RESOLUTION NO. 258-90

ADOPTING LOCAL LAW NO. 5 FOR THE YEAR 1990 CREATING THE ST. LAWRENCE COUNTY ETHICS LAW

By Mr. Luckie, Chairman, Legislative and Judicial Committee

WHEREAS, a public hearing has been held on November 12, 1990, regarding Local Law No. 5 for the year 1990, creating the St. Lawrence County Ethics Law; and

WHEREAS, prior notification of such local law was provided to the members of the St. Lawrence County Legislature:

NOW THEREFORE BE IT RESOLVED that Local Law No. 5 for the year 1990 creating the St. Lawrence County Ethics Law is hereby adopted.

* * * * *

Mr. Luckie made a motion to adopt resolution number 258-90, seconded by Mr. Morrill, Mr. Tomlinson, and Mr. MacLennan.

Mr. Luckie made a motion to amend Local Law No. 5, Form Level A, Section 3.b. Change that paragraph by putting the same language in Level A, Section 3.b. from Form Level C, Section 3.b., seconded by Mr. Teele and Mr. Wells, and carried unanimously by a voice vote. The new language is:

3. Financial Interests:

(b) <u>Business Positions</u>: List any office, trusteeship, directorship, partnership or other position in any business, association, proprietary or not-for-profit organization for you, your spouse and your dependent children, if any, which you believe could be in potential conflict with your duties as an employee or officer of St. Lawrence County.

Resolution number 258-90 was adopted, with Local Law No. 5 for the Year 1990 being amended as above, by a roll call vote with fifteen (15) yes votes and seven (7) no votes (J. Smith, Moore, Snider, Dunham, McFaddin, Ashley, and Romigh).

Mr. J. Smith requested an Executive Session for the County Administrator to inform the full Board on the negotiated price for the Madrid School.

ARTICLE I: PURPOSE

The purpose of this law is to create the St. Lawrence County Ethics and Disclosure Law in compliance with Article 18 of the New York State General Municipal Law. The citizens of St. Lawrence 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 belanced against individual constitutional rights. Any particulars not determined in this law shall be construed within the provisions of General Municipal Law Article 18.

ARTICLE II: DEFINITIONS

Unless otherwise indicated, the following terms are defined for the purpose of the St. Lawrence 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 St. Lawrence.
- (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 Internal Revenue Code Section 152(a)(1) and (2), and any amendments thereto.
- (d) "County" means the County of St. Lawrence 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 chapter, a County Officer, employee or appointed official shall be deemed to have an interest in any contract with: (1) his or her spouse and children, except a contract of employment with the County; (2) a firm, partnership or association of which such officer, employee or appointed official or his or her spouse or child is a member or employee; (3) a corporation of which such officer, employee or appointed official or his or her spouse or child is an officer or director; and (4) a corporation of which the outstanding capital stock is owned by an officer, employee or appointed official, or his or her spouse or child.
- (f) "Legislation" means a matter which appears upon the calendar or agenda of the County legislature of St. Lawrence County or upon a committee hereof upon which any official action has taken and shall include adopted acts, local laws, ordinances or resolutions.
- (g) "Officer" or "employee" means any officer or employee of the County of St. Lawrence, 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 St. Lawrence, whether paid or unpaid.
- (h) "County elected official" means a County Legislator, the County Clerk, the District Attorney, the County Treasurer or the Sheriff.
- (i) "Appointed official" means any individual who is appointed by the Chairman of the Board of Legislators or the County Legislature to any agency, institution, department, office, branch, division, council, commission, board or bureau, whether paid or unpaid.

(ETHICS.II 11/90)

- "Relative" means a spouse or child of a County officer, employee or appointed (i)official.
- "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.
- "Spouse" means the husband or wife of an officer, employee or appointed official (1)subject to the provisions of this Local Law unless legally separated from such officer, employee or appointed official.
- "Jurisdiction" shall mean having the 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 above at Article II, Section a) in which she or he is an officer, employee or appointed official (as defined above at Article II, Section h).
- "Policy-making position" means an officer or employee whose duties are not of majority ministerial in nature, as designated to be "policy making" by the County (n) Legislature.
- "Reporting category" for the purpose of completing the financial disclosure reports (forms A, B and C pursuant to Article IV, Sections 3, 4 and 5 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; rather all amounts are to be indicated using (o) the following categories:
 - \$0 to \$5,000
 - \$5,001 to \$10,000 В.
 - C.
 - \$10,001 to \$25,000 \$25,001 to \$50,000 D.
 - \$50,001 to \$100,000 Ε.
 - Over \$100,000

ARTICLE III: CODE OF ETHICS

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 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 St. Lawrence 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.
- 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,

- Solicit, directly or indirectly, any gifts, or receive or accept any gift having the value of Seventy-five Dollars (\$75.00) 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 of any official action on his or her part.
- 4. Disclose confidential 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 that action would provide a pecuniary or material benefit to himself or herself.

ARTICLE 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 St. Lawrence County Legislature or by any other official, board, agency, officer or employee of the County 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 extent of such interest.
- 2. Any officer or employee of County of St. Lawrence who has knowledge of any matter being considered by any board, agency, officer or employee of the County of St. Lawrence, 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.
- appointed chairpersons or heads of any agency, institution, department, office, branch, division, council, commission, board or bureau who receive compensation above expense reimbursement levels and has full-time employment status must file with the Ethics Board a Level A statement of financial disclosure, which shall be supplied to them with other terms of employment material. This statement shall be completed and returned to the Ethics Board on or before March 31st of the year for which the employment is in effect.
- 4. All appointed chairpersons or heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the County of St. Lawrence who receive compensation above expense reimbursement levels at parttime employment status, as well as all full-time compensated policy-making officers or employees not required to complete a Level A statement above, must file with the Ethics Board a Level B statement of financial disclosure, which shall be supplied to them with other terms of employment material. This statement shall be completed and returned to the Ethics Board on or before March 31st of the year for which the employment is in effect.
- 5. All part-time compensated policy-making officers or employees not required to complete either a Level A or B statement above, as well as all appointed chairpersons or heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the County of St. Lawrence who are not compensated beyond expense reimbursement levels, must file with the Ethics Board a Level C statement of financial disclosure, which shall be supplied to them with other terms of employment material. This statement shall be completed and returned to the Ethics Board on or before March 31st of the year for which the employment is in effect.

- 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 filing.
- 7. Any person who is subject to the reporting requirements of this local law and who has filed or shall timely file within 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 submit an annual statement of financial disclosure on or before March 31st 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 VII of this local law, if said supplementary statement is filed with fifteen (25) 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 March 31st 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 15th of the year for which the employment is in effect, shall file the appropriate annual statement within thirty (30) days.

ARTICLE V: ANNUAL REVIEW OF CODE OF ETHICS

Every official and employee is required to attest on an annual basis that he or she has raviewed the Code of Ethics of the County of St. Lawrence, to be made on or before March 31st of the year for which the employment is in effect.

ARTICLE VI: BOARD OF ETHICS

1. <u>Establishment</u>:

The Legislature of the County of St. Lawrence, pursuant to Article 18 of the New York State General Municipal Law, hereby establishes the St. Lawrence County Board of Ethics, responsible for ensuring full compliance with the Code of Ethics and Disclosure. The Ethics Board shall consist of seven members, three of whom shall be nominated by the Chairman of the Board of Legislators; three shall be nominated by the minority members of the County Legislature, and one shall be nominated by the six other members of the Board of Ethics. All shall be approved by majority vote of the entire board. 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 of Ethics requires four affirmative votes.

Membership:

Members of the Board of Ethics 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 Board of Ethics shall be construed under this local law as policy-making officials and thus subject to all of the appropriate ethics and disclosure requirements.

Members of the Board of Ethics shall serve staggered 3-year terms, provided that the first appointments shall be as follows:

1-year term: One (1) member 2-year terms: Three (3) members: 3-year terms: Three (3) members:

Members of the Board of Ethics shall not serve more than two full 3-year terms.

3. Removal:

In addition to penalties defined specifically for violation of the St. Lawrence County Ethics Law and other pertinent sections of local, State and Federal law, members of the Board of Ethics may be removed for cause by the Chairman of the Board with the concurrence of two-thirds of the County Legislature. Prior to removal, the Board of Ethics 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 the General Municipal Law.
- (b) The Board of Ethics shall be the repository for 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 St. Lawrence of annual statements of financial disclosure required by this local law.
- (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 appointed 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 Article VII 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 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 Office of the County Attorney is designated as counsel to the Board of Ethics.
- (h) The Board of Ethics shall be empowered to request support staff assistance from the County Administrator in furtherance of its duties and responsibilities.

ARTICLE VII: APPEAL OF DESIGNATION AS 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 St. Lawrence 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.

ARTICLE 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 St. Lawrence County Board of Ethics. For a violation of this section, other than for conduct which constitutes a violation of subdivision 12 of Section 73 of the Public Officers Law, the St. Lawrence 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 St. Lawrence County Board of Ethics may file a written recommendation with the Chairman of the Board of Legislators or other disciplinary body, establishing grounds for removal for cause in accordance with other provisions of St. Lawrence County laws pertaining to officers, officials and employees and rules governing conduct. Notwithstanding any other provisions 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 St. Lawrence 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 (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 St. Lawrence County Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.

ARTICLE IX: ANNUAL STATEMENT OF FINANCIAL DISCLOSURE

The St. Lawrence County Legislature hereby designates Forms Level A, Level B and Level C as attached as the official annual statement of financial disclosure for the purposes of fulling the requirements of Article IV, Sections 3, 4 and 5 respectively of the St. Lawrence County Ethics and Disclosure Law.

St. Lawrence County ANNUAL STATEMENT OF FINANCIAL DISCLOSURE - LEVEL A

For Year

1. Name and Ad	idress:				
Name:				Title:	
Department or	Agency:			County Telephone No.:	
		4	:		
County Address	3 :				
2. Spouse and and dates o	Children: f birth of	Provide the nam your dependent	e of chil	your spouse (if married) ar	nd the names
Name of Spouse) :			Child/Date of Birth:	
Child/Date of	Rirth.			Child/Date of Birth:	
CHILD/Date Of	DII CHI				
Child/Date of	Birth:		!	Child/Date of Birth:	
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3. Financial I	nterests:			•	
(a) Report	ing Categor the financi	ies: Use one of al disclosure r	the epor	following categories for the	e purpose of quested.
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		D: \$25,001 E: \$50,001	to	\$ 50,000	
		F: - Over	\$10	0,000 -	
or other po organization believe cou	osition in n for you, ld be in pot	any business, a your spouse and tential conflict	8880) 3880)	trusteeship, directorship, ciation, proprietary or not dependent children, if any h your duties as an employee	, which you
	ence County			County Department or Agency	Reporting Category
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Family Member	Name & Address of Income Sour	rce	Nature of Income	Reporting Category
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Identify and related expendit duties. The ter	describe the source ures in excess of \$25 om "reimbursement" in the County for spe te to your official d	cludes any travel aking engagements	1.related expenses	provided by
Source	Descript	łon .		
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5. Interest in		·		
Describe any any contract inv	interest you, your sp olving the County.	ouse or your depe	ndent children, if	Reporting
Family Member	Contract Descripti	on		Category

6,	Political Parties:	
are	List any position you held within the last five (5) years as an officer of an itical party, political committee or political organization. The term "political anization" includes any independent body or any organization that is affiliate the or a subsidiary of, a political party.	31
	* * * *	
	CERTIFICATION	
	I hereby certify, under penalty of perjury, that the information	
	disclosed on this form is true and complete.	
	DATE: Signature	

St. Lawrence County ANNUAL STATEMENT OF FINANCIAL DISCLOSURE - LEVEL B

For Year ____

. Vana			Title:	
Name:				<u> </u>
Department or	Agency:		County Telephone No.:	
County Address	S:			
				•
2. Spouse and and dates	Children: Pof birth of y	rovide the name our dependent ci	of your spouse (if married) a	and the names
Name of Spous			Child/Date of Birth:	
Child/Date of	Birth:		Child/Date of Birth:	
Child/Date of	Birth:		Child/Date of Birth:	
3. Financial	Interests:			
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completing	the financia	il disclosure re	ports. No exact amounts are	requesteu.
		A: \$ 0	to \$ 5,000 to \$ 10,000	
		B: \$ 5,001 C: \$10,001 D: \$25,001	to \$ 25,000	
		$E_{2} = 850.001$	to \$100,000	
		F: - Over	\$100,000 -	
(b) <u>Busing</u> or other p	ess Positions	: List any offi any business, as	ce, trusteeship, directorship	, partnership ot-for-profit
organizatio	on for you, y	our spouse and j	your dependent children, if a with your duties as an employ	ee or officer
of St. Law	rence County.	'	County Department or Agency	Reporting
Family Member	Position	Organization	and Nature of Involvement	Çategory

agency. Family Member	Position	Organization	County Department or Agency and Nature of Involvement	Reporting Category
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428 (Item 3(e), Oth	er Income, cont.)	
Family Member	Name & Address of Income Source Nature of Income	Reporting Category
4. Interest in	Contracts: y interest you, your spouse or your dependent children, if any,	have in
any contract in	contract Description	Reporting Category
		-
political party	arties: sition you held within the last five (5) years as an officer, political committee or political organization. The term "political any independent body or any organization that is affidiary of, a political party.	
N		
-		
	* * * *	
	CERTIFICATION	
	nereby certify, under penalty of perjury, that the information sed on this form is true and complete.	
DATE:	Signature	

St. Lawrence County ANNUAL STATEMENT OF FINANCIAL DISCLOSURE - LEVEL C

			For	Year		
1.	Name and A	ddress:			•	
Na	ıme:] [Htle:	
De	partment or	Agency:) <u>[</u>	ounty Telephone No.:	
☐ Co	ounty Addres	S:		<u> </u>		
2.	Spouse: I	f married, p	rovide the na	me of yo	ur spouse.	
3.	Financial	Interests:				
	business.	office or bu	siness title.	or profe	tside occupation, emp ession held by you or y ted by any State or lo	our spouse, and
Fami	ly Member	Position	Organization	Co	unty Department or Agency and	Nature of Involvemen
		**************************************	***************************************			
			,			
	you hold a r for you or duties as a real estate	majority sha your spouse, a employee of within the	re of ownershi which you be or officer of S County, or wit	p in any lieve cou St. Lawre thin five	investments or capital business, corporation ald be in potential contence County. List the (5) miles of the Counts holdings listed about the country are the country to the country the country that the country the country that t	or partnership, flict with your location of all y, in which you
fami l	y Member	Name & Addre	ess of Business		Description of Investment	
					•	

					•	

4. Interest in Contracts:				
Describe any interest which you believe could officer of St. Lawrence	st you or your spouse have in any contract involving the County, be in potential conflict with your duties as an employee or County.			
Family Member	Contract Description			
5. Political Parties:				
	ou held within the last five (5) years as an officer of any cal committee or political organization. The term "political organization that is affiliated with litical party.			
And the second s				
·				
	* * * *			
	CERTIFICATION			
I hereby ce	ertify, under penalty of perjury, that the information			
disclosed on the	his form is true and complete.			
DATE:	Signature			