

**LOCAL LAW NO. FIVE OF THE YEAR 1990, AS AMENDED BY LOCAL LAW NO. TEN OF THE YEAR 1994 AND LOCAL LAW NO. THREE OF THE YEAR 1998.**

Relative to the Steuben County Ethics and Disclosure Law in Compliance with Article 18 of the General Municipal Law.

Be it enacted by the LEGISLATURE of the County of STEUBEN as follows:

**I. PURPOSE**

The purpose of this law is to create the Steuben County Ethics and Disclosure Law in compliance with Article 18 of the New York State General Municipal Law. The citizenry of Steuben County are entitled to the expectation of exemplary ethical behavior from their county officers, employees and appointed officials, and this law is intended to create the minimum standards which constitute that behavior. This legislation recognizes that varying degrees of professional and governmental responsibility warrant equitable requirements of disclosure in pursuit of official integrity, which must be balanced against individual constitutional rights. Any particulars not determined in this law shall be construed within the provisions of General Municipal Law Article 18.

**II. DEFINITIONS**

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

- (a) "Agency" means any of the divisions of County government, referred to in subdivision (d) of this section except the legislature.
- (b) "Appropriate body" pursuant to Article 18 of General Municipal Law means the Board of Ethics of the County of Steuben.
- (c) "Child" means any son, daughter, step-son or step-daughter of a County Officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee, or appointed official as defined in the Internal Revenue Code Section 152 (a) (1) and (2) and any amendments thereto.
- (d) "County" means the County of Steuben or any department, board, executive division, institution, office, branch, bureau, commission, agency, legislature, or other division or part thereof.
- (e) "Interest" means a direct or indirect pecuniary or material benefit accruing to a County officer, employee, or appointed official, his or her spouse, or child whether as the result of a contract with the County or otherwise. For the purpose of this law, a County Officer, employee, or appointed official shall be deemed to have an interest in the contract of (i) his/her spouse and children, except a contract of employment with the County (ii) a firm, a partnership or association of which such officer, employee or appointed official or his/her spouse or child is a member or employee; (iii) a corporation of which such officer, employee or appointed official, or his/her spouse or child is an officer or director; and (iv) the outstanding capital stock of a corporation which is owned by an officer, employee or appointed official, or his/her spouse or child.
- (f) "Legislation" means a matter which appears upon the calendar or agenda of the County Legislature of Steuben County or upon a committee thereof upon which any official action has been taken and shall include adopted acts, local laws, ordinances or resolutions.
- (g) "Officer" or "employee" means any officer or employee of the County of Steuben and any elected officials, appointed officials and heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the County of Steuben whether paid or unpaid.
- (h) "County elected official" means a County Legislator, the County Clerk, the District Attorney, a Coroner, the County Treasurer or the Sheriff.
- (i) "Appointed official" means any individual who is appointed by the County Legislature or is appointed by an individual authorized to appoint an individual to any agency, institution, department, office, branch, division, council, commission, board or bureau whether paid or unpaid.
- (j) "Relative" means a spouse or child of a County officer, employee or appointed official.

- (k) "Reporting officer, employee or appointed official" means an officer, employee or appointed official who is required to complete and file an annual statement of financial disclosure pursuant to this Local Law.
- (l) "Spouse" means the husband or wife of an officer, employee or appointed official subject to the provisions of this Local Law unless legally separated from such officer, employee or appointed official.
- (m) "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, as defined in II (a) in which she/he is an officer, employee or appointed official, as defined in II (g) and (i).
- (n) "Reporting Category" for the purpose of completing the financial disclosure reports (Forms A and B); pursuant to Article IV, 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; rather all amounts are to be indicated using the following categories:

"A".	"0 - \$5,000
"B".	\$5,001 - \$10,000
"C".	\$10,001 - \$25,000
"D".	\$25,001 - \$50,000
"E".	\$50,001 - \$100,000
"F".	Over \$100,001

- (o) "Chief Elected Official" means the Chair of the county Legislature, or his or her designee.

### **III. CODE OF ETHICS**

#### **A. Prohibited Activities**

It is the policy of the County Legislature that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever an officer or employee has an interest, direct or indirect, which conflicts with their duty to the County or which could adversely affect an individual's judgment in the discharge of his or her responsibilities. No officer or employee shall:

1. Take action or participate in any manner whatsoever in his or her official capacity in the discussion, negotiation or the awarding of any contract or in any business or professional dealings with the County of Steuben or any agency thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or professional dealings.
2. Engage in, solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge of his or her official duties.
3. Solicit, directly or indirectly, any gifts, or receive or accept any gift having the value of Seventy-Five (\$75.00) Dollars, or more, whether in the form of money, services, 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.
4. Disclose confidential financial information acquired in the course of his or her official duties or use such information to further his or her personal interest.
5. Take action on a matter before the County or any instrumentality thereof when, to his or her knowledge, the performance of this action would provide a pecuniary or material benefit to himself or herself.

#### **IV. DISCLOSURE OF INTEREST**

1. Any officer who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the Legislature of the County of Steuben or by any other official, Board, Agency, officer or employee of the County of Steuben, and who participates in the discussion before or who gives an opinion or gives advice to any Board, Agency or individual considering the same, shall publicly disclose on the official record the nature and the extent of such interest.
2. Any officer or employee of the County of Steuben who has knowledge of any matter being considered by any Board, Agency, officer or employee of the County of Steuben in which matter he or she has or will have or intends to acquire any direct or indirect interest, shall be required immediately to disclose, in writing, his or her interest to such Board, Agency, officer or employee, and the nature and the extent thereof, to the degree that such disclosure gives substantial notice of any potential conflict of interest.
3. On or before January 31 of each year for which the employment is in effect, the "Chief Elected Official" shall promulgate two lists, to be known as "Level A" and "Level B", of all positions required to provide financial disclosure. Said lists are discretionary in nature, subject to the law as determined by this local law and to be construed within Article 18 of the New York State General Municipal Law.
4. "Level A" financial disclosure shall be accomplished by the completion of a form substantially similar to that of the "Level A" form attached to this law, which is incorporated in substance by reference herein. "Level A" financial disclosure shall be required through the discretionary designation of the "Chief Elected Official", as stated in (IV) (3) above, and is applicable to those designated in Article II, sections g, h and i, above. This statement shall be completed and returned to the Ethics Board on or before May 15 of the year for which the employment is in effect.
5. "Level B" financial disclosure shall be accomplished by the completion of a form substantially similar to that of the "Level B" form attached to this law, which is incorporated in substance by reference herein. "Level B" financial disclosure shall be required through the discretionary designation of the "Chief Elected Official", as stated in (IV) (3) above, and is applicable to those who may not fall within the specific purview of (IV) (4), above, but are, with proper discretion, deemed to be "policy making" within the construction of Article 18 of the New York State General Municipal Law. This statement shall be completed and returned to the Ethics Board on or before May 15 of the year for which the employment is in effect.
6. A person who is subject to the filing requirements of this local law from more than one county may satisfy the requirements by filing only one annual statement of financial disclosure, and filing with the other(s) a notice that such filing has been made, inclusive of the date and place of the filing.
7. Any person who is subject to the reporting requirements of this local law and who has or shall timely file with the Internal Revenue Service an application for automatic extension of time in which to file his/her individual income tax return for the immediately preceding calendar or fiscal year shall be required to submit an annual statement of financial disclosure on or before March 31, of the year in which the employment is in effect. Such person shall file a supplementary statement for any item as so noted on the annual statement of financial disclosure, without liability under Article VIII of this local law, if said supplementary statement is filed within fifteen (15) days of the expiration of the automatic extension.
8. Any person who is required to file an annual statement of financial disclosure may request, prior to May 1, 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 Board of Ethics, with approval based upon substantiation of justifiable cause or undue hardship. The Board of Ethics may grant or deny the request, by vote of the membership, and extensions shall be for the specific period of additional time requested.

9. Any person required to file an annual statement of financial disclosure who becomes so required, or experiences a change in reporting levels after March 15, of the year for which the employment is in effect, shall file the appropriate annual statement within thirty (30) days.
10. If a person required to file a financial disclosure statement with the Board of Ethics has failed to file a financial disclosure statement or has filed a deficient statement, the Board of Ethics shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen (15) day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Board of Ethics shall send a notice of delinquency: (a) to the reporting person, and (b) to the Chair of the Legislature.

## **V. ANNUAL CODE OF ETHICS REVIEW**

1. Every officer and employee is required to attest on an annual basis that he or she has reviewed the Code of Ethics of the County of Steuben, to be made on or before March 31, of the year for which the employment is in effect. Said attestation is to be filed with the Steuben County Board of Ethics.

## **VI. ETHICS BOARD**

### **1. Establishment**

The Legislature of the County of Steuben, pursuant to Article 18 of the New York State General Municipal Law, hereby establishes the Steuben County Board of Ethics, responsible for ensuring full compliance with this Code of Ethics and disclosure. The Ethics Board shall consist of seven members, two of whom shall be nominated by the Steuben County Legislature Majority Leader. Two shall be nominated by the Minority Leader of that body. Three shall be nominated by the Chief Elected Official of Steuben County, no more than two of which shall be of the same enrolled party affiliation. No more than one member shall presently be a County officer or employee, and none shall presently hold elected office. All appointments to the Ethics Board shall be approved by majority vote of the entire Legislature. Failure to gain approval or in the instance of the creation of a vacancy, such succeeding member shall be determined by the entity through which the original member was selected. Any action of the Board requires four affirmative votes.

### **2. Membership**

Members of the Ethics Board shall serve without compensation, but shall be entitled to reimbursement of reasonable expenses and for mileage, in accordance with rules established by the County Legislature. Members of the Ethics Board shall be construed under this local law as subject to all of the appropriate ethics and disclosure requirements.

The members of the Ethics Board shall serve staggered 3 year terms, provided that the first appointments to the Ethics Board shall be as follows: one member, appointed by the Chief Elected Official, for a one year term; one member, appointed by the Chief Elected Official, one member appointed by the Majority Leader of the Steuben County Legislature and one appointed by the Minority Leader of the Steuben County Legislature, each for a two-year term; one member, appointed by the Chief Elected Official, one member appointed by the Majority Leader of the Steuben County Legislature and one appointed by the Minority Leader of the Steuben County Legislature, each for a three-year term.

### **3. Removal**

In addition to penalties defined specifically for violation of the Steuben County Ethics Law, and other pertinent sections of local, state and federal law, members of the Ethics Board may be removed for cause by two-thirds of the County Legislature. Prior to removal, the Ethics Board member shall be given written notice of the grounds for removal and an opportunity to reply.

#### 4. Powers and Duties

(a) The Board of Ethics shall possess all powers and duties authorized by Section 808 of General Municipal Law.

(b) The Board of Ethics shall be the repository or completed annual statements of financial disclosure, pursuant to Section 808 (5) of the General Municipal Law and Article IV herein and such written instruments, affidavits, and disclosures as required under this local law.

(c) The Board of Ethics shall possess, exercise and enjoy all the rights, powers and privileges necessary and proper to the enforcement of the Code of Ethics and completion and filing by reporting officers, employees and appointed officials of the County of annual statements of financial disclosure required by this act.

(d) The Board of Ethics shall promulgate rules and regulations, in furtherance of its powers and duties enumerated herein. Said rules and regulations shall include rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. The County Legislature may empower the Board of Ethics to subpoena any individual, whether or not a County officer, employee or appointed official, and any document or thing which the Board of Ethics deems necessary to the resolution of any pending adjudicatory proceeding or matter.

(e) The Board of Ethics shall render advisory opinions in writing regarding specific matters pertaining to filings and reporting categories, to officers, employees and appointing officials of the County with respect to this Local Law and Article 18 of the General Municipal Law. Such opinions shall be rendered only upon written request by the officer, employee or appointed official concerning only the subject of the inquiry as it pertains to the requesting individual's own filing requirements.

(f) 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 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 officer, employee or appointed official who requested the opinion shall be notified of the request within forty-eight (48) hours of the receipt of the request.

(g) The Chief Elected Official shall designate the County Attorney to serve as counsel to the Board of Ethics.

(h) The Ethics Board shall be empowered to request support staff assistance from the County Legislature or the Chief Elected Official in furtherance of its duties and responsibilities.

(i) 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:

- (1) the information set forth in an annual statement of financial disclosure filed pursuant to the within Local Law except under no circumstances shall the categories of value or amount be disclosed, which shall be confidential, and any other item of information deleted pursuant to this Local Law;
- (2) financial disclosure statements filed pursuant to this Local Law and requests for public inspection of said statements;
- (3) notices of delinquency sent under this Local Law;
- (4) notices of reasonable cause sent under this Local Law; and
- (5) notices of civil assessment imposed under this Local Law.

(j) Notwithstanding the provisions of Article Seven of the Public Officers Law, no meeting or proceeding of the Board of Ethics shall be open to the public, except if expressly provided otherwise by the Board of Ethics. Pending any application for deletion or exemption either to the legislative advisory council or to the Board of Ethics upon appeals of an adverse determination by the legislative advisory council, all information which is the subject or a part of the application shall remain confidential. Upon an adverse determination by the Board of Ethics, the reporting individual may request, and upon such request the Board of Ethics shall provide, that any information which is the subject or part of the application remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns his office and holds no other office subject to the jurisdiction of the Board of Ethics, the information shall not be made public and shall be expunged in its entirety.

## **VII. APPEAL OF DESIGNATION OF POLICY MAKING POSITION**

Appeal may be taken by the filing of a written petition in opposition to such designation within thirty (30) days from the date that the designation was filed with the Steuben County Board of Ethics. Upon receipt of the petition, the Board of Ethics shall make a determination upon the merits of the application within thirty (30) days.

## **VIII. PENALTIES**

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 ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the Steuben County Board of Ethics. For a violation of this section, other than for conduct which constitutes a violation of subdivision twelve of section seventy-three of the Public Officers Law, the Steuben County Board of Ethics may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, 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 a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Upon an appropriate determination and vote, the Steuben County Ethics Board may file a written recommendation with the Chief Elected Official or other disciplinary body, establishing grounds for removal for cause, in accordance with other provisions of the Steuben County Laws pertaining to officers, officials and employees and rules governing conduct. 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 appointing authority may impose disciplinary action as otherwise provided by law. The Steuben County Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in Article 3 of the State Administrative Procedure 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 within thirty 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 Steuben County Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.

## **IX. ANNUAL STATEMENT OF FINANCIAL DISCLOSURE**

The Steuben County Legislature hereby designates Forms "Level A" and "Level B", as attached, as the official annual statement of financial disclosure for the purposes of fulfilling the requirements of Article IV, of the Steuben County Ethics and Disclosure Law.

## **X. SEVERABILITY**

In the event a provision or provisions of this Local Law shall be deemed unlawful or unenforceable, those provisions remaining shall survive and shall be deemed self-sustaining and capable of separate enforcement.

**XI. EFFECTIVE DATE**

This Local Law shall be effective upon final adoption.