepson or stepdaughter who is under age 18, unmarried and living in the household of the reporting individual.

§ A8A-12. Form of annual statement of financial disclosure; authority of Legislature with respect to persons subject thereto.

- A The County Legislature does hereby authorize the continued use of the form of annual statement of financial disclosure by local political party officials and the officers and employees of the County in use on the date this article is adopted. During the month of February in every year the legislature shall determine who is required to file a financial disclosure statement, and may do so by resolution. Those required to file shall be the heads, their deputies, assistants and employees of the County, its agencies, departments, divisions, boards, bureaus, commissions and councils who hold policymaking positions. Judges, justices, officers and employees of the Unified Court System are not required to complete financial disclosure forms under this article.

- B. The Legislature does hereby require the completion and filing of such annual statements of financial disclosure by local political party officials as if such officials were officers or employees of such County; provided, however, that a person who is subject to the filing requirements of both Subdivision 2 of § 73-a of the Public Officers Law and of this article may satisfy the requirements of this subsection by filing a copy of the statement filed pursuant to § 73-a of the Public Officers Law with the appropriate body, as defined in § 810 of the General Municipal Law, on or before the filing deadline provided in such § 73-a, notwithstanding the filing deadline otherwise imposed by this article.
- C. The Legislature shall have, possess, exercise and enjoy all the rights, powers and privileges attendant to the requirement to file the annual form of financial disclosure which are necessary and proper to the enforcement of such requirement, including but not limited to the promulgation of rules and regulations pursuant to local law, ordinance or resolution, which rules or regulations may provide for public availability of items of information contained on such form of statement of financial disclosure and the determination of penalties for violation of such rules or regulations.
- D. The annual statement of financial disclosure shall be filed with the County Board of Ethics not later than May 15 of each year. The form shall contain the procedure for filing such statements and the date by which such filing shall be required. The Board of Ethics shall have the authority to enforce such filing requirement, including the authority to promulgate rules and regulations. The Board of Ethics is authorized to provide for exceptions with respect to complying with timely filing of such disclosure statements due to justifiable cause or undue hardship. The Board of Ethics shall prescribe rules and regulations, subject to the approval of the legislature, related to exceptions with respect to extensions and additional periods of time within which to file such statement, including the imposition of a time limitation upon such extensions.
- E. The County Legislature hereby authorizes the continued use of the form of annual financial disclosure currently in use subject to such modifications as may be suggested by the Board of Ethics and approved by the legislature.

§ A8A-13. Financial disclosure for elected officials and certain officers and employees; penalties.

- A. Filing requirements.
 - (1) The County hereby requires each of its local elected officials and local officers and employees, as specifically set forth above, each of its local political party officials and each candidate for local elected official to file an annual statement of financial disclosure containing the information and in the form set forth herein. Such statement shall be filed on or before the 15th day of May with respect to the preceding calendar year, except that:
 - (a) A person who is subject to the reporting requirements of this subsection and who timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May 15, but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item

- of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement.
- (b) Candidates for local elected official who file designating petitions for nomination at a primary election shall file such statement within seven days after the last day allowed by law for the filing of designating petitions naming them as candidates for the next succeeding primary election.
 - (c) Candidates for independent nomination for local elected official who have not been designated by a party to receive a nomination shall file such statement within seven days after the last day allowed by law for the filing of independent nominating petitions naming them as candidates for local elected official in the next succeeding general or special or village election.
 - (d) Candidates for local elected official who receive the nomination of a party for a special election or who receive the nomination of a party other than at a primary election (whether or not for an uncontested office) shall file such statement within seven days after the date of the meeting of the party committee at which they are nominated.
- (2) As used in this subdivision, the terms "party," "committee" (when used in conjunction with the term "party"), "designation," "primary," "primary election," "nomination," "independent nomination," "ballot" and "uncontested office" shall have the same meanings as those contained in § 1-104 of the Election Law.
 - (3) Such statement shall be filed with the Board of Ethics.
 - (4) The Board of Ethics shall obtain from the "Board of Elections," as such term is defined in § 1-104 of the Election Law, lists of all candidates for local elected official, and from such lists shall determine and publish lists of those candidates who have not, within 10 days after the required date for filing such statement, filed the statement required by this subsection.
 - (5) Local political party officials and any other person required to file such statement who commences employment after May 15 of any year shall file such statement within 30 days after commencing employment or of taking the position of local political party official, as the case may be.
 - (6) A person who is subject to the filing requirements of both Subdivision 2 of § 73-a of the Public Officers Law and of this article may satisfy the requirements of this subsection by filing a copy of the statement filed pursuant to § 73-a of the Public Officers Law with the Board of Ethics on or before the filing deadline provided in such § 73-a, notwithstanding the filing deadline otherwise imposed by this subsection.

- (7) A person who is subject to the filing requirements of this article from more than one municipality within the same County may satisfy the requirements of this article by filing only one annual statement of financial disclosure with the Board of Ethics or with such other body as is required by the County.
- (8) A local elected official who is simultaneously a candidate for local elected official shall satisfy the filing deadline requirements of this subsection by complying only with the deadline applicable to one who holds such local elected office.
- (9) A candidate whose name will appear on both a party designating petition and on an independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this subsection by complying with the earliest applicable deadline only.
- B. A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Board of Ethics. For a violation of this section the Board of Ethics of the County may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor, and upon conviction for such violation, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event that a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to file, or for a false filing of such statement, except that the County Manager may impose disciplinary action as otherwise provided by law. The Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized subject to the approval of the Legislature. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in Article 3 of the State Administrative Procedures Act but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated by the Board of Ethics within 30 days of imposition and, upon becoming final, shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Board of Ethics, pursuant to Article 78 of the Civil Practice Law and Rules.

§ A8A-14. Suit against County of Sullivan.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former County officer or employee of any claim, account, demand or suit against the County of Sullivan, or any agency thereof on behalf of himself or herself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ A8A-15. Testimony.

No County officer or employee of the County of Sullivan shall decline or refuse to answer any questions specifically or directly related to the performance of his or her official duties before any official, board or agency authorized or empowered to so inquire into the performance of such duties. This section shall not be construed so as to bar any Sullivan County officer or employee

from exercising his constitutional privileges against self incrimination; however, when such body or agency is wholly civil in nature, failure to cooperate with and diligently answer the inquiries of such board or agency shall constitute grounds for dismissal or removal of said County officer or employee.

§ A8A-16. Conflicts of interest.

[Added 5-20-1999 by L.L. No. 4-1999]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CHIEF FISCAL OFFICER

Sullivan County Treasurer.

CONTRACT

Any claim, account or demand against or agreement with the County of Sullivan, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

GOODS AND SERVICES

Any contract to purchase goods and services, including but not limited to public work contracts other than those public work contracts involving construction.

INTEREST

A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the County of Sullivan which such officer or employee serves. For the purposes of this section, a municipal officer or employee shall be deemed to have an interest in the contract of:

- (1) His spouse, minor children and dependents, except a contract of employment with the County of Sullivan which such officer or employee serves.
- (2) A firm, partnership or association of which such officer or employee is a member or employee.
- (3) A corporation of which such officer or employee is an officer, director or employee.
- (4) A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPALITY

County of Sullivan, a County improvement district, County district corporation or other district or joint service established for the purpose of carrying on, performing or financing one or more improvements or services intended to benefit the health, welfare, safety or convenience of the inhabitants of the County of Sullivan, and any town or village participating therein, or to benefit the real property within such units and the County of Sullivan Industrial Development Agency.

MUNICIPAL OFFICER OR EMPLOYEE

An officer or employee of the County of Sullivan, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief.

PROHIBITED CONFLICT OF INTEREST

The meaning set forth in § 801 of the General Municipal Law.

- B. In the event that goods and services are supplied to the County of Sullivan pursuant to a contract applicable to two or more departments of the County and the municipal officer or employee, individually or as a member of a board, has the power and duty to negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder, audit bills or claims under the contract or appoint an officer or employee who has any of the powers or duties set forth above, such municipal officer or employee shall have a prohibited conflict of interest, and the powers and duties of such municipal officer or employee in relation to such contract shall be performed by a municipal officer or employee who has supervisory authority over the municipal officer or employee having such powers or duties. If there be no municipal officer or employee of the department with such supervisory authority, then and in such event such powers or duties with respect to the contract shall be performed by the County Manager or such person as the County Manager shall designate. If the County Manager shall have a prohibited conflict of interest as herein provided, such powers and duties with respect to the contract shall be performed by the committee of the County Legislature which has jurisdiction over such department.
- C. The provisions of this section shall not apply to a contract in which a member of the County Legislature or the Sullivan County Treasurer has an interest prohibited by law, or to a contract to which the duties and powers of a municipal officer or employee can be performed only by such officer or employee.
- D. The provisions of this section shall not alter any requirement of a municipal officer or employee to disclose his or her interest in a contract.
- E. Notwithstanding anything to the contrary contained herein, a municipal officer or employee shall not have a prohibited conflict of interest with respect to any contract to which the provisions of § 802 of the General Municipal Law shall apply.

§ A8A-17. Laws repealed.

Resolution Nos. 390 of 1970 and 445 of 1990 and County Administrative Code Section 5060 are repealed effective simultaneously with the effective date of this article.

§ A8A-18. Effective date.

This article shall become effective on August 10, 1998.

Proposed Code of Ethics

Prepared by former Board of Ethics members

COUNTY OF SULLIVAN

A local law establishing standards of conduct for elected and appointed officials, officers and employees of the County of Sullivan.

Be it enacted by the Sullivan County Legislature as follows:

SECTION I – PURPOSE AND INTENT

Pursuant to the provisions of Article 18 of the General Municipal Law, the Legislature of the County of Sullivan recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our local government. The citizens of Sullivan County are entitled to exemplary ethical behavior from their county elected and appointed officials, officers, and employees, and this law is intended to create the minimum standards which constitute such behavior. These rules shall serve as a guide for official conduct of all elected and appointed officials, officers and employees of the County of Sullivan. The rules of ethical conduct of this local law as adopted shall not conflict with, but be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

All county officers and employees of the County of Sullivan shall treat all members of the public, whether a person, firm, corporation, or other organization, with equal courtesy and consideration and without special advantage to anyone.

SECTION II – DEFINITIONS

Unless otherwise indicated, the following terms shall be defined as such for the purpose of the Sullivan County Ethics Law:

- (a) **“Agency,”** for the purposes of this law, means any of the divisions of county government referred to in subdivision (e) of this section, except the County Legislature.
- (b) **“Appropriate body”** pursuant to Article 18 of General Municipal Law means the Board of Ethics of the County of Sullivan.
- (c) **“Contract”** means any claim, account or demand against or agreement with the county, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.
- (d) **“Child”** means any son, daughter, step-son or step-daughter of a County Officer, employee or elected or appointed official, if such child is under 18 or is a dependent of the officer, employee or elected or appointed official as defined in applicable sections of the Internal Revenue Code.
- (e) **“County”** means the County of Sullivan or any department, board, executive division, institution, office, branch, bureau, commission, agency or other division or part thereof.

(f) **“County Official”** means the following for the purposes of this law only:

- a. **All “local officers or employees,”** meaning the heads (other than local elected officials) of any agency, department, division, council, board, commission or bureau of Sullivan County and their deputies and assistants, whether paid or not, and any other officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils who hold policy-making positions, whether unpaid or not, as annually determined by the appointing authority and set forth in a written list prepared by the Chairman of the Legislature each year, prior to January 31st after conferring with the relevant department heads. This list shall include the office, title or job classification of such officers and employees. The term “local officer or employee” shall not mean a judge, justice, officer or employee of the Unified Court System.
- b. **All “local elected officials,”** meaning County Legislators, County Clerk, District Attorney, County Treasurer, Sheriff and County Coroners.
- c. All officers and employees whose duties are mainly administrative in nature, or which include duties involving the negotiation, authorization or approval of:
 - i. Contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses as defined in section seventy-three of the Public Officers Law;
 - ii. The purchase, sale, rental or lease of real property, goods or services, or a contract therefor;
 - iii. The obtaining of grants of money or loans; or

iv. The adoption or repeal of any rule or regulation having the force and effect of law.

(g) “**Dependent**” means any person, related or unrelated, living in the same household with a County Official and claimed as a dependent for income tax purposes by said County Official.

(h) “**Employee**” means any employee or official of the County of Sullivan, other than those designated as County Officials herein.

(i) “**Interest**” means a direct or indirect financial or material benefit accruing to the County Official, his or her relative or dependent, whether as a result of a contract with the County or otherwise. For the purpose of this law, a County Official shall be deemed to have an interest in the contract of (1) his/her spouse, dependent or relative, except a contract of employment with the County; (2) a firm, partnership or association of which such County Official or his/her spouse, dependent or relative is a member or employee; (3) a corporation of which such County Official or his/her spouse, dependent or relative is an officer or director; and (4) the outstanding capital stock of a corporation which is owned by a County Official or his/her spouse, dependent or relative.

(j) “**Jurisdiction**” shall mean having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the county agency in which the County Official is employed.

(k) “**Legislation**” means a matter which appears upon the calendar or agenda of the County Legislature of Sullivan County or upon that of a committee thereof upon which any

official action has been taken and shall include adopted acts, local laws, ordinances or resolutions.

- (l) **“Relative”** means a spouse, son, daughter, sibling or parent of a County Official.
- (m) **“Reporting Category”** for the purpose of completing the financial disclosure statements pursuant to Article IV of this law means the category of interest, income, value or worth of said reported items. No exact dollar amounts are to be included in the completion of the statements of financial disclosure, but rather all amounts are to be indicated using the following categories:
 - A) Under \$5,000
 - B) \$5,000 to under \$20,000
 - C) \$20,000 to under \$60,000
 - D) \$60,000 to under \$100,000
 - E) \$100,000 to under \$250,000
 - F) \$250,000 or over
- (n) **“Reporting Person”** means a County Official or employee who is required to file an annual disclosure statement or a statement indicating a conflict of interest.
- (o) **“Sibling”** means any brother or sister, half-brother or half-sister, step-brother or step-sister of a County Official or appointed official.
- (p) **“Spouse”** means the husband or wife of a County Official subject to the provisions of this Local Law, unless legally separated from such County Official.

SECTION III – STANDARDS OF CONDUCT

Every County Official and employee of the County of Sullivan shall be subject to and abide by the following standards of conduct, as well as those contained in the Sullivan County Employee Handbook which is distributed to each employee at his/her orientation session:

(a) **Prohibited Activities**

- a. No County Official shall use or permit the use of county property (including land, vehicles, equipment, materials and/or any other property) for personal convenience or profit; except when such use is available to county citizens generally or is provided as a condition of county employment or as a matter of county policy.
- b. No County Official may bid for or acquire or purchase any parcel or parcels of real property which is offered for sale by the County of Sullivan in any manner as a result of the tax delinquency of such parcel or parcels. This prohibition shall include a prohibition against such County Officials bidding upon or acquiring or purchasing such properties directly or through an agent, representative, attorney or other third party, including but not limited to a spouse or child. It shall be presumptive proof of a violation of this law if such county officer, employee or official shall have acquired any interest whatsoever, including but not limited to the holding of a mortgage, lien or other financial interest in any such property, howsoever acquired, either directly or through any third parties, within two (2) years of the date upon which such property was sold or conveyed by the County of Sullivan.

- c. A County Official shall take no action on a matter before the County or any division or agency thereof when, to his or her knowledge, the performance of that action would provide a financial or material benefit to himself or herself, or his or her spouse, relative or dependent.
- d. Every County Official shall disclose publicly, in writing, to the Sullivan County Legislature any interest he or she has in any legislation before the Sullivan County Legislature, as soon as he or she has knowledge of such interest. Every such written disclosure shall be made part of and set forth in the official record of the proceedings of the Sullivan County Legislature. Every County Official shall also disclose publicly any conflict of interest as and to the extent required by Section 803 of Article 18 of the General Municipal Law of the State of New York.
- e. A County Official may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any Sullivan County agency of which he or she is an officer, member or employee or over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee, unless such interest is disclosed in writing to the Clerk of the Legislature and provided that such interest is not in conflict with the proper discharge of his or her official duties.
- f. A County Official may not receive or enter into any agreement, expressed or implied, for compensation of services to be rendered in relation to any Sullivan County agency whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, unless

the fee to be received by such person is based upon the reasonable value of the services rendered, and provided that such action is not in conflict with the proper discharge of such person's official duties.

- g. A County Official shall not participate in the consideration of, vote on or administer a matter in which he or she has any interest.
- h. A County Official shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transactions, which create a conflict of interest with official duties.
- i. A County Official shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of official duties. In addition, no such private employment or services shall be allowed or compensated without prior approval by the county department from which payment will be made, and full prior disclosure is made and recorded in the minutes of the committee or advisory board on which the person who is to be paid serves.
- j. A County Official shall not for six months after the termination of service or employment with such municipality, appear before their own board, agency or division of the County of Sullivan in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

- k. No County Official shall use or attempt to use his/her official position to advance his/her private interest or the interest of others to obtain any unwarranted privileges, exemptions or advantages for the officer, employee or others. For purposes of this subparagraph, the term "interest" shall be given its common meaning and shall not be limited to financial or material benefits.
- l. No County Official shall directly or indirectly solicit any gifts nor accept or receive any gifts having a value of seventy-five dollars (\$75.00) or more, in total during any calendar year, whether in the form of money, services, loan, travel, entertainment, hospitality, item or promise, or any other form under circumstances in which it could reasonably be expected to influence the performance of official duties or was intended as a reward for any official action.

(b) Confidential Information Shall not disclose confidential information or use such information to further a personal interest.

The Public Officers Law of New York State requires that counties make many records available for public inspection and copying. Permissible exceptions to this requirement are listed in Section 87, subdivision 2 of that law. Information defined by the Code of Ethics as confidential does not exceed the bounds of those permitted exceptions.

For the purposes of this Code of Ethics, all information falls into one of three categories: (1) the class of information which is never confidential; (2) the class of information which is always confidential; and (3) the class of information which may be confidential.

(1) Some internal or interagency records, communications and reports are never confidential. According to the Public Officers Law, this is true of information that is:

- The result of an external audit; or
- Statistical data; or
- An instruction to staff that affects the public; or
- A final policy or determination made by the county or one of its departments.

Disclosure or use of such information is not restricted by the Code of Ethics.

(2) Information is always confidential when its disclosure would:

- Impair current or imminent contract awards or collective bargaining negotiations; or
- Interfere with law enforcement investigations or judicial proceedings; or
- Deprive a person of their right to a fair trial or impartial adjudication; or
- Constitute an unwarranted invasion of privacy¹; or
- Endanger the life or safety of any person.

Information that is always confidential includes:

- Civil service examination questions or answers prior to the administration of the exam; or

¹ The legal issues involved in determining whether a given act constitutes an unwarranted invasion of personal privacy can be complicated and will not be addressed here. Interested persons may refer to Section 89, subdivision 2 of the Public Officers Law of New York State or contact the County Attorney.

- Computer access codes; or
- Information that is specified as non-disclosable by federal or state law.

No employee or officer of the county may ever disclose such information or use such information to further a personal interest.

(3) Any information that does not clearly fall into just one of the above categories may be confidential. To be certain of complying with the Code of Ethics, all officers and employees must first request and receive an official determination from the County Attorney that a given piece of information is not confidential before disclosing or making personal use of it. The County Attorney shall, in consultation with the Records Access Officer, determine whether the county is legally obligated or empowered to deem the information confidential and, in the latter case, whether the county wishes to deem it confidential. The County Attorney will then notify the requesting party of the result in writing.

The restrictions on disclosure and use of confidential information as described herein apply without regard to the circumstances in which the information was acquired, and include information gained through means other than the possessor's association with the county.

SECTION IV – DISCLOSURE

Elected Officials of Sullivan County and those individuals holding positions listed in Appendix A hereof, shall file by May 15th of each year an Annual Disclosure Statement.

Appendix A shall be amended when necessary, at the recommendation of the Board of Ethics,

and approved by resolution of the Sullivan County Legislature. Any individual required to file who accepts a new position or is appointed to a position during the year shall file a disclosure statement within 30 days of employment. The disclosure statement shall be submitted to the Clerk of the Sullivan County Legislature in the form prescribed by resolution of the Sullivan County Legislature upon recommendation of the Board of Ethics.

Any County Official who is required to file an annual statement of financial disclosure may request, prior to May 1st of the year for which the employment is in effect, an extension of filing for an additional specific period of time. Such request shall be made in writing to the Records Access Officer, with approval based upon substantiation of justifiable cause or undue hardship. The Board of Ethics may grant or deny the request and extensions shall be for the specific period of additional time requested. Automatic approval of the request for extension will be granted to those persons who have submitted an application on a timely basis for late filing to the Internal Revenue Service. The Records Access Officer shall notify the individual in writing in a timely fashion regarding the determination of the Board of Ethics.

A County Official who is subject to the filing requirements under this local law from more than one county may satisfy the requirements by filing one annual statement of financial disclosure, and filing with the other(s) a notice that such filing has been made, inclusive of date and place of filing.

The Clerk shall retain the forms on behalf of the Board of Ethics and make them available for inspection as detailed below. The disclosure statement form may not be photocopied for public distribution. As required by the Freedom of Information Law, annual disclosure statements shall be made available to any individual submitting a request, but shall

withhold from their inspection the range of market value of investments, as well as any personal information, such as address, Social Security number, etc., as permitted by law.

Written application for public viewing shall state a proper and sufficient reason for the request.

All written requests for access to forms shall be kept on file by the Board of Ethics and available for public access, but not photocopied.

The County Attorney shall confirm filing by all required filers. Requests for determination regarding conflicts shall be referred by the County Attorney to the Board of Ethics. If the County Attorney determines that any required filers have not completed and filed an accurate and complete disclosure form, the County Attorney shall notify the filer and report this to the appropriate supervisor. If the form is not received within 30 days from the individual after notification, the person will be reported to the Board of Ethics. If a member of the Sullivan County Legislature has failed to complete and file an accurate and complete disclosure form, the County Attorney shall report this to the Chair of the Sullivan County Legislature, or to the Vice Chair if the Chair is in default of filing. If the reports are not received within thirty (30) days, the Legislator should be reported to the Board of Ethics.

Any Sullivan County official or person required to file, who engages in any action that violates any provision of this law may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction authorized by law. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this law or in any other related provision of law.

SECTION V – BOARD OF ETHICS

(a) **Membership and Eligibility.** The legislature hereby establishes a County Board of Ethics.

The members of the Board of Ethics shall be appointed by the county manager, subject to confirmation by the legislature. The Board of Ethics shall consist of five members, only one of whom shall be a county official or employee of the County of Sullivan.

Members of the Board of Ethics shall be volunteers, and shall receive no compensation for the performance of duties as members of the board. Each member shall be a resident of the County of Sullivan.

(b) **Term.** The members of the Board of Ethics will serve a term of three (3) years and may be reappointed for one (1) additional consecutive term. Each member shall serve until his or her successor has been appointed, except that of the five members first appointed, the original appointee who shall have served the longest shall serve for one year; two shall serve for two years; and two shall serve for three years. No member shall serve for more than two full three-year terms.

(c) **Quorum.** Three of the five members of the Board of Ethics, a simple majority, shall constitute a quorum.

(d) **Meetings.**

- a. The Board of Ethics shall have an annual organizational meeting within 45 days of January 1st set by the chairperson from the previous year, at which time board members will elect a chairperson. Such meeting will serve as an orientation for any new members. The Board will outline and review the list of

those positions which are required to file an annual disclosure statement. The Board will also review activities of the previous year and discuss any needed changes to procedure or code.

- b. The Board of Ethics may hold additional meetings throughout the year as it shall deem necessary or as shall be called by the chair or any two members, provided that a meeting of the Board of Ethics shall be held within 15 days after the filing of a complaint alleging a violation of this law, at which meeting such complaint shall be considered by the Board of Ethics, as well as any other matters before it.

(e) Vacancies and Removals.

- a. When a vacancy occurs in the membership of the Board of Ethics, it shall be filed for the unexpired term in the same manner as the original appointment no later than thirty days after the vacancy occurs.
- b. A Board of Ethics member may be removed by the Chairman of the County Legislature upon the advice and consent of the Legislature or by the New York State Temporary State Commission on Local Government Ethics or its successor, if requested by a majority vote of the County Legislature.
- c. Grounds for removal of Board of Ethics members will be substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this law, after written notice and opportunity for reply.

(f) Powers and Duties of the Board of Ethics.

- a. The Board of Ethics shall have all the powers and duties prescribed to the Temporary State Commission on Local Government Ethics by Section 813,

subdivision 9 of the General Municipal Law and any other applicable provisions of this law. Any inconsistencies herein shall resolve in favor of the powers and duties found in Section 813, subdivision 9 of the General Municipal Law.

- b. The Board of Ethics may act only with respect to Sullivan County Officials.
- c. The termination of a County Official from a Sullivan County office or from employment with Sullivan County, shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed by this section.
- d. In addition to any other duties prescribed by Section 813, subdivision 9 of the General Municipal Law, the Board of Ethics shall have the following powers and duties:
 - i. To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this law;
 - ii. To cause to be filed with the State of New York Temporary State Commission on Local Government Ethics or its successor a copy of the form for any disclosure statement required to be filed under this local ethics code, if any;
 - iii. To review lists of Sullivan County officials and employees required to file disclosure statements;
 - iv. To ensure thorough investigation of any alleged impropriety and recommend appropriate actions and proceedings, as required;
 - v. To review the filing of waivers or extensions;

- vi. To render advisory opinions;
- vii. To prepare an annual report by March 1st that summarizes the activities of the previous year and recommends any changes to the Code of Ethics, including provision of definitions, disclosure forms and instructions for filling them out, and filing procedures.
- e. The County Legislature may prescribe additional powers and duties for the Board of Ethics, by resolution, provided that such additional powers and duties do not conflict with this law or any other applicable provisions of law.
- f. The Board of Ethics may request technical assistance from the State of New York Temporary State Commission on Local Government Ethics or its successor.
- g. Notwithstanding the provisions of article six of the Public Officers Law, the only records of the Board of Ethics which shall be available for public inspection are:
 - i. The information set forth in the annual statement of financial disclosure filed pursuant to this law, except the categories of value or amount and personal information, which shall remain confidential.
 - ii. Notices of civil assessments imposed under this law.
 - iii. Notice of reasonable cause pursuant to Section VI herein.

SECTION VI – INVESTIGATION OF ALLEGED VIOLATIONS

- a) Upon receipt of a sworn written complaint of any person alleging any violation of this law, or upon determining on its own initiative that a violation of this law may exist, the Board of Ethics shall have the power and duty to ensure any investigation necessary to carry out the provisions of this law.

b) If a reporting person has filed a statement which reveals a possible violation of this law or its amendments or the Board of Ethics receives a sworn complaint alleging such a violation, or if the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall notify the reporting person in writing, describe the possible or alleged violation of this law and provide a fifteen-day period in which the reporting person may submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board of Ethics thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board of Ethics shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the Board of Ethics determines at any stage of the proceeding that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any. **All of the foregoing proceedings shall be confidential.** If the Board of Ethics determines that there is reasonable cause to believe that a violation has occurred, it shall send a notice of reasonable cause: (1) to the reporting person; (2) to the complainant, if any; and (3) in the case of a county officer or employee, to the appointing authority for such person. Such opinions shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law, Article 6) or required for use in a disciplinary proceeding or proceeding under Section VIII of this local law involving the officer, employee or appointed official who requested the advisory opinion. Whenever a request for access to an advisory opinion

herein is received, the County Official who requested the opinion shall be notified of the request within forty-eight (48) hours of the receipt of the request. Under no circumstances shall the “Reporting Categories” be disclosed to the public, as stated in New York State General Municipal Law Section 813.18(a)(1).

- c) If the Board of Ethics receives a sworn written complaint of an ethics violation against any employee of the County of Sullivan, a non-reporting person, the same procedure will apply as stated in subsection (b) above.
- d) Nothing in this section shall be construed to permit the Board of Ethics to conduct an investigation of itself or any of its members or staff. If the Board of Ethics receives a sworn complaint alleging that the Board of Ethics or any of its members or staff has violated any provision of this law or any other law, it promptly shall transmit a copy of the complaint to the State of New York Temporary State Commission on Local Government Ethics or its successor.

SECTION VII – DISTRIBUTION OF CODE OF ETHICS

The chair of the Sullivan County Legislature shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the County of Sullivan within thirty (30) days after the effective date of this local law. Each County Official elected or appointed thereafter shall be furnished with a copy before entering upon the duties of his office or employment. Every County Official is required to attest on an annual basis that he or she has reviewed the Code of Ethics of the County of Sullivan, to be made on or before March 31st of the year for which the employment is in effect. Such attestation is to be filed with the Sullivan County Board of Ethics. Such distribution and attestation may be in electronic form through the

County's intranet service, with each employee or officer being required to attest that they have read and understand the document.

SECTION VIII – PENALTIES

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

SECTION IX – EFFECTIVE DATE

This local law shall become effective _____.

A RESOLUTION NO. 406-11 INTRODUCED BY THE EXECUTIVE COMMITTEE IN FURTHERANCE OF INCREASED PUBLIC DISCLOSURE BY CERTAIN COUNTY OFFICIALS AND APPOINTEES WHO ARE REQUIRED TO FILE FINANCIAL DISCLOSURE STATEMENTS PURSUANT TO RESOLUTION 143-11

WHEREAS, It is the intent of the Sullivan County Legislature to expand existing financial disclosure to allow county residents knowledge of financial relationships among legislators and public officials and those who might benefit or suffer a detriment from legislative actions.

NOW, THEREFORE, BE IT RESOLVED that the following expanded public disclosure is adopted as the public policy of the County of Sullivan:

1. All elected and appointed Sullivan County officials enumerated in Resolution 143-11 (attached) (hereafter referred to as a “reporting individual”) who provides goods or services for hire or were members of a firm who provided such services to any person or entity or to whom he or she referred to his or her firm in the amount of \$1,000 or more in any two calendar year period, must disclose the identity of the person or entity and the amount of remuneration and the nature of services performed if a pending vote before the board which the reporting individual serves would result in a benefit or a detriment to the person or entity for whom the services were provided. Such disclosure must occur at least two weeks in advance of such vote.
2. Such disclosure will be kept in the Office of the Clerk to the Legislature and available for public review and shall be subject to foil.
3. “Referred to the firm” shall mean having taken any act to procure for the reporting individual’s firm or solicit or direct to the reporting individual’s firm a person or entity that becomes a client of that firm.
4. This disclosure requirement does not require disclosure of clients or customers receiving medical or dental services, mental health services, or legal representation (unless related to the action taken by the legislature or board upon which the reporting official serves) with respect to investigation or prosecution by law enforcement authorities, bankruptcy, or domestic relation matters. With respect to clients represented in other matters, a request for an exemption from reporting one or more items may be made by the reporting individual to the Sullivan County Board of Ethics, who may grant such exemptions upon a finding that the disclosure and reporting to the public of those items will have no material bearing on the discharge of the reporting individual’s duties. In the absence of a Board of Ethics ruling or if its ruling adversely impacts an individual, the decision may be appealed to the County or Supreme Court by the applicant or the person adversely impacted. The appeal shall be via an abbreviated, ex parte application in a form that the court may direct. After review by the Board of Ethics or court, the records will be

returned to the Clerk of the Sullivan County Legislature to be retained, sealed or destroyed as the Board or the court deems appropriate.

5. A reporting individual who knowingly and willfully fails to file the above annual client disclosure statement or who knowingly and willfully provides a false statement shall be subject to, at a minimum, censure by the Sullivan County Legislature.

6. This provision shall take effect on January 1, 2012.

Moved by Mr. Hiatt, seconded by Mr. Sager, put to a vote, unanimously carried and declared duly adopted on motion October 20, 2011.

COPY

**RESOLUTION NO. 407-11 INTRODUCED BY RON HIATT, DISTRICT 8
LEGISLATOR SETTING LIMITS ON THE LENGTHS OF TERMS OF OFFICE FOR
BOARDS AND COMMISSIONS WHICH ARE APPOINTED BY THE SULLIVAN
COUNTY LEGISLATURE**

WHEREAS, there are numerous boards and commissions, members of which are appointed by the legislature from the general public of Sullivan County, and

WHEREAS, it is in the best interest of the public to allow the sharing of authority of these boards, and

WHEREAS, if there are commissions or boards where members serve an excessively long period such membership can deny access of other individuals to serve, and

WHEREAS, the Legislature deems it appropriate that authority should be shared by the public through limiting lengths of terms of office.

A. DURATION OF TERMS OF OFFICE

NOW THEREFORE BE IT RESOLVED, that all terms of office for appointed membership of boards and commissions shall be for not more than two consecutive four year terms.

BE IT FURTHER RESOLVED, that individuals who have served this two full four year terms may apply for reappointment after the lapse of one full four year term.

BE IT FURTHER RESOLVED, that the two year term limit shall be waived in the event no other qualified individual is available to serve on the board or commission. This waiver shall not occur until after notice of the vacancy and the appointment procedure, hereafter set forth, is completed.

B. APPOINTMENT PROCEDURE

BE IT FURTHER RESOLVED that the Chair of each board or commission or their designee shall notify the Clerk to the Legislature at least two months in advance or as soon as practicable in advance of any pending vacancy or appointment. The Clerk will then notify the legislature and publish the vacancy on the county website within ten business days of receipt. Not sooner than 30 days after filing a public notice, the legislature will act to refill the position at the next Executive Committee meeting following completion of the public notice. However, in the event of emergency, a position may be filled temporarily pending completion of the above process.

C. TERMS OF OFFICE TO BE STAGGERED

BE IT FURTHER RESOLVED, commencing January 1, 2012, all terms of office herein shall be staggered as follows:

All current terms of office, shall be broken into two equal or near equal categories of two and four year terms. Those members who have served the greatest length of time, shall be appointed a two year term. This two year term shall be treated as a full term for the purposes of reappointment. The remainder shall be appointed to a four year term. If the length of service of those individuals being appointed exceeds 4 years, the term to which they are appointed January 1, 2012, will be treated as their second term. Thereafter, as each term ends, each subsequent term shall be for four years. The above rule cannot supersede any statutorily mandated term of office. Public officials who serve by grace of their title or position are exempt, as well. If a position is filled as a result of a vacancy, the replacement period shall be for the balance of the term only.

Moved by Mr. Armstrong , seconded by Mrs. LaBuda, put to a vote, unanimously carried and declared duly adopted on motion October 20, 2011.

COPY