



## **AGENDA**

### **Special Legislative Meeting for May 23, 2013 at 4:45PM**

**Call to Order**

**Pledge of Allegiance**

**Roll Call of Legislators**

**Reading of the Meeting Notice:**

There will be a Special Meeting of the Legislature for **Thursday, May 23, 2013 at 4:45PM** in the Legislative Committee Room, Sullivan County Government Center, 100 North Street, Monticello, New York 12701. The purpose of the meeting is to enact the Ethics Law.

**Resolutions:**

1. Enact the Sullivan County Ethics Law

**Recognition of Legislators**

**Announcements from Chair**

**Adjournment or Close**

**RESOLUTION INTRODUCED BY SCOTT B. SAMUELSON, CHAIRMAN,  
SULLIVAN COUNTY LEGISLATURE**

**RESOLUTION TO ENACT PROPOSED LOCAL LAW 3 OF 2013, ENTITLED  
“SULLIVAN COUNTY ETHICS LAW”**

**WHEREAS**, a proposed Local Law entitled "Sullivan County Ethics Law was presented to the Sullivan County Legislature at a meeting held on May 1, 2013 at the County Government Center, Monticello, New York, in order to consider said proposed local law; and

**WHEREAS**, notice of public hearing having been duly published and posted as required by law, and said public hearing having been held on May 16, 2013, and all persons appearing at said public hearing deeming to be heard.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby enact and adopt this Local Law 3 of 2013, entitled “Sullivan County Ethics Law”, County of Sullivan, State of New York, which local law is annexed hereto and made a part hereof, which law is subject to permissive referendum.

**Moved by** \_\_\_\_\_,  
**Seconded by** \_\_\_\_\_,  
**and adopted on motion** \_\_\_\_\_, 2013.



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This local law is intended to create the minimum standards which constitute ethical conduct, and shall govern appropriate conduct of all elected and appointed officials, officers and employees of the County of Sullivan and its affiliated agencies. 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.

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32 **SECTION 4. REPEAL OF EXISTING CODE OF ETHICS**

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The Sullivan County Code of Ethics, Article VIIIA of the Sullivan County Charter, Local Law No. 2 of 1998, is hereby repealed in its entirety, rendered obsolete and replaced in full by this local law.

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**ETHICS LAW**

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**PART A: CONDUCT**

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42 **§100. Definitions**

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44 Unless otherwise indicated, the following terms shall be defined as such for purposes of this  
45 Law:

- 46 1. “**Agency**,” means the Sullivan County Industrial Development Agency (“IDA”),  
47 the Sullivan County Funding Corp., ECCEDC, and any non-government  
48 organization or entity that performs or is organized to perform County-related  
49 functions. An initial list of Agencies that are subject to this Ethics Law shall be  
50 created by Resolution of the County Legislature within sixty days of adoption of  
51 this law.
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- 53 2. “**Appropriate body**” pursuant to Article 18 of General Municipal Law means the  
54 Board of Ethics of the County of Sullivan.
- 55
- 56 3. “**Contract**” means an agreement with the County, express or implied, and shall  
57 include the designation of a depository of public funds and the designation of a  
58 newspaper, including but not limited to an official newspaper, for the publication  
59 of any notice, resolution, ordinance or other proceeding where such publication is  
60 required or authorized by law.
- 61
- 62 4. “**Child**” means any son, daughter, step-son or step-daughter of a County Official,  
63 employee or County Elected or appointed official.
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- 65 5. “**County**” means the County of Sullivan or any department, board, division,  
66 institution, office, branch, bureau, commission, or agency thereof.
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6. “**County Official**” means:

(a) “**Local officers or employees,**” (i) the heads (other than County elected officials) and any members of the Board of Directors of any County agency, department, division, council, board, commission or bureau and their deputies and assistants, whether paid or not; (ii) other employees of such departments, divisions, boards, bureaus, commissions, councils or agencies who hold policy-making positions, whether paid or not. The term “local officer or employee” shall not mean a judge, justice, officer or employee of the Unified Court System, unless the individual is also a County employee.

(b) “**County elected officials,**” County Legislators, Clerk, Treasurer, Sheriff, Coroners and District Attorney;

(c) “**Other employees,**” other employees of the County whose duties involve 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;

90                   ii.     the purchase, sale, rental or lease of real property, goods or  
91   services, or a contract therefor;

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93                   iii.    the obtaining of grants of money or loans; or

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

97                   (d)    “Specific Listing”, not in limitation of the positions, titles or entities  
98   covered by subsections (a), (b) and (c ), above, the County Legislature  
99   shall, within sixty (60) days of the adoption of this Law, by Resolution, set  
100    forth a specific list of the positions, titles and entities which shall be  
101    particularly covered by this Law and such Resolution shall remain in full  
102    force and effect unless and until modified in a subsequent Resolution by a  
103    majority of the County Legislature.

104                   7.    “**Dependent**” means any person, related or unrelated, living in the same  
105   household with a County Official or employee and claimed as a dependent for  
106   income tax purposes by said County Official.

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108                   8.    “**Employee**” means any employee or official of the County of Sullivan, other than  
109   those designated as County Officials herein.

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111 9. **“Interest”** means a direct or indirect financial or material benefit accruing to a  
112 County Official, employee, his or her relative or dependent, whether as a result of  
113 a contract with the County or otherwise. A benefit shall include, but not be  
114 limited to, employment, a gift, service, payment, permit, approval, waiver,  
115 authorization, travel, entertainment, hospitality, or gratuity, or a promise of any of  
116 the foregoing. A County Official shall be deemed to have an Interest in a contract  
117 of (1) his or her dependent or relative, except a contract of employment with the  
118 County; (2) a firm, partnership or association of which such County Official or his  
119 or her dependent or relative is a member or employee; (3) a corporation of which  
120 such County Official or his or her dependent or relative is an officer or director;  
121 or (4) a corporation, at least ten (10%) percent of the outstanding capital stock of  
122 which is owned by a County Official or his or her dependent or relative.

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124 (a) A financial or material benefit shall not include a campaign contribution  
125 authorized by law.

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127 (b) An ‘Interest’ shall not include the setting of County Official and employee  
128 salaries and benefits, or an action statutorily mandated upon a County  
129 Official when there is no other County Official authorized to undertake  
130 such statutorily mandated action. In that event, the statutorily mandated  
131 action shall not be undertaken until the County Official delivers written  
132 disclosure of the Interest to the Clerk of the Legislature.

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134 10. “**Jurisdiction**” means having authority, capacity, power or right to act with regard  
135 to the management and administration of policy and supervision of personnel of  
136 the County or Agency.

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138 11. “**Legislation**” means a matter which has been placed upon the calendar or agenda  
139 of the Legislature of Sullivan County or a committee thereof, upon which official  
140 action has been or may be taken, and shall include adopted acts, local laws,  
141 ordinances or resolutions.

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143 12. “**Relative**” means a spouse, child, grandchild, sibling, child of a sibling or parent  
144 of a County Official.

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146 13. “**Sibling**” means a brother or sister, half-brother or half-sister, step-brother or  
147 step-sister of a County Official.

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149 14. “**Spouse**” means a husband, wife, or domestic partner, whether of the same sex or  
150 the opposite sex, of a County Official, unless legally separated from the County  
151 Official.

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153 **§ 101. CODE OF ETHICS**

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155 1. Every County Official and employee shall be subject to and abide by standards of  
156 conduct. These standards of conduct are in addition to those which apply to  
157 County employees as set forth in the Sullivan County Employee Handbook  
158 distributed to each employee at his/her orientation session:

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160 2. Prohibited Activities

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162 (a) No County Official or employee shall use or permit the use of County  
163 property (including land, vehicles, equipment, materials and/or any other  
164 property) for personal convenience or profit, except when such use is  
165 available to County citizens generally or is provided as a condition of  
166 County employment or is set as a matter of County policy.

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168 (b) Certain County Officials are precluded from taking part in the purchase of  
169 real or personal property owned by the County of Sullivan. The titles and  
170 positions of those County Officials who may not bid for, or acquire or  
171 purchase real or personal property, in any manner, offered for sale by the  
172 County of Sullivan as a result of the tax delinquency of such parcel or  
173 parcels or otherwise, shall be separately identified by Resolution of the  
174 County Legislature within sixty (60) days of adoption of this Law.  
175 Exempt from this provision are Agency Board members, unless the  
176 individual is subject to this prohibition by another law. This includes a  
177 prohibition against bidding upon or acquiring or purchasing such

178 properties directly or through an agent, representative, attorney or other  
179 third party, including, but not limited to, a relative. It shall be presumptive  
180 proof of a violation of this Law if such County Official shall have  
181 acquired any Interest in the property whatsoever, including, but not limited  
182 to, the holding of a mortgage, lien or other financial Interest, no matter  
183 how acquired, either directly or through any third parties, within two (2)  
184 years of the date upon which such property was sold or conveyed by the  
185 County of Sullivan.

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187 (c) A County Official or employee shall take no action on a matter before the  
188 County or Agency including, but not limited to, official acts and  
189 legislation, when he or she has an Interest in such matter, as defined  
190 herein, which, to his or her knowledge, would conflict with or impair the  
191 proper discharge of his or her official duties. The County Official or  
192 employee shall disclose such Interest, in writing, to the County  
193 Legislature, as soon as he or she has knowledge of such Interest. Every  
194 such written disclosure shall be made part of and set forth in the official  
195 record of the proceedings of the County Legislature.

196  
197 (d) A County Official or employee may not receive or enter into any  
198 agreement, expressed or implied, for compensation for services to be  
199 rendered in relation to any matter before any Agency of which he or she is  
200 an officer, member or employee or over which he or she has jurisdiction,

201 or to which he or she has the power to appoint any member, officer or  
202 employee. This preclusion does not include circumstances when the  
203 Legislature declares there to be an urgent need for the specific services so  
204 long as any conflict of interest is disclosed in writing and prior to a vote of  
205 the Legislature regarding same.

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207 (e) A County Official may not receive or enter into any agreement, expressed  
208 or implied, for compensation for services to be rendered in relation to any  
209 Agency whereby his or her compensation is to be dependent or contingent  
210 upon any action by such Agency with respect to such matter.

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212 (f) A County Official or employee shall not vote on, or administer, a matter in  
213 which he or she has a direct financial interest.

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215 (g) A County Official shall not knowingly invest or hold any investment,  
216 directly or indirectly, in any financial, business, commercial or other  
217 private transaction, which creates a conflict of interest with his or her  
218 official duties. The County Official shall disclose the conflict within ten  
219 (10) business days of attaining knowledge of same, and shall immediately  
220 undertake efforts either to divest himself or herself of the investment or  
221 resign his or her position. The conflict must be resolved within a  
222 reasonable time, but no later than sixty (60) days from the date the County  
223 Official first learned of it. During the period of time the conflict of

224 interest exists, the County Official shall not have direct oversight of the  
225 underlying matter and shall recuse himself or herself from any  
226 involvement in, discussion of, or vote upon, the matter.

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228 (h) A County Official shall not engage in, solicit, negotiate for, or promise to  
229 accept, private employment or render services for private interests when  
230 such employment or service creates a conflict with or impairs the proper  
231 discharge of official duties.

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233 (i) A County Official shall not for one (1) year after the termination of  
234 service or employment, appear before his or her own board, Agency or  
235 division of the County of Sullivan in relation to any case, proceeding or  
236 application in which he/she personally participated or over which he or  
237 she had jurisdiction during the period of his/her service or employment.

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239 (j) No County Official shall use or attempt to use his/her official position to  
240 advance or obtain any unwarranted privilege, exemption or advantage for  
241 himself, herself or others, not generally available to County citizens.

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243 (k) No County Official shall directly or indirectly solicit or accept gifts,  
244 whether in the form of money, services, loan, travel, entertainment,  
245 hospitality, item or promise, or otherwise under circumstances in which it  
246 reasonably could be perceived to influence the performance of official

247 duties or was intended as a reward for any official action. In addition to,  
248 and notwithstanding the foregoing, in no event shall a County Official  
249 accept any gift or benefit which alone or in the aggregate exceeds seventy-  
250 five (\$75.00) dollars in any given twelve (12) month period, from any  
251 person or firm that he or she knows or should know, does or intends to do,  
252 business with the County of Sullivan. Nothing contained herein shall  
253 prohibit a County Official from accepting a gift from a family member or  
254 personal friend which is customary on family and social occasions. A  
255 County Official should seek an Advisory Opinion from the Board of  
256 Ethics prior to accepting a gift from such a person or firm in the event the  
257 County Official believes that acceptance of the gift may create a conflict  
258 of interest. Violation of this provision (k) shall constitute a conflict of  
259 interest.

260 (l) No County Elected Official shall use his or her official position or office,  
261 or take or fail to take any action, in a matter in which he or she knows or  
262 has reason to know may result in a benefit to a person or entity from  
263 whom the County Elected Official has received election campaign  
264 contributions of more than two hundred fifty dollars (\$250) in the  
265 aggregate during the twelve (12) months prior to taking or failing to take  
266 such action. The County Elected Official shall disclose his or her  
267 perceived conflict of interest and thereafter shall abstain on any vote  
268 involving the person or entity. The abstention shall not be counted as a  
269 vote in favor of the matter before the County Elected Official.

270 (m) No County Official or County Elected Official shall engage in bid-rigging  
271 or any coercive conduct, such as: influence peddling, threats, fear of  
272 retribution, loss of job, intimidation, bullying, or loss of business, for the  
273 sake of personal gain or benefit.

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275 3. Confidential Information

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277 (a) No County Official or County employee subject to the provisions of this  
278 Law shall disclose confidential information or use such information to  
279 further a personal Interest.

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281 (b) The Public Officers Law of New York State requires counties to make  
282 certain records available for public inspection and copying. Permissible  
283 exceptions to this requirement are listed in Section 87, subdivision 2 of  
284 that Law. Information defined by this Code of Ethics as either disclosable  
285 or confidential are intended to be consistent with the provisions of that  
286 Law.

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288 (c) For the purposes of this Law, all information falls into one of three  
289 categories: the class of information which is never confidential; the class  
290 of information which is always confidential; and the class of information  
291 which may be confidential.

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i. NEVER CONFIDENTIAL: Some internal or interagency records, communications and reports are never confidential. According to the Public Officers Law, these include 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 this Law.

ii. ALWAYS CONFIDENTIAL: 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



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- Deprive a person of his or her right to a fair trial or impartial adjudication; or

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- Constitute an unwarranted invasion of privacy, or

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- Endanger the life or safety of any person.

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Information that is always confidential includes:

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

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- Computer access codes; or

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- Information that is specified as non-disclosable by federal or state law.

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No County Official may disclose such information, unless pursuant to

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Court Order, and may never use such information to further a personal

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Interest.

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338                   iii.     MAY BE CONFIDENTIAL: Information which does not clearly  
339                                   fall into one of the above categories may still be confidential. In  
340                                   those instances where a request has not been filed pursuant to  
341                                   section 87 of the Public Officers Law (F.O.I.L.), and a County  
342                                   Official or employee is uncertain as to whether information may be  
343                                   disclosed or used, prior to any determination being made with  
344                                   regard to disclosure or personal use, all County Officials and  
345                                   employees must submit a written request to the County Attorney as  
346                                   to whether a given piece of information is confidential or not. The  
347                                   County Attorney shall advise whether the County Official or  
348                                   employee is at that time legally obligated to deem the information  
349                                   confidential. The County Attorney shall make every best effort to  
350                                   provide the requesting party with a written determination within  
351                                   three (3) business days.

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353                   (d) The restrictions on disclosure and use of confidential information apply  
354                                   without regard to the circumstances in which the information was sought  
355                                   or acquired.

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357                   4. Failure to comply with this Section may result in the imposition of any  
358                                   appropriate penalty set forth in Section 104 hereof.

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360     **§102. – BOARD OF ETHICS**

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1. Membership and Eligibility.

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There shall be a County Board of Ethics, the members of which shall be appointed by the County Legislature. The Board of Ethics shall consist of five (5) members, only one (1) of whom shall be a County Official or employee. Members of the Board of Ethics shall be volunteers, and shall receive no compensation for the performance of duties as members. The Board shall have access to and the assistance of County administrative staff to the extent required to conduct its business, at no expense to the Board. County administrative staff shall be required to maintain complete confidentiality of all matters brought before and discussed by the Board. The Board shall be entitled to legal counsel. Each member of the Board shall be a resident of the County of Sullivan.

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2. Term.

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Each member of the Board of Ethics shall 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 (5) members first appointed, one (1) shall serve for one (1) year; two (2) shall serve for two (2) years; and two (2) shall serve for three (3) years. No member shall serve for more than two (2) full three (3) year terms.

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3. Quorum.

Three members shall constitute a quorum.

4. Meetings.

(a) Annual Meeting: The Board of Ethics shall have an annual organizational meeting within forty-five (45) days of January 1<sup>st</sup> set by the chairperson from the previous year, at which time board members will elect a chairperson. Such meeting shall serve as an orientation for any new members. The initial meeting of the Board of Ethics shall occur within sixty (60) days of the effective date of this Ethics Law. At the meeting, the Board shall review its activities of the previous year, discuss and address modifications to procedure or the Law, review the list of positions subject to annual disclosure statement filing requirements, and any other business that may come before it.

(b) Regular Meetings: The Board of Ethics may hold additional meetings throughout the year as shall be called by the Chair or any two (2) members, provided, a meeting of the Board of Ethics shall be held within fifteen (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 in the manner set forth in Section 103 hereof.

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5. Vacancies and Removals.

(a) In the event a vacancy occurs, it shall be filled for the unexpired term in the same manner as the original appointment. Such appointment shall be made no later than thirty (30) days after the vacancy occurs.

(b) A member may be removed for cause by motion of any member of the County Legislature. Removal shall require approval by at least six (6) affirmative votes cast by members of the Legislature.

i. Grounds for removal are: substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Ethics Law or conviction of a crime.

ii. The provisions of Section 103 shall control and be applied to removals sought pursuant to this section.

6. Powers and Duties of the Board of Ethics.

(a) The Board of Ethics shall have the following powers and duties:

- 428 i. To prescribe and promulgate rules and regulations governing its  
429 own internal organization and procedures in a manner consistent  
430 with this Law;
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- 432 ii. To review the list of Sullivan County Officials and employees  
433 required to file financial disclosure statements;
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- 435 iii. Subject to the provisions of Part B of this Law, to review financial  
436 disclosure statements that are the subject of a written inquiry or  
437 complaint. Upon review of a financial or transactional statement,  
438 if it is determined to be deficient or reveals a potential violation of  
439 this Law, the Board shall notify the person in writing of the  
440 deficiency or potential violation and of the penalties for failure to  
441 comply with this Law. A copy of such notice shall be provided to  
442 the County Manager and County Attorney. The Notice shall be  
443 confidential and shall not be subject to disclosure unless required  
444 in an employee disciplinary or removal proceeding or by order of  
445 court;
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- 447 iv. To investigate any alleged impropriety and recommend or  
448 undertake appropriate actions and proceedings, as required. To do  
449 so, the Board shall have the power to, among other things,  
450 administer oaths, affirmations, subpoena witnesses, compel their

451 attendance, and require the production of relevant or material  
452 books and records;

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454 v. To review the filing of waivers or extensions of time to file  
455 financial disclosure statements as set forth in detail in Part B of this  
456 Law;

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458 vi. To render, index and maintain on file advisory opinions;

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460 vii. To prepare an annual report by April 1<sup>st</sup> that summarizes the  
461 activities of the previous year and recommends any changes to the  
462 Ethics Law, including provision of definitions, disclosure forms  
463 and instructions for filling them out and filing procedures.

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465 viii. To maintain records of its reports, proceedings and  
466 recommendations for a period of seven (7) years. Records deemed  
467 'confidential' shall be segregated from all other records to  
468 maintain their confidentiality until they are destroyed.

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470 (b) Meetings and proceedings of the Board concerning an alleged violation of  
471 this Law shall not be open to the public except upon the request of the  
472 accused County Official or employee or as required by law.

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474 (c) The Board of Ethics may act only with respect to Sullivan County  
475 Officials and employees, however, the resignation or termination of a  
476 County Official or employee from a County office or from employment  
477 subsequent to the filing of a complaint, shall not affect the jurisdiction of  
478 the Board.

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480 (d) The following records of the Board of Ethics shall be available for public  
481 inspection:

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483 i. The information set forth in the annual statement of financial  
484 disclosure filed pursuant to Part B of this Law, except the  
485 categories of value or amount and personal information, which  
486 shall remain confidential.

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488 ii. Notices of civil assessments imposed under this Law.

489 iii. Documents required to be disclosed by Public Officers Law,  
490 Section 87, subdivision 2; however at no time shall a document  
491 produced or made available as part of a confidential investigation  
492 be released or made available for inspection.

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494 iv. Documents mandated to be disclosed by Court Order.

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496 **§103 – INVESTIGATION OF ALLEGED VIOLATIONS AND ADVISORY OPINIONS**



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1. COMPLAINTS. Upon receipt of a sworn complaint of a person alleging a 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 undertake an investigation to determine whether a violation has occurred.

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(a) A proceeding may be commenced by the filing of a sworn complaint, or by the Board of Ethics' own written determination to investigate.

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i. In the event a proceeding is commenced by sworn complaint, within five (5) business days, the Board shall review the allegations to determine whether or not a violation of the Law has been alleged. The Board shall render its determination, by majority vote within three (3) business days. In the event the Board determines that the complaint does not allege a violation of the Law, the complaint shall be dismissed and simple notice of the complaint and of its dismissal, without further detail, shall be mailed to the complainant and the subject of the complaint. The complaint and the determination shall be sealed and not available to any person not a member of the Board of Ethics.

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ii. In the event a member of the Board of Ethics raises the possibility of a violation by a County Official, the Board shall first determine,

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520 by majority vote, whether the alleged conduct, if undertaken,  
521 would constitute a violation of the Law. In the event the Board  
522 determines that the conduct would not constitute a violation of the  
523 Law, it shall render a written determination. The allegation,  
524 preliminary investigation and determination shall be sealed and not  
525 available to any person not a member of the Board of Ethics.

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527 (b) In the event the Board determines that an allegation, if true, would  
528 constitute a violation of the Law, it shall, within five (5) business days,  
529 mail written notification to the accused individual. The Board's  
530 notification shall describe the alleged violation and provide a fifteen (15)  
531 day period in which the accused individual may submit a sworn, written  
532 response setting forth information and/or documentation relating to the  
533 alleged violation. The Board's notification shall also inform the accused  
534 individual of its rules regarding the conduct of adjudicatory proceedings,  
535 appeals, and the due process procedural mechanisms available to such  
536 individual. In the event the Board of Ethics determines at any stage of the  
537 proceeding that there is no violation or that any potential conflict of  
538 interest or violation has been rectified, it shall, within five (5) business  
539 days, provide written notice to the accused individual and the complainant,  
540 if any. **The foregoing shall be kept confidential except the subject of**  
541 **the complaint may disclose the facts alleged and determination of the**  
542 **Board.**

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- i. In the event the Board of Ethics determines there is reasonable cause to believe a violation has occurred, it shall, within twenty (20) days, provide written notice of reasonable cause: (a) to the accused individual; (b) to the complainant, if any; (c) in the case of a County Official or employee, to the appointing authority for such person; and (d) in the case of a County Elected Official, to the Chair of the County Legislature. In the event of a conflict with the Chair, then to the Vice Chair. Such determination of reasonable cause shall be confidential and shall not be made public or disclosed unless required by Public Officers Law or required for use in a disciplinary proceeding or proceeding under this Law involving the subject individual, complainant, or another County Official.
  
- ii. Once reasonable cause has been established, the Board of Ethics shall schedule a hearing, to be held within sixty (60) days, at which the accused individual is entitled to legal representation of his or her own choosing and at his or her own expense. Testimony shall be taken under oath and the proceeding shall be recorded. The Board shall issue a decision, containing specific findings, within thirty (30) days of the completion of the hearing. A copy of the decision shall be served, by certified mail, on the accused

566 individual or his or her legal representative, the complainant, and  
567 the Clerk of the Legislature. The decision of the Board of Ethics  
568 shall not be deemed confidential.

569  
570 (c) DISPOSITIONS. The Board shall state in writing the disposition of every  
571 sworn complaint it receives and of every investigation it conducts and  
572 shall set forth the reasons for the disposition. The report shall be made in  
573 accordance with section 102 (6) (a) (vii), subject to the confidentiality  
574 requirements set forth herein.

575  
576 (d) ADVISORY OPINIONS.

577  
578 i. A County Official or employee may request an advisory opinion  
579 from the Board of Ethics prior to that County Official or employee  
580 engaging in any behavior which he or she reasonably believes may  
581 cause a violation of this Law. The request for an advisory opinion  
582 shall be written and sworn to, and shall contain sufficient facts to  
583 permit the Board to make its determination. An individual  
584 requesting the opinion is obligated to be forthcoming and  
585 cooperative throughout the process, in the absence of which no  
586 advisory opinion will be provided. The Board shall endeavor to  
587 provide written notice of its determination within ten (10) business  
588 days. The County Official or employee who requested the opinion

589 shall be notified of the Board's determination within forty-eight  
590 (48) hours of the determination.

591

592 ii. Advisory Opinions shall be filed with the Clerk of the Legislature;  
593 however, the Board of Ethics shall first redact all names,  
594 identifying features, and any other information which would tend  
595 to identify the complainant and the subject of the request for the  
596 Advisory Opinion.

597

598 iii. In the event a complaint is subsequently filed against a County  
599 Official or employee in which a violation of this Code is alleged  
600 based upon the facts which formed the basis of the request for the  
601 Advisory Opinion, it shall be a complete defense to the alleged  
602 violation that the County Official or employee acted consistent  
603 with, and in reliance upon, said Advisory Opinion. An unredacted  
604 Advisory Opinion shall be available to the County Official who  
605 sought or needs it to defend himself or herself.

606

607 (e) COMPLAINTS AGAINST THE BOARD OF ETHICS. The Board of  
608 Ethics shall not conduct an investigation of itself or any of its members or  
609 staff. In the event the Board of Ethics receives a sworn complaint in  
610 which it is alleged that the Board or any of its members or staff has  
611 violated any provision of this Law or any other law, it shall transmit a

612 copy of the complaint to the Chair of the Legislature and the County  
613 Attorney within forty-eight (48) hours of receipt of same. The Chair of  
614 the Legislature shall, within five (5) business days, create a three (3)  
615 person subcommittee of Legislators, at least one (1) of whom is a member  
616 of a minority party, to address the complaint, and provide the complainant  
617 with written notice of the subcommittee members. The subcommittee  
618 shall thereafter conduct whatever investigation or hearing necessary in the  
619 same manner and with the same authority as provided generally in this  
620 Section. A copy of the subcommittee's decision shall be distributed to all  
621 members of the Legislature. Further action, if any, shall comply with the  
622 provisions of this Law.

623

624 (f) FALSE COMPLAINTS. Any person who knowingly files a false  
625 complaint may be subject to disciplinary action, civil liability, or criminal  
626 prosecution.

627

628 **§104. PENALTIES**

629

630 1. Any person who willfully and knowingly violates this Law shall be subject to a  
631 civil action, civil penalty, disciplinary action or relevant criminal prosecution.

632 Penalties are not exclusive.

633

634           2. In addition to the foregoing, a person who knowingly and intentionally violates  
635           the provisions of this Law may be fined up to ten thousand dollars (\$10,000) per  
636           occurrence. A County Official may also be reprimanded, suspended, or removed  
637           from office or employment, subject to the provisions of the Civil Service Law or  
638           any Collective Bargaining Agreement.

639    **§105-CONTRACTS VOID**

640    Any contract knowingly entered into in violation of this Law shall be voidable at the discretion  
641    of the County Legislature.

642

643    **§106-SUITS AGAINST THE COUNTY OF SULLIVAN**

644    Nothing set forth herein shall be deemed to bar or prevent the filing the filing of a lawsuit or  
645    claim for or against the County of Sullivan under any other provision of law.

646

647    **§107-TESTIMONY**

648    No County officer or employee shall decline or refuse to answer any question specifically or  
649    directly related to the performance of his or her official duties before any official, board or  
650    agency authorized or empowered to so inquire into the performance of such duties. This section  
651    shall not be construed to bar any Sullivan county officer or employee from exercising his  
652    constitutional privileges against self-incrimination; however, when such body or agency is  
653    wholly civil in nature, failure to cooperate with and diligently answer the inquiries shall  
654    constitute grounds for dismissal or removal, subject to any other provision of law.

655

656    **§108-CONFLICTS BETWEEN SECTIONS**

657 In the event two (2) or more provisions of this Law are in conflict with one another, the more  
658 restrictive provision shall apply.

659

660 **§109 – DISTRIBUTION OF CODE OF ETHICS**

661

662 The Chair of the Sullivan County Legislature shall cause a copy of this Ethics Law to be  
663 distributed to every County Official and employee, electronically or otherwise, and posted on the  
664 County website, within thirty (30) days of its effective date. Each County Official, elected or  
665 appointed, and each employee thereafter, shall be furnished with a copy of this Law,  
666 electronically or otherwise, before entering upon the duties of his office or employment.

667 Acknowledgement of receipt of this Local Law shall be by regular (or inter-office) mail and  
668 must be provided by each County Official or employee who is subject to its terms. Receipt of the  
669 acknowledgement shall be required in order to commence employment or volunteer work.  
670 Acknowledgement of receipt of the Local Law shall be required by current County Officials  
671 within thirty (30) days after its effective date.

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673 **§110 –EFFECTIVE DATE**

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675 This local law shall take effect sixty days after filing with the New York State Secretary of State,  
676 subject to all applicable provisions of law.

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SULLIVAN COUNTY ETHICS LAW  
PART B: FINANCIAL DISCLOSURE

§200. DEFINITIONS

In addition to the definitions set forth in PART A of this Law, the following terms shall have the meanings described below:

1. **“Annual Financial Disclosure Statement”** A form adopted by the Legislature of the County of Sullivan which requires the identification of certain personal and business assets of a Required Filer.
  
2. **“Reporting Category”** For the purpose of completing Annual Financial Disclosure Statements, the category of interest, income, value or worth of reported items. All amounts are to be indicated using the following categories only:
  - (a) Under \$5,000
  
  - (b) \$5,000 to under \$20,000
  
  - (c) \$20,000 to under \$60,000

702 (d) \$60,000 to under \$100,000

703

704 (e) \$100,000 to under \$250,000

705

706 (f) \$250,000 or over

707

708 3. **“Required Filer”** A County Elected Official, County Official, or other employee  
709 and any other individual whose position within or with the government of the  
710 County of Sullivan requires him or her to file an Annual Financial Disclosure  
711 Statement.

712

713 (a) On or before the 1<sup>st</sup> of April of each year, the County Legislature, by  
714 Resolution, shall identify those positions which require the filing of  
715 Annual Financial Disclosure Statements.

716

717 (b) On or before March 1<sup>st</sup> of each year, the Board of Ethics may recommend  
718 to the County Legislature modifications to the positions listed in the  
719 annual Resolution identifying “Required Filers”; however no  
720 recommendation shall be acted upon unless adopted by resolution of the  
721 County Legislature.

722

723 **§201. ANNUAL FINANCIAL DISCLOSURE STATEMENTS**

724

725 1. Time period. On or before the 15<sup>th</sup> day of May of each year, Required Filers shall  
726 complete and file their Annual Financial Disclosure Statements. An individual  
727 who accepts a position or is appointed to a position listed on Appendix A after  
728 May 1<sup>st</sup> of any year shall file an Annual Financial Disclosure Statement for the  
729 year within thirty (30) days of accepting the position.

730  
731 2. Place to File. A Required Filer shall submit to the Clerk of the County  
732 Legislature a completed Annual Financial Disclosure Statement on the form  
733 prescribed by the Sullivan County Legislature.

734  
735 3. Request for extension of time. On or before May 1<sup>st</sup> of each year, a Required Filer  
736 may request an extension of time to file his or her Annual Financial Disclosure  
737 Statement for a period not to exceed thirty (30) days. Such request shall be made  
738 in writing to the Clerk of the Legislature. The request shall be approved only  
739 upon a showing of justifiable cause or undue hardship. The Clerk shall provide  
740 the Required Filer with written notice of his or her determination within five (5)  
741 business days of receipt of such request.

742  
743 **§202. RESPONSIBILITIES OF THE CLERK OF THE LEGISLATURE**

744  
745 1. The Clerk of the Legislature shall be the official repository of all Annual  
746 Financial Disclosure Statements and shall not release for observation or otherwise  
747 any such Statement unless authorized to do so by this or other Law.

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2. Upon written request and as required by the Freedom of Information Law, the Clerk of the Legislature shall make an Annual Financial Disclosure Statement available, but shall withhold from inspection personal information such as social security numbers, home address, and other personal information, as permitted by law. All written requests for access to Annual Financial Disclosure Statements shall be kept on file by the Clerk of the Legislature.

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3. The Clerk of the Legislature shall receive and catalog all Annual Financial Disclosure Statements to determine whether a Required Filer has filed his or her Financial Disclosure Statement. In the event a Required Filer has failed to file an Annual Financial Disclosure Statement, the Clerk shall provide written notice of the violation and ten (10) days to correct it. In the event the violation is not cured within ten (10) days, the Clerk shall report it to the Board of Ethics. In the event the Required Filer is a member of the Board of Ethics, the Clerk shall report the violation to the Chair of the Legislature.

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765 **§203. VIOLATIONS**

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1. A Required Filer who violates this Law may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction as authorized by law. A warning, reprimand, suspension, removal or other

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770 authorized sanction may be imposed in addition to any other penalty contained in  
771 this Law or in any other related provision of law.

772

773 2. In the event of a violation of this Law, or in the event the Board of Ethics receives  
774 a sworn complaint alleging a violation, or in the event the Board of Ethics  
775 determines on its own initiative to investigate a possible violation, the Board of  
776 Ethics shall provide written notice to the Required Filer, in which the alleged  
777 violation is set forth in detail. The Board of Ethics shall provide a ten day period  
778 in which the Required Filer shall submit a detailed written response.

779

780 (a) In the event the Board of Ethics determines further inquiry is justified, it  
781 shall provide the Required Filer with an opportunity to be heard.

782

783 (b) The Board of Ethics shall inform the Required Filer of its rules regarding  
784 the conduct of adjudicatory proceedings and appeals and the due process  
785 procedural mechanisms available as set forth in Part A, Section 103  
786 hereof.

787

788 (c) In the event the Board of Ethics determines at any stage of the proceeding  
789 that there is no violation or that a violation has been cured, it shall so  
790 advise the Required Filer and the complainant, if any. **All of the**  
791 **foregoing proceedings shall be confidential.**

792

793 3. In the event the Board of Ethics determines there is reasonable cause to believe  
794 that a violation exists, it shall send a notice of reasonable cause to: (1) the  
795 Required Filer; (2) the complainant, if any; and (3) in the case of a County  
796 Official, his or her appointing authority.

797

798 (a) The Board's determination of reasonable cause shall not be made public or  
799 disclosed unless required by the Freedom of Information Law (Public  
800 Officers Law, Article 6) or required for use in a disciplinary proceeding or  
801 proceeding involving the Required Filer.

802

803 (b) Any further proceedings shall adhere to the procedural requirements set  
804 forth in Part A, Section 103 of this Law.

805

806 (c) In the event the Board of Ethics determines that a violation of this Law has  
807 occurred, it shall provide a copy of its determination to the Required  
808 Filer's Appointing Authority or, in the event the Required Filer is a  
809 County Elected Official or member of the Board of Ethics, to the County  
810 Legislature, for further action. The determination of the Board of Ethics  
811 shall include a recommendation as to penalty, sanction or other action.

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