

ARTICLE I
Code of Ethics

§ 53-1. Purpose and intent.

Pursuant to the provisions of § 806 of the General Municipal Law, the County Legislature of the County of Broome recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this article to promulgate these rules of ethical conduct for Broome County Government officers and employees. These rules shall serve as a guide for Broome County Government officers and employees. The rules of ethical conduct of this article, as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Broome County Government officers and employees.

§ 53-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BROOME COUNTY GOVERNMENT OFFICER OR EMPLOYEE — An officer or employee of the County of Broome, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No individual shall be deemed to be a Broome County Government officer or employee solely by reason of being a volunteer fireman or civil defense volunteer.

GENERAL MUNICIPAL LAW — The General Municipal Law of the State of New York.

GIFT — Anything of more than nominal value given to an officer or employee in any form, including, but not limited to, money, service, loan, travel, lodging, meals, tickets, refreshments, entertainment, discount, forbearance, or promise, having a monetary value.

IMMEDIATE FAMILY MEMBER — Spouse, child, parent, sibling, grandparent, grandchild (including step and in-law relationships), legal guardian of or any other relative or individual residing in the same household as a Broome County Government officer and employee.

INTEREST — A pecuniary or material benefit accruing to a Broome County Government officer or employee or to a Broome County Government officer's or employee's spouse, minor children and dependents; or a firm, partnership or association of which such officer or employee is a member or employee; or a corporation of which such officer or employee is an officer or director; or a corporation, any stock of which is accrued or controlled, directly or indirectly, by such officer or employee.

NOMINAL VALUE — Nominal value means an item of minimal or insignificant value given as a routine social amenity which could not be reasonably interpreted or construed as attempting to influence a Broome County Government officer or employee.

PUBLIC OFFICERS LAW — The Public Officers Law of the State of New York.

§ 53-3. Standards of conduct.

- A. Gifts. No Broome County Government officer, employee, or individual whose name has been submitted by the County Executive to the Legislature for confirmation to become a County officer or employee, a member of the Legislature or a Legislative employee shall directly or indirectly solicit, accept or receive any gift having more than a nominal value, whether in the form of money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance or promise, ticket or in any other form, under circumstances in which it could reasonably be 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. The following are excluded from the definition of a gift:
- (1) Complimentary attendance, including food and beverage, at a bona fide charitable or political event or food and beverage offered by the sponsor of a widely attended event. The term "widely attended event" shall mean an event: a) which reasonable guideline shall be 25 individuals other than members, officers or employees from Broome County Government who attends or was in good faith invited to attend; and b) which is related to the attendee's duties or responsibilities or which allows the officer or employee to perform a ceremonial function appropriate to his or her position. For the purpose of this exclusion, an officer's or employee's duties or responsibilities shall include but not be limited to attending an event or a meeting at which a speaker or attendee addresses an issue of public interest or concern as a significant activity at such event or meeting. Additionally, for the purpose of this exclusion for Broome County Government officers or employees or their staff attending with or on behalf of such elected officials, attending an event or a meeting at which more than 1/2 of the attendees, or individuals invited in good faith to attend, are residents of the County from which the Broome County Government officer or employee was elected.
 - (2) Awards, plaques and other ceremonial items which are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances, and further provided that the functionality of such items shall not determine whether such items are permitted under this paragraph.
 - (3) An honorary degree bestowed upon a Broome County Government officer or employee by a public or private college or university.
 - (4) Promotional items having no substantial resale value, such as pens, mugs, calendars, hats, and T-shirts which bear an organization's name, logo or message in a manner which promotes the organization's cause.
 - (5) Goods and services, or discounts for goods and services, offered to the general public or a segment of the general public defined on a basis other than status as a Broome County Government officer or employee and offered on the same terms and conditions as the goods or services are offered to the general public or segment thereof.

- (6) Gifts from a family member, member of the same household, or individual with a personal relationship with the Broome County Government officer or employee, including invitations to attend personal or family social events, when the circumstances establish that it is the family, household or personal relationship that is the primary motivating factor; in determining motivation, the following factors shall be among those considered:
 - (a) The history and nature of the relationship between the donor and the recipient, including whether or not items have previously been exchanged;
 - (b) Whether the item was purchased by the donor; and
 - (c) Whether or not the donor at the same time gave similar items to other Broome County Government officers or employees; the transfer shall not be considered to be motivated by a family, household or personal relationship if the donor seeks to charge or deduct the value of such item as a business expense or seeks reimbursement from a client.
- (7) Contributions reportable under Article 14 of the Election Law, including contributions made in violation of that article of the Election Law.
- (8) Travel reimbursement or payment for transportation, meals and accommodations for an attendee, panelist or speaker at an informational event or informational meeting when such reimbursement or payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus; provided, however, that the Broome County Government officer or employee may only accept lodging from an institution of higher education:
 - (a) At a location on or within close proximity to the host campus; and
 - (b) For the night preceding and the nights of the days on which the attendee, panelist or speaker actually attends the event or meeting.
- (9) Provision of local transportation to inspect or tour facilities, operations or property located in Broome County; provided, however, that such inspection or tour is related to the individual's official duties or responsibilities. Payment or reimbursement for expenses for lodging or travel expenses to and from the locality where such facilities, operations or property are located shall be considered to be gifts unless otherwise permitted under this subdivision.
- (10) Meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants.
- (11) A ticket or comparable authorization entitling the holder to food, refreshments, entertainment, or any other benefit, if the ticket is widely available and not solely for the individual or group or the one who takes the ticket has paid the face value of the ticket.

- B. Confidential information. He or she shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest.
- C. Representation before one's own agency. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any Broome County Government agency of which he or she is an officer, member or employee or of any Broome County Government agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.
- D. Representation before any agency of Broome County Government. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of Broome County Government.
- E. Disclosure of interest in legislation. To the extent that he or she knows thereof, a member of the County Legislature and any Broome County Government officer or employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the County Legislature or any board, agency, department or other administrative unit of Broome County shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.
- F. Investments in conflict with official duties. He or she shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction which creates a conflict with his or her official duties.
- G. Private employment. He or she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
- H. Future employment. He or she shall not, after the termination of service or employment with Broome County Government, appear before any board, agency, department or other administrative unit of the County of Broome in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.
- I. Use of County property and resources. He or she shall not directly or indirectly use or allow the use of property of any kind owned by the County of Broome, including property leased to the County, for other than official County business; nor shall he or she use County of Broome resources or use his or her position as a Broome County Government officer or employee to do anything or cause anything to be done that results in the securing of unwarranted benefits, privileges or exemptions for himself or herself or for any third party.
- J. Nepotism.
 - (1) In hiring. He or she shall not take part in any hiring or employment decision relating to an immediate family member. If a hiring or employment matter arises

relating to an immediate family member, then the Broome County Government officer or employee must advise his or her supervisor of the relationship and must be recused from any and all discussions or decisions relating to the matter.

- (2) In supervising. An immediate family member of a Broome County Government officer or employee may not be employed in a position where an immediate supervisor/subordinate relationship would exist.
- (3) In contracting. He or she shall not take part in any contracting decision:
 - (a) Relating to an immediate family member; or
 - (b) Relating to any entity in which an immediate family member is an officer, director or partner, or in which an immediate family member owns or controls 10% or more of the stock of such entity. If a contracting matter arises relating to an immediate family member, then the employee must advise his or her supervisor of the relationship and must be recused from any and all discussions or decisions relating to the matter.

§ 53-4. Suits against County.

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

§ 53-5. Annual statement of financial disclosure.

- A. Any individual who is subject to the filing requirements of both Subdivision 2 of § 73-a of the Public Officers Law and of this § 53-5 may satisfy the requirements of this section by filing a signed copy of the statement filed pursuant to § 73-a of the Public Officers Law with the Board of Ethics in accordance with the provisions of this § 53-5.
- B. On or before April 15 of each year, a statement of financial disclosure covering the preceding calendar year shall be filed with the Board of Ethics by:
 - (1) The following elected officials: County Executive, County Legislators, County Clerk, Sheriff and District Attorney.
 - (2) The following heads of agencies, departments, divisions and their deputies and assistants:¹

Aging, Office for
 Director of Office for Aging
 Deputy Director of Office for Aging

1. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I)

Audit and Control

- Comptroller
- Deputy Comptroller
- Director of Weights and Measures

Aviation

- Commissioner of Aviation
- Deputy Commissioner of Aviation

Broome Community College

- President of Broome Community College
- Vice President of Academic Affairs
- Vice President for Administration and Financial Affairs
- Vice President for Student Affairs

Central Foods

- Director of Central Food and Nutrition Services

Community Alternative Systems Agency

- CASA Program Coordinator

County Clerk

- Executive Deputy County Clerk
- Deputy County Clerk
- Records Management Officer
- Deputy Clerk — DMV

County Executive

- Deputy County Executive
- Administrative Assistant to County Executive
- Executive Assistant to County Executive

District Attorney

- Chief Assistant District Attorney

Elections

- Commissioners of Elections
- Deputy Commissioners of Elections

Emergency Services

- Director of Emergency Services/Fire Coordinator
- Deputy Director of Emergency Services

Employment and Training

- Employment and Training Director
- Deputy Employment and Training Director

Office of Management and Budget

- Director of the Office of Management and Budget
- Deputy Director of OMB — Treasury

Deputy Director of OMB — Budget

Deputy Director of OMB — Accounting

Health

Public Health Director

Deputy Public Health Director

Historian

County Historian

Information Technology

Director of Information Technology

Assistant Director of Information Technology

Law

County Attorney

Chief Assistant County Attorney

Deputy County Attorney (DSS)

Legislature

Clerk of County Legislature

Deputy Clerk of County Legislature

2nd Deputy Clerk of County Legislature

Legislative Assistant

Library

Library Director

Mental Health

Commissioner of Community Mental Health Services

Deputy Commissioner of Community Mental Health Services

Nursing Home

Willow Point Nursing Home Administrator

Deputy Nursing Home Administrator — Fiscal Services

Deputy Nursing Home Administrator — Health Services

Personnel

Personnel Officer

Director of Employee Relations

Equal Employment Opportunity Compliance Officer

Planning and Economic Development

Commissioner of Planning and Economic Development

Probation

Probation Director

Deputy Probation Director

Public Defender

Public Defender

Deputy Director of OMB — Budget

Deputy Director of OMB — Accounting

Health

Public Health Director

Deputy Public Health Director

Historian

County Historian

Information Technology

Director of Information Technology

Assistant Director of Information Technology

Law

County Attorney

Chief Assistant County Attorney

Deputy County Attorney (DSS)

Legislature

Clerk of County Legislature

Deputy Clerk of County Legislature

2nd Deputy Clerk of County Legislature

Legislative Assistant

Library

Library Director

Mental Health

Commissioner of Community Mental Health Services

Deputy Commissioner of Community Mental Health Services

Nursing Home

Willow Point Nursing Home Administrator

Deputy Nursing Home Administrator — Fiscal Services

Deputy Nursing Home Administrator — Health Services

Personnel

Personnel Officer

Director of Employee Relations

Equal Employment Opportunity Compliance Officer

Planning and Economic Development

Commissioner of Planning and Economic Development

Probation

Probation Director

Deputy Probation Director

Public Defender

Public Defender

Chief Assistant Public Defender

Public Transportation
 Commissioner of Public Transportation
 Deputy Commissioner of Public Transportation

Public Works, Parks, Recreation and Youth Services
 Commissioner of Public Works, Parks, Recreation and Youth Services
 Deputy Commissioner of Public Works/Buildings and Grounds
 Deputy Commissioner of Public Works/Engineering
 Deputy Commissioner of Public Works/Highways
 Director of Security
 Director of Solid Waste Management
 Director of Parks, Recreation and Youth Services
 Arena Manager

Purchasing
 Director of Purchasing

Real Property Tax Service
 Director of Real Property Tax Services
 Assistant Director of Real Property Tax Services

Risk and Insurance
 Manager of Risk and Insurance

Sheriff
 Undersheriff
 Corrections Major

Social Services
 Commissioner of Social Services
 Deputy Commissioner of Social Services
 Deputy Commissioner of Social Services — Temporary Assistance
 Deputy Commissioner of Social Services — Administrative Services

Stop DWI
 STOP DWI Coordinator

Veterans Services
 Director

- (3) Members of the following boards, councils, commissions, bureaus and agencies:
- (a) Agricultural and Farmland Protection Board.
 - (b) Broome Community College Board of Trustees.
 - (c) Broome Tobacco Asset Securitization Board.

- (d) Board of Ethics.
 - (e) Catskill Regional Off-Track Betting Corporation Board of Directors.
 - (f) Central Library Board of Trustees.
 - (g) Industrial Development Agency Board of Directors.
 - (h) Land Bank.
 - (i) Local Development Corporation.
 - (j) Soil and Water Conservation District Board of Directors.
 - (k) Veterans Memorial Arena and Performing Arts Theater Board of Directors.
- (4) Such other Broome County Government officers or employees as certified by the County Executive and approved by the Board of Ethics.
- C. Any such Broome County Government officer or employee whose duties commence after April 15 of any year shall be notified by the Personnel Department to file such financial statement with the office of the Clerk of the Legislature within 15 days after the commencement of duties. The Board of Ethics shall be notified by the office of the Clerk of the Legislature to review such statement.
- D. Schedule of relevant dates and deadlines.
- (1) March 15: The office of the Clerk of the Legislature shall distribute the statement of financial disclosure to Broome County Government officers and employees. Statement of financial disclosure forms shall be postmarked or returned to the office of the Clerk of the Legislature on or before April 15. The statement of financial disclosure shall be in a sealed envelope marked "Confidential Annual Statement of Financial Disclosure filed with Broome County Board of Ethics."
 - (2) May 1: The Clerk of the Legislature shall produce a list of delinquent individuals who have failed to file their financial disclosure statement and shall forward said list to the County Executive, appropriate department heads and the delinquent individuals.
 - (3) May 15: The Board of Ethics shall be notified by the office of the Clerk of the Legislature that all sealed financial disclosure envelopes received are available in the office of the Clerk of the Legislature for review.
 - (4) On or before June 1: The Board of Ethics shall inspect the financial disclosure statements.
 - (5) On or before June 15:
 - (a) The Board of Ethics shall notify the reporting individual in writing, stating that a deficiency exists and providing the individual with a fifteen-day period to cure the deficiency.

- (b) The Board of Ethics shall notify the reporting individual in writing of a possible violation and provide the individual a fifteen-day period to submit a written response.
- (6) On or before July 15:
- (a) The Board of Ethics shall review the revised statements and check if the deficiency has been cured.
 - (b) The Board of Ethics shall review the written response from the reporting individual. If the Board determines that further inquiry is justified, it shall contact the reporting individual within a fifteen-day period and give the reporting individual an opportunity to be heard.
- (7) August 1: The Board of Ethics shall file a report to the County Executive, Chairperson of the County Legislature and County Attorney, with a copy to the reporting individual. The report shall be included in the individual's permanent personnel file, as appropriate. The final report shall include a list of all nonfiling individuals, a list of individuals whose deficiency has not been cured and a list of individuals in violation.

§ 53-6. Advertisements by elected officials and candidates.

Pursuant to the provisions of § 73-b of the Public Officers Law, no elected government official or candidate for elected local office in the County of Broome shall knowingly appear in any advertisement or promotion, including public or community service announcements, published or broadcast through any print or electronic media (including television, radio and Internet) by any private or commercial entity or any other entity that publishes such advertisement for a fee, if the advertisement or promotion is paid for or produced in whole or in part with funds of the state, a political subdivision thereof or a public authority.

§ 53-7. Distribution of Code of Ethics.

The County Executive of the County of Broome shall cause a copy of this Code of Ethics to be distributed to every Broome County Government officer and employee by the Personnel Department within 30 days after the effective date of this article. Each Broome County Government officer and employee thereafter shall be furnished a copy by the Personnel Department before entering upon the duties of his or her office or employment.

§ 53-8. Penalties for offenses.

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