

LOCAL LAW INTRO. NO. 5 OF 2021

**A LOCAL LAW AMENDING CHAPTER 53 OF THE BROOME
COUNTY CHARTER AND CODE, CODE OF ETHICS**

BE IT ENACTED, by the County Legislature of the County of Broome as follows:

Section 1. Section 53-2 of the County Charter and Code is hereby amended to read as follows:

§ 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. **An item or service with a fair market value of fifteen dollars or less shall generally be considered as having a nominal value.**

Section 2. Section 53-5 of the Code of Ethics shall be amended to read as follows:

§ 53-5 **Annual statement of financial disclosure.**

D. Schedule of relevant dates and deadlines.

(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, **Chairman of the Legislature**, appropriate department heads and the delinquent

individuals. After receipt of that list, the appointing authority for either those County employees or those appointed to the boards, councils, commissions, bureaus and agencies who are required to file, shall contact said individuals regarding their delinquency and duty to file.

Section 3. Section 53-7 of the Code of Ethics shall be amended to read as follows:

§ 53-7 Distribution of Code of Ethics.

- A.** 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.
- B.** Every County officer and employee shall acknowledge in writing or electronically that he or she has received and reviewed a copy of the Code of Ethics before entering upon the duties of his or her office. If the Code of Ethics is amended, every County officer and employee shall acknowledge in writing or electronically that he or she has received and reviewed a copy of the Code of Ethics within thirty days of receipt of a copy of the amendment.

Section 4. Chapter 53 of the Charter and Code shall be amended by a new Section 53-7.1 to read as follows:

§ 53-7.1 Reporting Ethics Violations.

Supervisors shall encourage employees who are aware of any violation of this Code of Ethics to submit a complaint or report to the Board of Ethics for their review. The Board of Ethics shall create a standard form for any complaints or reports of violation of Code of Ethics, which shall be made available on the County's website. After consultation with the County Attorney, the Board of Ethics may forward any complaint or report that deals with a criminal matter to the District Attorney.

County officers and employees shall be protected against reprisal for the lawful disclosure of information which the officer or employee reasonably believes to be a violation of this Code of Ethics.

Section 5. Chapter 53 of the Charter and Code is amended to add a new Section as follows:

§ 53-32 Conflicts of Interest.

- A.** Recusal. No County Officer or Employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, or on an immediate Family Member or Related Private Organization.

B. Abstention. Whenever a County officer or employee is required to recuse himself or herself pursuant to Section A of this Section he or she shall:

- (1) Promptly inform his or her superior.**
- (2) Immediately refrain from participating further in the matter.**
- (3) Notwithstanding the provisions of this section, the adopted Rules of Order of the Broome County Legislature shall set the procedure in which a County Legislator may determine if a prohibited conflict of interest exists, how such conflict of interest must be disclosed and how he or she may request to be excused from voting on a particular matter due to a prohibited conflict of interest under the New York State General Municipal Law.**

C. Action Following Recusal and Abstention. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

- (1) If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or**
- (2) If the power or duty is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function; or**
- (3) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power of duty.**

D. Prohibition Inapplicable; Disclosure, Recusal and Abstention Not Required.

The provisions of Sections A and B of this Section shall not prohibit, or require, recusal or transactional disclosure as a result of:

- (1) An action specifically authorized by statute, rule, or regulation of the State of New York or of the United States;**
- (2) The requirements relating to recusal and abstention shall not apply with respect to the following matters:**
 - a) Adoption of the municipality's annual budget;**
 - b) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:**
 - i. All municipal officers or employees;**
 - ii. All residents or taxpayers of the municipality or an area of the municipality; or**

- iii. The general public; or
- iv. Any ministerial act or other action that does not require the exercise of discretion.

(3) Recusal and abstention shall not be required with respect to any matter:

- a) Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by Sections A and B of this Section.
- b) Which comes before a municipal officer when the officer would be prohibited from acting by Sections A and B of this Section and the matter cannot be lawfully delegated to another person.

Section 6. This Local Law shall take effect upon filing with the Secretary of State.

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