

A LOCAL LAW TO AMEND THE SULLIVAN COUNTY ETHICS LAW

- Explanation:** This Local Law shall set forth amendments to Article VIIIA of the Sullivan County Code to reflect modifications to the Sullivan County Ethics Law.
- Legislative Intent:** The Sullivan County Legislature, after due diligence and careful consideration, declares that it is in the best interests of the citizens and the government of the County of Sullivan to amend the Sullivan County Ethics Law as contained in Article VIIIA of the Administrative Code of the Sullivan County Charter (hereinafter, the “Code”).
- Effective:** This Local Law shall become effective as of the date of filing with the Secretary of State.
- Amendments:** Article VIIIA of the Code is amended by deleting the current Article VIIIA in its entirety and inserting the new Article VIIIA language as follows:

Chapter A. ADMINISTRATIVE CODE

ARTICLE VIIIA. Ethics

PART A. Conduct

§ A8A-1. Definitions.

Unless otherwise indicated, the following terms shall be defined as such for purposes of this article:

AGENCY

The Sullivan County Industrial Development Agency ("IDA"), the Sullivan County Funding Corp., ECCEDC, and any nongovernment organization or entity that performs or is organized to perform County-related functions. An initial list of agencies that are subject to this Ethics Law shall be created by resolution

of the County Legislature within 60 days of adoption of this article.

APPROPRIATE BODY

Pursuant to Article 18 of General Municipal Law, the Board of Ethics of the County of Sullivan.

CHILD

Any son, daughter, stepson or stepdaughter of a County official, employee or County elected or appointed official.

CONTRACT

An agreement with the County, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

COUNTY

The County of Sullivan or any department, board, division, institution, office, branch, bureau, commission, or agency thereof.

COUNTY OFFICIAL

- A. Local officers or employees:
 - (1) The heads (other than County elected officials) and any members of the Board of Directors of any County agency, department, division, council, board, commission or bureau and their deputies, assistants and volunteers, whether paid or not;
 - (2) Other employees or volunteers, of such departments, divisions, boards, bureaus, commissions, councils or agencies who hold policy-making positions, whether paid or not.
 - (3) The term "local officer or employee" shall not mean a judge, justice, officer or employee of the Unified Court System, unless the individual is also a County employee.
- B. County elected officials: County Legislators, Clerk, Treasurer, Sheriff, Coroners and District Attorney;
- C. Other employees: other employees of the County whose duties 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, 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.
- D. "Specific Listing," not in limitation of the positions, titles or entities covered by Subsections A, B and C, above, the County Legislature shall, within 60 days of the adoption of this article, by

resolution, ^[2] set forth a specific list of the positions, titles and entities which shall be particularly covered by this article, and such resolution shall remain in full force and effect unless and until modified in a subsequent resolution by a majority of the County Legislature.

DEPENDENT

Any person, related or unrelated, living in the same household with a County official or employee and claimed as a dependent for income tax purposes by said County official.

EMPLOYEE

Any employee or official of the County of Sullivan, other than those designated as County officials herein.

INTEREST

- A. A direct or indirect financial or material benefit accruing to a County official, employee, his or her relative or dependent, whether as a result of a contract with the County or otherwise. A benefit shall include, but not be limited to, employment, a gift, service, payment, permit, approval, waiver, authorization, travel, entertainment, hospitality, or gratuity, or a promise of any of the foregoing. A County official shall be deemed to have an interest in a contract of:
 - (1) His or her dependent or relative, except a contract of employment with the County;
 - (2) A firm, partnership or association of which such County official or his or her dependent or relative is a member or employee;
 - (3) A corporation of which such County official or his or her dependent or relative is an officer or director; or
 - (4) A corporation, at least 10% of the outstanding capital stock of which is owned by a County official or his or her dependent or relative.
- B. A financial or material benefit shall not include a campaign contribution authorized by law.
- C. An "interest" shall not include the setting of County official and employee salaries and benefits, or an action statutorily mandated upon a County official when there is no other County official authorized to undertake such statutorily mandated action. In that event, the statutorily mandated action shall not be undertaken until the County official delivers written disclosure of the interest to the Clerk of the Legislature.

JURISDICTION

Having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the County or agency.

LEGISLATION

A matter which has been placed upon the calendar or agenda of the Legislature of Sullivan County or a committee thereof, upon which official action has been or may be taken, and shall include adopted acts, local laws, ordinances or resolutions.

OTHER GOVERNMENT OFFICIAL

Any elected or appointed public officer who, at the time of the request, is duly authorized and actually serving in their official capacity within a Town or Village located within the territorial boundaries of the County of Sullivan.

RELATIVE

A spouse, child, grandchild, sibling, child of a sibling or parent of a County official.

SIBLING

A brother or sister, half-brother or half-sister, stepbrother or stepsister of a County official.

SPOUSE

A husband, wife, or domestic partner, whether of the same sex or the opposite sex, of a County official, unless legally separated from the County official.

[1]: *Editor's Note: Said resolution is on file in the County offices.*

[2]: *Editor's Note: Said resolution is on file in the County offices.*

§ A8A-2. Code of Ethics.

- A. Every County official and employee shall be subject to and abide by standards of conduct. These standards of conduct are in addition to those which apply to County employees as set forth in the Sullivan County Employee Handbook distributed to each employee at his/her orientation session.
- B. Prohibited activities.
 - (1) No County official or employee shall use or permit the use of County property (including land, vehicles, equipment, materials and/or any other property) for personal convenience or profit, except when such use is available to County citizens generally or is provided as a condition of County employment or is set as a matter of County policy.

- (2) Certain County officials are precluded from taking part in the purchase of real or personal property owned by the County of Sullivan. The titles and positions of those County officials who may not bid for, or acquire or purchase real or personal property, in any manner, offered for sale by the County of Sullivan as a result of the tax delinquency of such parcel or parcels or otherwise, shall be separately identified by resolution ^[1] of the County Legislature within 60 days of adoption of this article. Exempt from this provision are Agency Board members, unless the individual is subject to this prohibition by another law. This includes a prohibition against bidding upon or acquiring or purchasing such properties directly or through an agent, representative, attorney or other third party, including, but not limited to, a relative. It shall be presumptive proof of a violation of this article if such County official shall have acquired any interest in the property whatsoever, including, but not limited to, the holding of a mortgage, lien or other financial interest, no matter how acquired, either directly or through any third parties, within two years of the date upon which such property was sold or conveyed by the County of Sullivan.

[1]: *Editor's Note: Said resolution is on file in the County offices.*

- (3) A County official or employee shall take no action on a matter before the County or agency, including, but not limited to, official acts and legislation, when he or she has an interest in such matter, as defined herein, which, to his or her knowledge, would conflict with or impair the proper discharge of his or her official duties. The County official or employee shall disclose such interest, in writing, to the County Legislature, as soon as he or she has knowledge of such interest. Every such written disclosure shall be made part of and set forth in the official record of the proceedings of the County Legislature.
- (4) A County official or employee may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee or over which he or she has jurisdiction, or to which he or she has the power to appoint any member, officer or employee. This preclusion does not include circumstances when the Legislature declares there to be an urgent need for the specific services so long as any conflict of interest is disclosed in writing and prior to a vote of the Legislature regarding same.
- (5) A County official may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any agency whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter.

- (6) A County official or employee shall not vote on, or administer, a matter in which he or she has a direct financial interest.
- (7) A County official shall not knowingly invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict of interest with his or her official duties. The County official shall disclose the conflict within 10 business days of attaining knowledge of same, and shall immediately undertake efforts either to divest himself or herself of the investment or resign his or her position. The conflict must be resolved within a reasonable time, but no later than 60 days from the date the County official first learned of it. During the period of time the conflict of interest exists, the County official shall not have direct oversight of the underlying matter and shall recuse himself or herself from any involvement in, discussion of, or vote upon, the matter.
- (8) A County official 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 official duties.
- (9) A County official shall not, for one year after the termination of service or employment, appear before his or her own board, agency or division of the County of Sullivan in relation to any case, proceeding or application in which he/she personally participated or over which he or she had jurisdiction during the period of his/her service or employment. An Elected Official shall not seek or accept employment that requires direct approval or confirmation of appointment by the County Legislature for two years after the expiration or termination of his or her term of office. Nothing herein shall preclude a person from employment as a result of competitive testing or having been elected.
- (10) No County official shall use or attempt to use his/her official position to advance or obtain any unwarranted privilege, exemption or advantage for himself, herself or others, not generally available to County citizens.
- (11) No County official shall directly or indirectly solicit or accept gifts, whether in the form of money, services, loan, travel, entertainment, hospitality, item or promise, or otherwise under circumstances in which it reasonably could be perceived to influence the performance of official duties or was intended as a reward for any official action. In addition to, and notwithstanding the foregoing, in no event shall a County official accept any gift or benefit which alone or in the aggregate exceeds \$75 in any given twelve-month period, from any person or firm that he or she knows or should know, does or intends to do, business with the County of Sullivan. Nothing

contained herein shall prohibit a County official from accepting a gift from a family member or personal friend which is customary on family and social occasions. A County official should seek an advisory opinion from the Board of Ethics prior to accepting a gift from such a person or firm in the event the County official believes that acceptance of the gift may create a conflict of interest. Violation of this Subsection B (11) shall constitute a conflict of interest.

- (12) No County elected official shall use his or her official position or office, or take or fail to take any action, in a matter in which he or she knows or has reason to know may result in a benefit to a person or entity from whom the County elected official has received election campaign contributions of more than \$250 in the aggregate during the 12 months prior to taking or failing to take such action. The County elected official shall disclose his or her perceived conflict of interest and thereafter shall abstain on any vote involving the person or entity. The abstention shall not be counted as a vote in favor of the matter before the County elected official.
- (13) No County official or County elected official shall engage in bid-rigging or any coercive conduct, such as: influence peddling, threats, fear of retribution, loss of job, intimidation, bullying, or loss of business, for the sake of personal gain or benefit.

C. Confidential information.

- (1) No County official or County employee subject to the provisions of this article shall disclose confidential information or use such information to further a personal interest.
- (2) The Public Officers Law of New York State requires counties to make certain records available for public inspection and copying. Permissible exceptions to this requirement are listed in § 87, Subdivision 2 of that law. Information defined by this Code of Ethics as either disclosable or confidential are intended to be consistent with the provisions of that law.
- (3) For the purposes of this article, all information falls into one of three categories: the class of information which is never confidential; the class of information which is always confidential; and the class of information which may be confidential.

(a) Never confidential:

[1] Some internal or interagency records, communications and reports are never confidential. According to the Public Officers Law, these include information that is:

[a] The result of an external audit; or

- [b] Statistical data; or
- [c] An instruction to staff that affects the public; or
- [d] A final policy or determination made by the county or one of its departments.

[2] Disclosure or use of such information is not restricted by this article.

(b) Always confidential:

[1] Information is always confidential when its disclosure would:

- [a] Impair current or imminent contract awards or collective bargaining negotiations; or
- [b] Interfere with law enforcement investigations or judicial proceedings; or
- [c] Deprive a person of his or her right to a fair trial or impartial adjudication; or
- [d] Constitute an unwarranted invasion of privacy; or
- [e] Endanger the life or safety of any person.

[2] Information that is always confidential includes:

- [a] Civil service examination questions or answers prior to the administration of the exam; or
- [b] Computer access codes; or
- [c] Information that is specified as nondisclosable by federal or state law.

[3] No County official may disclose such information, unless pursuant to court order, and may never use such information to further a personal interest.

(c) May be confidential: Information which does not clearly fall into one of the above categories may still be confidential. In those instances, where a request has not been filed pursuant to § 87 of the Public Officers Law and a County official or employee is uncertain as to whether information may be disclosed or used, prior to any determination being made with regard to disclosure or personal use, all County officials and employees must submit a written request to the County Attorney as to whether a given piece of information is confidential or not. The County Attorney shall advise whether the County official or employee is at that time legally obligated to deem the information confidential. The County Attorney shall make every best effort to provide

the requesting party with a written determination within three business days.

- (4) The restrictions on disclosure and use of confidential information apply without regard to the circumstances in which the information was sought or acquired.
- D. Failure to comply with this Section may result in the imposition of any appropriate penalty set forth in § A8A-5 hereof.

§ A8A-3. Board of Ethics.

- A. Membership and eligibility. There shall be a County Board of Ethics, the members of which shall be appointed by the County Manager, subject to confirmation by the County Legislature. The Board of Ethics shall consist of no more than five members, only one member may be a county official.

Members of the Board of Ethics shall be volunteers, and shall receive no compensation for the performance of duties as members. Members of the Board of Ethics shall be provided with training to enable them to carry out their responsibilities as set forth in this law. To the extent available, training shall be provided by the State of New York; otherwise the County shall seek appropriate training for Board members, at County expense. The Board shall have access to and the assistance of County administrative staff to the extent required to conduct its business, at no expense to the Board. County administrative staff shall be required to maintain complete confidentiality of all matters brought before and discussed by the Board. The Board shall be entitled to legal counsel. Each member of the Board shall be a resident of the County of Sullivan.

- B. Term. Each member of the Board of Ethics shall serve a term of three years and may be reappointed for one additional consecutive term. Each member shall serve until his or her successor has been appointed, except that of the five members first appointed, one shall serve for one year; two shall serve for two years; and two shall serve for three years. No member shall serve for more than two full three-year terms.
- C. Quorum. Three members shall constitute a quorum.
- D. Meetings
 - (1) Annual meeting. The Board of Ethics shall have an annual organizational meeting within 45 days of January 1 set by the chairperson from the previous year, at which time Board members will elect a chairperson. The initial meeting of the Board of Ethics shall occur within 60 days of the effective date of this Ethics Law. At the meeting, the Board shall review its activities of the previous year, discuss and

address modifications to procedure or the law, review the list of positions subject to annual disclosure statement filing, requirements, and any other business that may come before it.

- (2) Regular meetings. The Board of Ethics may hold additional meetings throughout the year as shall be called by the Chair or any two members, provided a meeting of the Board of Ethics shall be held within fifteen (15) business days after the filing of a complaint alleging a violation of this article, at which meeting such complaint shall be considered by the Board in the manner set forth in § A8A-4 hereof.

E. Vacancies and removals.

- (1) In the event a vacancy occurs, it shall be filled for the unexpired term in the same manner as the original appointment. Such appointment shall be made no later than 60 days after the vacancy occurs.
- (2) A member may be removed for cause by motion of any member of the County Legislature. Removal shall require approval by at least six affirmative votes cast by members of the Legislature.
 - (a) Grounds for removal are: substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Ethics Law or conviction of a crime.
 - (b) The provisions of § A8A-4 shall control and be applied to removals sought pursuant to this section.

F. Powers and duties of the Board of Ethics.

- (1) The Board of Ethics shall have the following powers and duties:
 - (a) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this article;
 - (b) To review the list of Sullivan County officials and employees required to file financial disclosure statements;
 - (c) Subject to the provisions of Part B of this article, to review financial disclosure statements that are the subject of a written inquiry or complaint. Upon review of a financial or transactional statement, if it is determined to be deficient or reveals a potential violation of this article, the Board shall notify the person in writing of the deficiency or potential violation and of the penalties for failure to comply with this article. A copy of such notice shall be provided to the County Manager and County

Attorney. The notice shall be confidential and shall not be subject to disclosure unless required in an employee disciplinary or removal proceeding or by order of court;

- (d) To investigate any alleged impropriety and recommend or undertake appropriate actions and proceedings, as required. To do so, the Board shall have the power to, among other things, administer oaths, affirmations, subpoena witnesses, compel their attendance, and require the production of relevant or material books and records; [Amended 9-19-2013 by L.L. No. 4-2013]
- (e) To review the filing of waivers or extensions of time to file financial disclosure statements as set forth in detail in Part B of this article;
- (f) To render, index and maintain on file advisory opinions;
- (f) To prepare an annual report by April 1 that summarizes the activities of the previous year and recommends any changes to the Ethics Law, including provision of definitions, disclosure forms and instructions for filling them out and filing procedures;
- (g) To maintain records of its reports, proceedings and recommendations for a period of seven years. Records deemed "confidential" shall be segregated from all other records to maintain their confidentiality until they are destroyed.
- (h) Upon request of an Other Government Official, to receive, investigate and make determinations of complaints alleging violations of a duly adopted ethics law of a municipality located within the County and also to issue advisory opinions requested by an Other Government Official or municipal employee, so long as the municipality does not have its own Board of Ethics.

In the event a municipality has a Board of Ethics, that Board of Ethics may refer requests for advisory opinions to the County Board of Ethics.

- (2) Meetings and proceedings of the Board concerning an alleged violation of this article shall not be open to the public except upon the request of the accused County official or employee or as required by law.
- (3) The Board of Ethics may act with respect to Sullivan County officials and employees; however, the resignation or termination of a County official or employee from a County office or from employment subsequent to the filing of a complaint, shall not affect the jurisdiction of the Board.

- (4) The following records of the Board of Ethics shall be available for public inspection:
 - (a) The information set forth in the annual statement of financial disclosure filed pursuant to Part B of this article, except the categories of value or amount and personal information, which shall remain confidential.
 - (b) Notices of civil assessments imposed under this article.
 - (c) Documents required to be disclosed by Public Officers Law, § 87, Subdivision 2; however, at no time shall a document produced or made available as part of a confidential investigation be released or made available for inspection.
 - (d) Documents mandated to be disclosed by court order.

§ A8A-4. Investigation of alleged violations; advisory opinions.

- A. Complaints. Upon receipt of a sworn complaint of a person alleging a violation of this article, or upon determining on its own initiative that a violation of this article may exist, the Board of Ethics shall have the power and duty to undertake an investigation to determine whether a violation has occurred.
 - (a) In the event a proceeding is commenced by sworn complaint, the Board shall, within sixty (60) business days, review the allegations and supporting documentation and determine whether or not a violation of this Article has been alleged. The complaint falls within the prohibitions of this Article. The sixty (60) business days may be extended by agreement between the Board of Ethics and the complainant. To the extent circumstances require an expedited review of a complaint, the Board shall endeavor to provide its initial determination to the complainant within a reasonable, expedited timeframe. The Board shall render its initial determination, by majority vote. In the event the Board determines that the complaint does not allege a violation of this Article, the complaint shall be dismissed and simple notice of the complaint and of its dismissal, without further detail, shall be mailed to the complainant. The complaint and the determination shall be sealed and not available to any person not a member of the Board of Ethics. The complaint and Ethics Board determination is Confidential and shall not be shared by the complainant with any person not a member of the Board of Ethics.

- (b) In the event a member of the Board of Ethics raises the possibility of a violation by a County official, the Board shall first determine, by majority vote, whether the alleged conduct, if undertaken, would constitute a violation of this article. In the event the Board determines that the conduct would not constitute a violation of this article, it shall render a written determination. The complaint, preliminary investigation and determination shall be sealed and not available to any person not a member of the Board of Ethics.

[1]: *Editor's Note: Copies of complaint and related forms are on file in the County offices.*

- (2) Upon the review set forth in section A(1)(a) above, in the event the Board determines that any element of the complaint, if true, would constitute a violation of this Article, it shall, provide written notification to the subject of the complaint within five business days. The notification shall identify the complainant, describe the alleged violation and provide fifteen (15) business days in which the subject of the complaint may submit a sworn, written response setting forth information and/or documentation sufficient to address the alleged violation. The Board's notification shall also inform the subject of the complaint of its rules regarding the conduct of adjudicatory proceedings, appeals, and the due process procedural mechanisms available to such individual.

In the event the Board of Ethics determines at any stage of the proceeding that the proof presented does not demonstrate that a violation has occurred, or that there is no violation or that any potential conflict of interest or violation has been rectified, it shall, within fifteen (15) business days, provide written notice to the subject of the complaint and the complainant. The foregoing notice of determination shall be confidential, except the subject of the complaint may, in defense of any claim made against him/her, disclose the determination of the Board

- (a) Upon review of the complaint and of any information or documentation provided by the subject of the complaint, a further investigation to determine whether reasonable cause exists to believe a violation has occurred, shall be commenced and completed within thirty (30) days, unless circumstances require a shorter or longer period of time. In the event the Board requires more than thirty (30) days to complete its investigation, it shall provide notice of same to the complainant and the subject of the complaint.
- (b) In the event the Board determines there is reasonable cause to believe a violation has occurred, it shall provide

written notice of reasonable cause to the subject of the complaint and to the complainant. In the case of a County official or employee, the Board shall also provide written notice to the appointing authority for such person, and, in the case of a County elected official, written notice to the Chair of the County Legislature. In the event of a conflict with the Chair, then notice shall be given to the Vice Chair. Such determination of reasonable cause shall not be disclosed or made public unless required by Public Officers Law or for use in a disciplinary proceeding or a proceeding under this Article involving the subject of the complaint, or another County official.

- (c) Once reasonable cause has been established, the Board of Ethics shall schedule a formal hearing, to be held within sixty (60) days, at which the subject of the complaint is entitled to legal representation of his or her own choosing and at his or her own expense. Testimony shall be taken under oath and the proceeding shall be recorded. The Board shall issue a decision containing specific findings, within thirty (30) days of the completion of the hearing. A copy of the decision shall be served by certified mail on the subject of the complaint or his or her legal representative, the complainant, and the Clerk of the Legislature. The decision of the Board of Ethics shall not be confidential.
- (3) Dispositions. The Board shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. The report shall be made in accordance with § A8A-3F, subject to the confidentiality requirements set forth herein.
- (4) Advisory opinions.
- (a) A County official or employee or other government official may request an advisory opinion from the Board of Ethics prior to that County official or employee or other government official engaging in any behavior which he or she reasonably believes may cause a violation of this article. The request for an advisory opinion shall be written and sworn to, and shall contain sufficient facts to permit the Board to make its determination. An individual requesting the opinion is obligated to be forthcoming and cooperative throughout the process, in the absence of which no advisory opinion will be provided. The Board shall endeavor to provide written notice of its determination within ten (10) business days. The County official or employee who requested the opinion shall be

notified of the Board's determination within 48 hours of the determination.

- (b) Advisory opinions shall be filed with the Clerk of the Legislature; however, the Board of Ethics shall first redact all names, identifying features, and any other information which would tend to identify the complainant and the subject of the request for the advisory opinion.
 - (c) In the event a complaint is subsequently filed against a County official or employee or other government official in which a violation of this code is alleged based upon the facts which formed the basis of the request for the advisory opinion, it shall be a complete defense to the alleged violation that the County official or employee or other government official acted consistent with, and in reliance upon, said advisory opinion. An unredacted advisory opinion shall be available to the County official who sought or needs it to defend himself or herself.
- (5) Complaints against the Board of Ethics. The Board of Ethics shall not conduct an investigation of itself or any of its members or staff. In the event the Board of Ethics receives a sworn complaint in which it is alleged that the Board or any of its members or staff has violated any provision of this article or any other law, it shall transmit a copy of the complaint to the Chair of the Legislature and the County Attorney within 48 hours of receipt of same. The Chair of the Legislature shall, within five (5) business days, create a three-person subcommittee of Legislators, at least one of whom is a member of a minority party, to address the complaint, and provide the complainant with written notice of the subcommittee members. The subcommittee shall thereafter conduct whatever investigation or hearing necessary in the same manner and with the same authority as provided generally in this section. A copy of the subcommittee's decision shall be distributed to all members of the Legislature. Further action, if any, shall comply with the provisions of this article.
- (6) False complaints. Any person who knowingly files a false complaint may be subject to disciplinary action, civil liability, or criminal prosecution.

§ A8A-5. Penalties for offenses.

- A. Any person who willfully and knowingly violates this article shall be subject to a civil action, civil penalty, disciplinary action or relevant criminal prosecution. Penalties are not exclusive.
- B. In addition to the foregoing, a person who knowingly and intentionally violates the provisions of this article may be fined up to \$10,000 per occurrence, unless the violator is subject to the

protections and limitations set forth in the Civil Service Law. A County official or County employee may also be reprimanded, suspended, or removed from office or employment, subject to the provisions of the Civil Service Law or any collective bargaining agreement.

§ A8A-6. Voidable contracts.

Any contract knowingly entered into in violation of this article shall be voidable at the discretion of the County Legislature.

§ A8A-7. Suits Against County.

Nothing set forth herein shall be deemed to bar or prevent the filing of a lawsuit or claim for or against the County of Sullivan under any other provision of law.

§ A8A-8. Testimony.

No County officer or employee or other government official shall decline or refuse to answer any question specifically or directly related to the performance of his or her official duties before any official, board or agency authorized or empowered to so inquire into the performance of such duties. This section shall not be construed to bar any Sullivan County officer or employee from exercising his constitutional privileges against self-incrimination; however, when such body or agency is wholly civil in nature, failure to cooperate with and diligently answer the inquiries shall constitute grounds for dismissal or removal, subject to any other provision of law.

§ A8A-9. Conflict with other provisions.

In the event two or more provisions of this article are in conflict with one another, the more restrictive provision shall apply.

§ A8A-10. Distribution of Code of Ethics.

The Chair of the Sullivan County Legislature shall cause a copy of this Ethics Law to be distributed to every County official, employee, and volunteers, electronically or otherwise, and

posted on the County website, within 30 days of its effective date. Each County official, elected or appointed, and each employee thereafter, shall be furnished with a copy of this article, electronically or otherwise, before entering upon the duties of his office or employment. Acknowledgement of receipt of this article shall be by regular (or inter-office) mail and must be provided by each County official or employee who is subject to its terms. Receipt of the acknowledgement shall be required in order to commence employment or volunteer work. Acknowledgement of receipt of this article shall be required by current County officials within 30 days after its effective date. Failure of the County to comply with the provisions of this section or failure of any County Official to receive a copy of this Law shall have no effect on the duty of compliance with this Law or on the enforcement of its provisions.

§ A8A-11. Effective date.

This article shall take effect upon filing with the New York State Secretary of State, subject to all applicable provisions of law.

PART B. Financial Disclosure

§ A8A-12. Definitions.

In addition to the definitions set forth in Part A of this article, the following terms shall have the meanings described below:

ANNUAL FINANCIAL DISCLOSURE STATEMENT

A form adopted by the Legislature of the County of Sullivan which requires the identification of certain personal and business assets of a required filer.

REPORTING CATEGORY

For the purpose of completing annual financial disclosure statements, the category of interest, income, value or worth of reported items. All amounts are to be indicated using the following categories only:

- A. Under \$5,000.
- B. Five thousand dollars to under \$20,000.
- C. Twenty thousand dollars to under \$60,000.
- D. Sixty thousand dollars to under \$100,000.
- E. One hundred thousand dollars to under \$250,000.
- F. Two hundred fifty thousand dollars or over.

REQUIRED FILER

A County elected official, County official, or other employee and any other individual whose position within or with the government of the County of Sullivan requires him or her to file an annual financial disclosure statement.

- A. On or before the 1st of April of each year, the County Legislature, by resolution, ^[1] shall identify those positions which require the filing of annual financial disclosure statements.
- B. On or before March 1 of each year, the Board of Ethics may recommend to the County Legislature modifications to the positions listed in the annual resolution ^[2] identifying "required filers"; however, no recommendation shall be acted upon unless adopted by resolution of the County Legislature.

[1]: *Editor's Note: Said resolution is on file in the County offices.*

[2]: *Editor's Note: Said resolution is on file in the County offices.*

§ A8A-13. Annual financial disclosure statements.

- A. Time period. On or before the 15th day of May of each year, required filers shall complete and file their annual financial disclosure statements. An individual who accepts a position or is appointed to a position listed on Appendix A^[1] after May 1 of any year shall file an annual financial disclosure statement for the year within 30 days of accepting the position.

[1]: *Editor's Note: Said appendix is on file in the County offices.*

- B. Place to file. A required filer shall submit to the Clerk of the County Legislature a completed annual financial disclosure statement on the form prescribed by the Sullivan County Legislature.
- C. Request for extension of time. On or before May 1 of each year, a required filer may request an extension of time to file his or her annual financial disclosure statement for a period not to exceed 30 days. Such request shall be made in writing to the Clerk of the Legislature. The request shall be approved only upon a showing of

justifiable cause or undue hardship. The Clerk shall provide the required filer with written notice of his or her determination within five (5) business days of receipt of such request.

§ A8A-14. Responsibilities of Clerk of Legislature.

- A. The Clerk of the Legislature shall be the official repository of all annual financial disclosure statements and shall not release for observation or otherwise any such statement unless authorized to do so by this or other law.
- B. Upon written request and as required by the Freedom of Information Law, the Clerk of the Legislature shall make an annual financial disclosure statement available, but shall withhold from inspection personal information such as social security numbers, home address, and other personal information, as permitted by law. All written requests for access to annual financial disclosure statements shall be kept on file by the Clerk of the Legislature.
- C. The Clerk of the Legislature shall receive and catalog all annual financial disclosure statements to determine whether a required filer has filed his or her financial disclosure statement. In the event a required filer has failed to file an annual financial disclosure statement, the Clerk shall provide written notice of the violation and 10 days to correct it. In the event the violation is not cured within 10 days, the Clerk shall report it to the Board of Ethics. In the event the required filer is a member of the Board of Ethics, the Clerk shall report the violation to the Chair of the Legislature.

§ A8A-15. Violations.

- A. A required filer who violates this article may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction as authorized by law. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this article or in any other related provision of law.
- B. In the event of a violation of this article, or in the event the Board of Ethics receives a sworn complaint alleging a violation, or in the event the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall provide written notice to the required filer, in which the alleged violation is set forth in detail. The Board of Ethics shall provide a ten-day period in which the required filer shall submit a detailed written response.
 - (i) In the event the Board of Ethics determines further inquiry is justified, it shall provide the required filer with an opportunity to be heard.
 - (2) The Board of Ethics shall inform the required filer of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available as set forth in Part A, § A8A-4, hereof.
 - (3) In the event the Board of Ethics determines at any stage of the proceeding that there is no violation or that a violation has been cured, it shall so advise the required filer and the complainant, if any. All of the foregoing proceedings shall be confidential.
- C. In the event the Board of Ethics determines there is reasonable cause to believe that a violation exists, it shall send a notice of reasonable cause to: the required filer; the complainant, if any; and, in the case of a County official, his or her appointing authority.
 - (1) The Board's determination of reasonable cause 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 involving the required filer.
 - (2) Any further proceedings shall adhere to the procedural requirements set forth in Part A, § A8A-4, of this article.
 - (3) In the event the Board of Ethics determines that a violation of this article has occurred, it shall provide a copy of its determination to the required filer's appointing authority or, in the event the required filer is a County elected official or member of the Board of Ethics, to the County Legislature, for further action. The determination of the Board of Ethics shall

include a recommendation as to penalty, sanction or other action.