

Introduced by: County Administration and Personnel Committees

Seconded by:

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 10 OF 2007, ENTITLED “A LOCAL LAW AMENDING CHAPTER 19 OF THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE REGARDING THE CODE OF ETHICS”

WHEREAS, this County Legislature requests authorization for a Resolution Adopting Local Law Intro. No. 10 of 2007, Entitled “A Local Law Amending Chapter 19 of The Broome County Charter And Administrative Code Regarding The Code Of Ethics”

RESOLVED, that Local Law Intro. No. 10 of 2007, entitled “A Local Law Amending Chapter 19 of the Broome County Charter and Administrative Code Regarding the Code of Ethics” be and the same is hereby adopted and approved in accordance with the Broome County Charter, The New York State Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

**Local Law Intro. No. 10 of 2007
“A Local Law Amending Chapter 19 of the Broome County Charter and Administrative Code Regarding the Code of Ethics”**

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

Section 1 Chapter 19 of the Broome County Charter and Administrative Code is amended to read as follows:

ARTICLE I Code of Ethics

§ 19-1. 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 the officers and employees of the County of Broome. These rules shall serve as a guide for official conduct of the officers and employees of the County of Broome. 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 municipal officers and employees.

§ 19-2. Definitions.

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

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee or to a municipal officer 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.

MUNICIPAL 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 person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a Chief Engineer or Assistant Chief Engineer.

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

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

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

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

§ 19-3. Standards of conduct.

Every officer or employee of the County of Broome shall be subject to and abide by the following standards of conduct:

A. Gifts.

(1) No officer or employee of the county, whether paid or unpaid, shall directly or indirectly solicit, ~~any gift or gratuity or~~ accept, or receive any gift or gratuity having a value of \$75 or more, ~~whether in the form of money, services, loan, travel, entertainment or any other form,~~ from any person, firm, ~~or~~ corporation **or bargaining unit that represents Broome County employees or affiliates of said bargaining unit** which is directly or indirectly, in any manner whatsoever, in any business or professional transaction or dealing with the county or any agency thereof; **nor** shall any officer or employee, whether paid or unpaid, accept or receive, in any one calendar ~~month~~ **year, a combination of two or more gifts where the gifts individually are worth less than \$75 but in the aggregate are equal to or exceed a value of \$75** ~~more than one gift or gratuity having a value of less than \$75~~ from a person, firm, ~~or~~ corporation **or bargaining unit that represents Broome County employees or affiliates of said bargaining unit** which is directly or indirectly in any manner whatsoever in any business or professional transaction or dealing with the county or any agency thereof.

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 municipal agency of which he **or she** is an officer, member or employee or of any municipal 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 office's or employee's municipality. 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 his or her municipality.

- E. Disclosure of interest in legislation. To the extent that he or she knows thereof, a member of the County Legislature and any officer or employee of the County of Broome, 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 such municipality, 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 an officer or employee of the County of Broome to do anything or cause anything to be done that results in the securing of unwarranted benefits, privileges or exemptions for him 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 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 an 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:**
 - (i) relating to an immediate family member; or**
 - (ii) 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.**

§ 19-4. Semiannual gift disclosure statement.

- A. **All paid officers and employees of the county, whether full time or part time and all board members required to file an annual financial statement pursuant to § 19-6 A(3) of the Code of Ethics shall, on a semiannual basis, complete a gift disclosure statement affirmatively stating that he or she has neither accepted nor received any gift or gratuity from any person, firm, corporation or bargaining unit that represents Broome County employees or affiliates of said bargaining unit which is directly or indirectly, in any manner whatsoever, involved in any business or professional transaction or dealing with the county or any agency thereof during that time period OR that he or she has accepted a gift or gratuity from any of the above mentioned sources. All accepted gifts will be itemized on the gift disclosure statement.**
- B. **Statement review. All completed gift disclosure statements will be forwarded to the office of the Clerk of the Legislature. The office of the Clerk of the Legislature will produce a report of all received gift disclosure statements that contain gift disclosures and submit said report to the Board of Acquisition and Contract (B.A.C), for its review. A statement will be filed with the Board of Ethics for any suspected violations and investigated pursuant to § 19-19 of the Code of Ethics.**
- C. **Schedule. For the purpose of this section, the reporting requirement shall be as follows:**

<u>Statement due to Clerk of the Legislature</u>	<u>Report due to B.A.C.</u>
<u>(1) March 31</u>	<u>(1) April 21</u>
<u>(2) September 30</u>	<u>(2) October 21</u>

§ 19-5. Suits against county.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal 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.

§ 19-6. Annual statement of financial disclosure.

- A. On or before ~~May 15~~ **March 1** 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, councils, boards, commissions or bureaus and their deputies and assistants: ~~[Commissioner of Public Works, President of Broome Community College, Commissioner of Aviation, Commissioner of Public Transportation, Director of Solid Waste Management, Director of Central Food and Nutrition Services, Probation Director, Commissioner of Finance, Commissioner of General Services, Comptroller, Director of Computer Services, County Attorney, Personnel Officer, Commissioners of Elections, Commissioner of Planning and Economic Development, Director of Emergency Services/Fire Coordinator, Commissioner of Mental Health, Willow Point Nursing Home Administrator, Director of Drug Awareness Center, Commissioner of Public Health, Public Defender,~~

~~Commissioner of Parks and Recreation, County Historian, Director of Real Property Tax Services, Executive Director of Youth Bureau, Manager of Broome County Veterans Memorial Arena, Commissioner of Social Services, CASA Director, Employment and Training Program Director, Director of Office for Aging, Manager of Risk and Insurance, STOP DWI Coordinator, Library Director, Deputy Commissioner of Buildings and Grounds, Deputy Commissioner of Engineering, Deputy Commissioner of Highways, Director of Security, Assistant Nursing Home Administrator, Vice President of Academic Affairs, Broome Community College, Vice President for Administration, Broome Community College, Vice President for Institutional Advancement, Broome Community College, Vice President for Student Affairs, Broome Community College, Deputy Commissioner of Aviation, Deputy Commissioner of Public Transportation, Deputy County Executive, Administration, Executive Assistant to County Executive, Director of Budget and Research, Deputy for Solid Waste Engineering Services, Clerk of County Legislature, Deputy Clerk of County Legislature, Assistant Director of Probation, Deputy County Clerk, Motor Vehicle Bureau Supervisor, Chief Assistant District Attorney, Deputy Commissioner of Finance, Purchasing Agent, Deputy Commissioner of General Services, Director of Weights and Measures, Deputy Comptroller, Chief Assistant County Attorney, Deputy Personnel Officer – Affirmative Action Officer, Director of Employee Relations, Deputy Commissioners of Elections, Assistant to County Executive for Community Relations, Undersheriff, Deputy Director of Emergency Services, Deputy Commissioner of Mental Health, Deputy Commissioner of Public Health, Chief Assistant Public Defender, Deputy Commissioner of Parks and Recreation, Real Property Tax Services Supervisor, Assistant Arena Manager, Deputy Commissioner of Social Services, Deputy Commissioner of Social Services for Services, Deputy Employment and Training Director, Deputy Director of Office for Aging and Legislative Assistant.]~~

Aging, Office for

Director of Office for Aging

Deputy Director of Office for Aging

Audit & 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 Director

County Clerk

Executive Deputy County Clerk

Deputy County Clerk

Records Management Officer

Deputy Clerk- DMV

Mental Health

Commissioner of Community Mental Health Services

Deputy Commissioner of Community Mental Health Services

Director of Drug Awareness Center

Nursing Home

Willow Point Nursing Home Administrator

Deputy Nursing Home Administrator – Fiscal Services

Deputy Nursing Home Administrator – Health Services

Parks & Recreation

Commissioner of Parks and Recreation

Deputy Commissioner of Parks and Recreation

Arena Manager

Events Coordinator

Director of Recreation

Personnel

Personnel Officer

Director of Employee Relations

Equal Employment Opportunity Compliance Officer

Planning and Economic Development

Commissioner of Planning and Economic Development

Director of Economic Development

County Executive

Deputy County Executive
Administrative Assistant to County Executive
Executive Assistant to County Executive (2)
Director of Budget and Research
Deputy Director of Budget and Research
Communications Director
Director of Greater Binghamton Coalition

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 & Training

Employment and Training Director
Deputy Employment and Training Director

Finance

Commissioner of Finance
Deputy Commissioner of Finance

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

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

Commissioner of Public Works
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

Purchasing

Purchasing Agent

Real Property Tax Service

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

Risk & Insurance

Manager of Risk and Insurance

Sheriff

Undersheriff
First Assistant Correctional Facilities Administrator

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

Youth Bureau

Executive Director of Youth Bureau

- (3) Members of the following boards and agencies: ~~[Alcoholic Beverage Control Board, Board of Directors of Veterans Memorial Arena and Performing Arts Theater, Board of Trustees of Broome Community College, Cooperative Extension Association, Board of Ethics, Broome County Industrial Development Agency, Jury Board, Central Library Board of Trustees, Board of Directors of Catskill Regional Off-Track Betting Corporation, Private Industry Council, South Central New York Resource Conservation~~

~~and Development Board, Broome County Resource Recovery Agency, Southern Tier East Regional Planning Development Board and STOP-DWI Advisory Board.]~~

- (1) Alcoholic Beverage Control Board
- (2) Board of Directors of Veterans Memorial Arena and Performing Arts Theater
- (3) Board of Directors of Catskill Regional Off-Track Betting Corporation
- (4) Board of Ethics
- (5) Board of Trustees of Broome Community College
- (6) Broome County Industrial Development Agency
- (7) Broome County Resource Recovery Agency
- (8) Central Library Board of Trustees
- (9) Cooperative Extension Association
- (10) Jury Board
- (11) Private Industry Council (Broome-Tioga Workforce Development Board)
- (12) South Central New York Resource Conservation and Development Board
- (13) Southern Tier East Regional Planning Development Board
- (14) STOP-DWI Advisory Board
- (15) Tobacco Asset Securitization Board

(4) Such other officers or employees as certified to by the County Executive and approved by the Board of Ethics.

- B. Any such official, officer or employee whose duties commence after April 15 of any year shall file such statement within 30 days after the commencement of duties.
- C. The statement of financial disclosure shall contain the information and shall be in the form of the statement of financial disclosure annexed hereto as Appendix A. Such statement shall be filed in the office of the Clerk of the County Legislature in a sealed envelope marked "Confidential Annual Statement of Financial Disclosure filed with Broome County Board of Ethics." Such envelopes, unopened, shall be forwarded by the Clerk of the Legislature to the Board of Ethics **no later than April 15.**
- D. Any person who is subject to the filing requirements of both Subdivision 2 of § 73-a of the Public Officers Law and of this § 19- ~~5~~ **6** may satisfy the requirements of this section by filing a 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 § 19- ~~5~~ **6**.

E. Schedule of relevant dates and deadlines.

- (1) February 1 – The office of the Clerk of the Legislature shall distribute the statement of financial disclosure (Appendix A) to officers and employees.**
- (2) March 1 – Statement of financial disclosure forms shall be postmarked or returned to the office of the Clerk of the Legislature.**
- (3) March 15 – The office of the Clerk of the Legislature shall mail delinquent letters to officers and employees who have not submitted their statement of financial disclosure.**
- (4) April 1 – List of employees and officers who have not submitted completed form will be produced.**

§ 19-7. 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.

§ 19-8. 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 officer and employee of the County of Broome within 30 days after the effective date of this Article. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

§ 19-9. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person 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.

ARTICLE II Board of Ethics

§ 19-10. Membership.

Pursuant to the provisions of Article 18 of the General Municipal Law, there is hereby established a Board of Ethics consisting of three members to be appointed by the County Executive, subject to confirmation by the County Legislature. A majority of such members shall not be officers or employees of the county or any other municipality wholly or partially located in the county and at least one of whom shall be an elected or appointed officer or employee of the county or a municipality located therein. No more than two members shall be of the same political party **with at least one member belonging to the political party of Row A and one from Row B of the New York State Board of Elections voting ballot.**

§ 19-11. Advisory opinions.

A. The Board shall render advisory opinions to officers and employees of the county and other municipalities located therein, except where such other municipality has established its own Board of Ethics, with respect to Article 18 of the General Municipal Law and Codes of Ethics adopted pursuant thereto. The advisory opinions will be rendered pursuant to the written request of any such officers and employees. The Board shall render a written opinion within 30 days of the request, whenever possible, after investigating fully the circumstances surrounding the request. An opinion rendered by the Board, until and unless amended or revoked, shall be binding on the Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced in any criminal or civil action. Such requests shall be confidential, but the Board may publish such opinions, provided that the name of the requesting person and other identifying details shall not be included in the publication.

- B. The Board shall make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon the request of the governing body of any municipality in the county.

§ 19-12. Coexistence with municipal boards of ethics.

The Board of Ethics shall not act with respect to the officers and employees of any municipality located within the county, where such municipality has established its own Board of Ethics, except that a local Board of Ethics may refer matters to the County Board.

§ 19-13. Terms of office, officers, meetings.

- A. Members of the Board of Ethics shall be appointed for terms of three years. If the County Executive fails to fill a vacancy on the Board within 60 days after a vacancy occurs, the County Legislature shall proceed to fill such vacancy. Whenever a vacancy occurs by expiration of term, a member may continue his or her office until the vacancy is filled.
- B. The Board shall elect each year a Chairman and Secretary. Special meetings of the Board shall be held at the call of any member on at least three days' written notice, mailed to the last-known address of the members. It shall adopt rules of proceeding for the conduct of its meetings, including the requirement that minutes shall be kept for every meeting, and establish regular meeting dates.
- C. Two members of the Board shall constitute a quorum.

§ 19-14. Compensation.

The members of the Board shall receive no salary or compensation for their services, but shall, within the appropriations provided therefore, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

§ 19-15. Removal of members.

Members of the Board may be removed by the County Executive, subject to confirmation by the County Legislature.

§ 19-16. Powers and duties.

The Board shall:

- A. Appoint an Executive Director, if necessary, and such staff as may be necessary to carry out its duties. The Board may delegate authority to the Executive Director, if any, to act in the name of the Board between meetings of the Board, provided that such delegation is in writing and the specific powers to be delegated are enumerated, and further provided that the Board shall not delegate the power to conduct hearings, determine violations, recommend disciplinary action, impose any civil fine, refer any matter to a prosecutor or render any advisory opinion. The office of the County Executive shall provide such office space, equipment and clerical personnel as may be necessary to support the operation of the Board.

- B. Adopt, amend and rescind rules and regulations to govern procedures of the Board, including the promulgation of rules and regulations of the same import as those which the Temporary State Commission on Local Government Ethics enjoys under § 813 of the General Municipal Law. Such rules and regulations shall include, but not be limited to, the procedure whereby a person who is required to file an annual financial disclosure statement with the Board may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship; such rules or regulations shall provide for a date beyond which, in all cases of justifiable cause or undue hardship, no further extension of time will be granted.
- C. Make available forms for annual statements of financial disclosure required to be filed pursuant to the Code of Ethics.
- D. Act as a repository for completed financial disclosure forms filed pursuant to the Code of Ethics.
- E. Review completed financial disclosure statements filed in accordance with the Code of Ethics **no later than May 15.**
- F. Receive complaints alleging a violation of the Code of Ethics.
- G. Permit any person required to file a financial disclosure statement to request the Board to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by the Board upon a finding by the Board that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the Board, in its notification of denial, shall inform the person of his or her right to appeal the Board's determination pursuant to its rules governing adjudicatory proceedings and appeals.
- H. Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which may pertain to such person's spouse or child, which item or items may be exempted by the Board upon a finding by the Board that the reporting individual's spouse or child objects to providing the information necessary to make disclosure and that the information which would otherwise be required to be reported would have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the Board, in its notification of denial, shall inform the person of his or her right to appeal the Board's determination pursuant to its rules governing adjudicatory proceedings and appeals.
- I. Permit any person who has not been determined by the County Executive to hold a policy-making position but who is otherwise required to file a financial disclosure statement to request an exemption from such requirement in accordance with rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of an individual or on behalf of persons who share the same job title or employment classification which the Commission deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption where, in the discretion of the Commission, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:
 - (1) Contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses as defined in § 73 of the Public Officers Law;
 - (2) The purchase, sale or rental or lease of real property, goods or services or a contract therefor;
 - (3) The obtaining of grants of money or loans; or

- (4) The adoption or repeal of any rule or regulation having the force and effect of law.
- J. Prepare an annual report to the County Executive and the County Legislature summarizing the activities of the Board and recommending changes in the laws governing the conduct of elected officials and officers and employees of the county.

§ 19-17. Inspection of financial disclosure statements.

The Board, or the Executive Director and staff of the Board, if responsibility therefor has been delegated, shall inspect all financial disclosure statements filed with the Board **no later than May 15** to ascertain whether any person subject to the reporting requirements of the Code of Ethics has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of the Code of Ethics.

§ 19-18. Notice of failure to file statement.

If a person required to file a financial disclosure statement with the Board has failed to file a disclosure statement or has filed a deficient statement, the Board shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen-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 shall **direct the Clerk of the Legislature to send a notice of delinquency to the reporting person and to the County Executive and the County Legislature by March 15. The Board shall direct the Clerk of the Legislature to produce a list of delinquent individuals who have failed to file their financial disclosure statement by April 1 and forward said list to all department heads as well as Boards that have any members that are not in compliance.**

§ 19-19. Violations of code of ethics.

- A. If a reporting person has filed a statement which reveals a possible violation of the Code of Ethics, or the Board receives a sworn complaint alleging such a violation, or if the Board determines on its own initiative to investigate a possible violation, the Board shall notify the reporting person in writing, describe the possible or alleged violation and provide the person with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the Board determines at any stage of the proceeding that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any. All of the foregoing proceedings shall be confidential.
- B. If the Board determines that ~~[there is reasonable cause to believe that]~~ a violation has occurred, it shall send notice of ~~[reasonable cause]~~ **violation** to the reporting person, to the complainant, if any, to the County Executive and the County Legislature.

§ 19-20. Penalties for false statements.

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 § 19- ~~5~~ **6** of the Code of Ethics shall be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Board with respect to persons subject to its jurisdiction. For a violation of this section, the Board may, in lieu of a civil penalty, refer a violation to the District Attorney and, upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor. 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.

§ 19-21. Rules for proceedings and appeals.

The Board shall be deemed to be an agency within the meaning of Article 3 of the State Administrative Procedure Act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under Article 78 of the Civil Practice Law and Rules **of the State of New York** relating to the assessment of the civil penalties herein authorized and Board denials of requests for certain deletions or exemptions to be made from a financial disclosure statement as authorized in § 19-~~14G~~ **16G** or H hereof. Such rules, which shall not be subject to the approval requirements of the State Administrative Procedure Act, shall provide for due process procedural mechanisms substantially similar to those set forth in such Article 3, but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty or Board denial of such a request shall be final, unless modified, suspended or vacated within 30 days of imposition, with respect to the assessment of such penalty, or unless such denial of request is reversed within such time period and, upon becoming final, shall be subject to review at the insistence of the affected reporting individuals in a proceeding commenced against the Board pursuant to Article 78 of the Civil Practice Law and Rules **of the State of New York**.

§ 19-22. Filing of notices.

A copy of any notice of delinquency or notice of ~~reasonable cause~~ **violation** sent pursuant to § 19-~~146~~ **18** or 19-~~147~~ **19** hereof shall be included in the reporting person's file and be available for public inspection.

§ 19-23. Additional powers and duties.

In addition to any other powers and duties specified by law, the Board shall have the power and duty to:

- A. Administer and enforce all the provisions of §§ 19-~~144~~ **16** through 19-~~20~~ **22**.
- B. Administer and enforce all the provisions of § 19-4 and §§ 19-25 through 19-32.**
- C.** Conduct any investigation necessary to carry out the provisions of **§ 19-4**, §§ 19-~~144~~ **16** through 19-~~20~~ **22** and **§§ 19-25 through 19-32**. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

§ 19-24. Records available for public inspection.

- A. The records of the Board which shall be available for public inspection **for a period of 7 years** are:

- (1) The information set forth in an annual statement of financial disclosure filed pursuant to the Code of Ethics, except any of the categories of value or amount, which shall remain confidential, and any item of information deleted pursuant to § 19-~~14G~~ **16G** hereof.
 - (2) The information set forth in the gift disclosure statement filed pursuant to § 19-4.**
 - (3) The information set forth in the contribution and gift sworn statements filed pursuant to § 19-27.**
 - (4) Notices of delinquency sent **and delinquent list produced** under § 19-~~146~~ **18** hereof.**
 - (5) Notices of civil assessments imposed under § 19-~~148~~ **20** hereof.**
 - (6) Notices of **violation** sent under § 19-~~17~~**19** and § 19-31 hereof.**
- B. No other records of the Board shall be available for public inspection. No meeting or proceeding of the Board shall be open to the public, except if expressly provided otherwise by the Board.

ARTICLE III County of Broome Professional Service Agreement

§ 19-25. Definitions.

As used in this Article, the following term shall have the meaning indicated:

PROFESSIONAL BUSINESS ENTITY — an entity seeking a public contract or agreement for professional service, public works, or purchase/lease of equipment, supplies and materials and which may be an individual including the individual's spouse, if any, and any child living at home; a person; firm, corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity. The definition of business entity shall also include bargaining units that represent Broome County employees or affiliates of said bargaining units.

§ 19-26. Contributions and gifts.

- A. The County shall not enter into contracts or agreements for professional services, public works, or purchase/lease of equipment, supplies and materials with any party if that party has solicited or made any contribution, including in-kind contributions, within one calendar year immediately preceding the date of the contract or agreement, which exceeded the permitted thresholds set forth in Article 14 of the Election Law of the State of New York.**
- B. It shall be a violation of Chapter 19 of the Broome County Code for a professional business entity to:**
- (1) Make or solicit a contribution or gift in violation of Articles I or III of Chapter 19 of the Broome County Code.**
 - (2) Knowingly conceal or misrepresent a contribution or gift given or received.**
 - (3) Make or solicit contributions or gifts through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.**
 - (4) Engage in the exchange of contributions or gifts that would circumvent the**

intent of Article III of Chapter 19 of the Broome County Code.

- (5) Directly or indirectly, through or by any other person or means, do any act which would subvert the provisions of Article III of Chapter 19 of the Broome County Code or the intent thereof.

§ 19-27. Contribution statement and gift statement by professional business entity.

- A. Election law signed statements. The County shall require a signed statement for any contract or agreement that requires formal bidding under the New York State General Municipal Law, the Broome County Charter or Local Law of Broome County that the professional business entity has not made a contribution within one calendar year immediately preceding the date of the contract or agreement which exceeded the permitted thresholds set forth in Article 14 of the Election Law of the State of New York.
- B. Gifts signed statement. The County shall require a signed statement for any contract or agreement that requires formal bidding under the New York State General Municipal Law, the Broome County Charter or Local Law of Broome County, that discloses all gifts given, if any, by the bidding professional business entity to any officer or employee of the County of Broome.
- C. Reporting violations. The professional business entity shall have a continuing duty to report any violations of Article III of Chapter 19 of the Broome County Code that may occur during the negotiation or duration of a contract.

§ 19-28. Contributions and gifts made prior to the effective date.

No contribution of money or any other thing of value, including in-kind contributions, and gifts made by a professional business entity shall be deemed a violation of this section; nor shall any contract or agreement be disqualified thereby, if that contribution or gift was given by the professional business entity prior to the effective date of Article III of Chapter 19 of the Broome County Code.

§ 19-29. Return of excess contributions.

A professional business entity, candidate for elected county office, officeholder, county party committee or political action committee (PAC) may cure a violation of Article III of Chapter 19 of the Broome County Code if, within 60 days after the prohibited contribution is made known, the responsible party notifies the Board of Ethics in writing and seeks and receives reimbursement of the contribution.

§ 19-30. Inspection of signed statements.

- A. Any contract or agreement that requires formal bidding under the New York State General Municipal Law, the Broome County Charter or Local Law of Broome County shall have the contribution signed statement and the gift signed statement attached for inspection to ascertain whether any professional business entity subject to the reporting requirements of Article III of Chapter 19 of the Broome County Code has filed a deficient statement or has filed a statement which reveals a possible violation of Article III of Chapter 19 of the Broome County Code. All statements that disclose gift giving will be forwarded by the Purchasing Agent to the office of the Clerk of the Legislature who shall produce a report of all received signed statements and on a

semiannual basis submit said report to the Board of Acquisition and Contract (B.A.C) as well as the Board of Ethics for their review. A statement will be filed with the Board of Ethics for any suspected violations.

B. Schedule. The Clerk of the Legislature's reporting requirement shall be as follows:

<u>Period End Date</u>	<u>Report Due To B.A.C.</u>
<u>(1) March 31</u>	<u>(1) April 21</u>
<u>(2) September 30</u>	<u>(2) October 21</u>

§ 19-31. Violations.

The Board of Ethics shall have the power to receive and review all complaints alleging a violation of Article III of Chapter 19 of the Broome County Code in the following manner:

- A. If a reporting professional business entity has filed a statement which reveals a possible violation of Article III of Chapter 19 of the Broome County Code, or the Board receives a sworn complaint alleging such a violation, or if the Board determines on its own initiative to investigate a possible violation, the Board shall notify the reporting entity in writing, describe the possible or alleged violation and provide the entity with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board thereafter makes a determination that further inquiry is justified, it shall give the reporting entity an opportunity to be heard. The Board shall also inform the reporting entity of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such entity. If the Board determines at any stage of the proceeding that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting entity and the complainant, if any. All of the foregoing proceedings shall be confidential.**
- B. If the Board determines that a violation has occurred, it shall send notice of violation to the reporting person, to the complainant, if any, to the County Executive and the County Legislature.**

§ 19-32. Penalties for offenses.

Any professional business entity that violates §§ 19-26 through 19-29 of Article III of Chapter 19 of the Broome County Code, shall be disqualified from eligibility for future County of Broome contracts for a period of two calendar years from the date of the violation.

§ 19-33. Severability and repealer.

- A. If any section, subsection, sentence, clause or phrase of Article III of Chapter 19 of the Broome County Code is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of Article III of Chapter 19 of the Broome County Code.**
- B. All local laws or parts of local laws which are inconsistent with any provisions of this Chapter are hereby repealed as to the extent of such inconsistencies.**

Section 2 This Local Law shall become effective **January 1, 2008.**

Material in ~~brackets~~ is deleted.

Material underlined is added.