

July 9, 2009

Services Committee: 6-15-2009

RESOLUTION NO. 226-2009

ADOPTING PROPOSED LOCAL LAW A (NO. _) FOR THE YEAR 2009, ADOPTING THE ST. LAWRENCE COUNTY ETHICS LAW AND RESCINDING ALL PREVIOUS ETHICS LAWS AND AMENDMENTS IN ST. LAWRENCE COUNTY

By Ms. Brothers, Chair, Services Committee

Co-Sponsored by Ms. Cobb, District 8; Mr. MacKinnon, District 4; and Mr. Morrill, District 6

BE IT ENACTED by the Board of Legislators of St. Lawrence County as follows:

- Section 1: The adoption of this local law is intended to replace any and all laws and amendments previously adopted by the Board of Legislators relating to the Code of Ethics in St. Lawrence County.
- Section 2: This local law shall take effect upon filing in the Office of the Secretary of State.
- Section 3: The Board of Legislators adopts the following Ethics law:

St. Lawrence County Ethics Law
July 6, 2009

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ARTICLE 1. PURPOSE

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The purpose of this law is to create the St. Lawrence County Ethics and Disclosure Law in compliance with Article 18 of the New York State General Municipal Law. The citizens of St. Lawrence County are entitled to the expectation of exemplary ethical behavior from their County officers, employees and appointed officials, and this law is intended to create the minimum standards, which constitute that behavior. At the same time, one must recognize that public service cannot require a complete divesting of all proprietary interests by public servants, or impose overly burdensome disclosure requirements, if the government is to attract and hold highly competent officers and employees. Although the assurance of ethical, conflict-free conduct will continue to rest primarily on the personal integrity of the officers and employees themselves, on their commitment to the public good, and on the vigilance of the citizenry, the establishment of, and adherence to, the standards and procedures set forth in this law will serve to provide the highest caliber of public administration and foster increased confidence in public officials. By requiring public annual disclosure of interests that may influence or be perceived to influence the actions of government officials, by mandating ethics training for all government officials, and by assuring the availability of legal advice about the propriety of proposed actions by government officers and employees, this law intends to facilitate the consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of the government to the people. Recognizing that the overwhelming majority of public servants are honest, this law focuses primarily on prevention, not punishment, and thereby seeks to promote both the reality and the perception of integrity and transparency in government.

ARTICLE 2. DEFINITIONS

Unless otherwise indicated, the following terms are defined for the purpose of the St. Lawrence County Ethics Law:

1. "Agency" means any of the divisions of County government referred to in subdivision (d) of this section, except the Legislature.
2. "Appropriate body" pursuant to Article 18 of General Municipal Law, means the Board of Ethics of the County of St. Lawrence.
3. "Confidential Information" means any record or other information in any format that is either:
 - (a.) prohibited by federal or state law from disclosure to the public; or
 - (b.) prohibited from disclosure by local law of the County and also exempt from mandatory disclosure under the New York State Freedom of Information Law ("FOIL") and the New York State Open Meetings Law.
4. "Child" means any son, daughter, step-son or step-daughter of a County Officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee or appointed official as defined in Internal Revenue Code Section 152(a)(1) and (2), and any amendments thereto.
5. "County" means the County of St. Lawrence or any department, board, executive division, institution, office, branch, bureau, commission, agency, legislature or other division or part thereof.
6. "Gift" means any thing of value sought or received for less than fair market value, whether in the form of money, a service, a loan, travel, entertainment, or tickets, or in any other form.
7. "Government" means the St. Lawrence County Legislature, and includes all of its agencies, offices, departments, divisions, bureaus, boards, administrations, authorities, corporations, councils, commissions, and other units.
8. "Major campaign contributor" of a County officer or employee means any individual or entity that has made, in the aggregate during the preceding 24 months, contributions of \$1,000 or more

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for the election of the County officer or employee to any public office.

9. "Ministerial act" means an administrative act, including the issuance of a license, permit, or other permission by the government, which is carried out in a prescribed manner and which does not involve substantial personal discretion.

10. "Interest" means a direct or indirect pecuniary or material benefit accruing to a County officer, employee or appointed official, his or her spouse or child whether as the result of a contract with the County or otherwise. A County officer, employee or appointed official may be deemed to have an interest in any contract with:

(a.) his or her spouse and children, except a contract of employment with the County;

(b.) a firm, partnership or association of which such officer, employee or appointed official or his or her spouse or child is a member or employee;

(c.) a corporation of which such officer, employee or appointed official or his or her spouse or child is an officer or director; and

(d.) a corporation of which the outstanding capital stock is owned by an officer, employee or appointed official, or his or her spouse or child.

11. "Legislation" means a matter which appears upon the calendar or agenda of the County legislature of St. Lawrence County or upon a committee hereof upon which any official action has been taken and shall include adopted acts, local laws, ordinances or resolutions.

12. "Officer" or "employee" means any officer or employee of the County of St. Lawrence, and any elected officials, appointed officials and heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the County of St. Lawrence, whether paid or unpaid, who occupy a policy making position.

13. "County Elected Official" means a County Legislator, the County Clerk, the District Attorney, the County Treasurer or the Sheriff.

14. "Appointed Official" means any individual who is appointed by the Chairman of the Board of Legislators or the County Legislature to any agency, institution, department, office, branch, division, council, commission, board or bureau, whether paid or unpaid.

15. "Relative" means spouse, domestic partner, child, stepchild, brother, sister, parent, or stepparent of the County officer or employee. In addition, any person claimed as a dependent on the latest income return.

16. "Reporting officer, employee or appointed official" means an officer, employee or appointed official who is required to complete and file an annual statement of financial disclosure pursuant to this Local Law.

17. "Subordinate" means a County officer or employee the work of whom one has the authority to directly or indirectly control or direct, whether or not the two officers or employees stand in a direct reporting relationship to one another.

18. "Spouse" means the husband or wife of an officer, employee or appointed official subject to the provisions of this Local Law unless legally separated from such officer, employee or appointed official.

19. "Domestic Partner" means a person who is neither married nor related by blood or marriage to the County officer or employee; it is the County officer or employee's sole spousal equivalent; lives together with the County officer or employee in the same residence and intends to do so indefinitely; is responsible with the County officer or employee for each other's welfare.

20. "Jurisdiction" shall mean having the authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the County agency (as defined above at Article 2, Section 1) in which she or he is an officer, employee or appointed official (as defined above at Article 2, Sections 12 and 14).

21. "Policy-Making position" means an officer or employee who is designated to be "policy-making" by the County Legislature and whose major duties are not ministerial in nature.

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ARTICLE 3. CODE OF ETHICS

A. Government officers and employees should strive to conduct themselves in accordance with the ethical principles set forth in the following Code of Ethics. In all actions, as a government officer or employee:

1. A County officer or employee should serve the people and uphold the rule of law, always seeking to promote effective and democratic government.
2. A County officer or employee shall demonstrate a dedication to the highest ideals of honor, honesty, and integrity, thereby promoting public confidence in the honor, honesty, and integrity of the government.
3. A County officer or employee should make decisions and act solely on the basis of merit, with fairness and impartiality and in conformity with the law, and, except as provided by law, shall give no preference to anyone because of their wealth, position, or status or because of their relationship to the County officer or employee personally.
4. A County officer or employee shall impress upon all with whom the County officer or employee deals with that the County officer or employee performs his or her duties free of improper influence.
5. A County officer or employee should show respect to the public, to his or her superiors, subordinates, and co-workers, and to all with whom the County officer or employee deals with.
6. A County officer or employee should give a full day's work for a full day's pay.
7. A County officer or employee should maintain confidential information to which the County officer or employee is privy as a result of his or her government position and shall never use or disclose that information for personal gain or private purposes.
8. A County officer or employee should conserve public resources.
9. A County officer or employee should make no private promises in carrying out his or her official duties, as his or her position is a public one.
10. A County officer or employee should never solicit any gifts or favors and shall accept no gifts or favors that might compromise, or appear to compromise, his or her independence as a public servant.
11. A County officer or employee should refrain from any personal, private, financial, business, or political activities that might undermine the public's confidence in the government and shall never use his or her official position for private gain.
12. A County officer or employee should so conduct his or her private investments, private employment, and personal relationships and actions that they will never be in conflict with his or her official duties.
13. A County officer or employee should resist any attempts by anyone to undermine the professionalism, honesty, and integrity of the public service.
14. A County officer or employee should promptly inform the appropriate authority of any interests or actions by anyone that violates these principles.

B. It is the policy of the County Legislature that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever an officer or employee has an interest, direct or indirect, which conflicts with their duty to the County or which could adversely affect an individual's judgment in the discharge of his or her responsibilities. All County officers and employees shall comply with the following Ethics Code.

1. **Misuse of office.** A County officer or employee may not take an action or fail to take an

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action as a government officer or employee if doing so might financially benefit

- (a) him or herself; or
- (b) a relative; or
- (c) any person or entity for which a County officer or employee is an attorney, agent, broker, employee, officer, director, trustee, or consultant; or
- (d) any person or entity with which a County officer or employee has a financial relationship; or
- (e) any person or entity with which a County officer or employee had a financial relationship during the previous twelve months; or
- (f) any person or entity from which a County officer or employee received a gift, or any goods or services for less than fair market value, during the previous twelve months; or
- (g) any person or entity that was a major campaign contributor during the previous twenty-four months.

2. Misuse of government resources. A County officer or employee may not use government letterhead, personnel, equipment, supplies, or resources for a non-governmental purpose nor may a County officer or employee do personal or private activities during times when he or she is required to work for the government.

3. Gifts.

- (a) A County officer or employee may not request or accept a gift from any person or entity
 - (1) that the County officer or employee knows, should know, or could reasonably learn, is doing business with the government or intends to do business with the government or has done business with the government during the previous twelve months, or
 - (2) that the County officer or employee knows, should know, or could reasonably learn, has or is seeking a license, permit, grant, or benefit from the government.
- (b) A County officer or employee also may not buy goods or services for less than fair market value from any of these persons or entities.

4. Compensation. A County officer or employee may not request or accept any thing from any person or entity other than the government for doing his or her government job.

5. Solicitation of subordinates. A County officer or employee may not knowingly ask, directly or indirectly, a subordinate to make contributions to any person, entity, or campaign or to do any political activity.

6. Coercive political solicitation. A County officer or employee may not use his or her government position to make threats or promises for the purpose of trying to get anyone to do any political activity or make a political contribution.

7. Political solicitation of vendors, contractors, and licensees. A County officer or employee may not ask any person or entity that he or she knows, or could reasonably learn, does or intends to do business with the government or has or is seeking a license, permit, grant, or benefit from the government and a County officer or employee may not ask any person he or she knows, or could reasonably learn, has done business with the government during the previous twelve months to make any political contribution or to do any political activity.

8. Political activity by high-level officials. If a County officer or employee is an elected government official he or she may not directly or indirectly ask any County employee to contribute to the political campaign of a County officer or employee running for public office or to the political campaign of anyone running for elective government office.

9. Confidential information. A County officer or employee may not disclose confidential information acquired in the course of his or her official duties or use such information to further his or her personal interest or use it for any non-government purpose, even after the County officer or employee leaves government service.

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10. Appearances and representation. A County officer or employee may not communicate with his or her government agency on behalf of a private person or entity nor may a County officer or employee represent a private person or entity in a matter that is before his or her government agency.

11. Prohibited outside positions. A County officer or employee may not be an attorney, agent, broker, employee, officer, director, trustee, or consultant who will receive a direct personal benefit or direct financial gain for anyone that the County officer or employee knows or should know is doing business or seeking to do business with the government.

12. Post-County employment.

(a) A County officer or employee may not seek or obtain any non-government employment or discuss possible future employment with anyone that is doing business with his or her County agency.

(b) A County officer or employee may never accept any thing to work on any particular matter that he or she personally and substantially worked on while with the County.

(c) For one year after leaving County service, a County officer or employee may not accept any thing from any person or entity to communicate with his or her former agency of the County.

Exclusion: Communications by former government officers or employees with his or her former government agency during the first year following termination of his or her government service is permissible where the former government officer or employee is a consultant directly to the former agency.

13. Prohibited ownership interests. A County officer or employee may not own any part of a business or entity that the County officer or employee knows, or could reasonably learn, is doing business or seeking to do business with the government or that the County officer or employee knows, or could reasonably learn, has or is seeking a license, permit, grant, or benefit from the government nor may his or her spouse nor may any of his or her children who are less than 18 years old. Exclusion: An ownership interest or the dealing with the government otherwise prohibited shall not create a conflict of interest if determined by rule of the Board of Ethics upon application.

14. Lawyers and experts. A County officer or employee may not be a lawyer or expert against the government's interests; nor may a County officer or employee receive any thing from anyone to act as a lawyer or expert against the government's interests. A County officer should not encourage or promote legal action against the government.

15. Purchase of office. A County officer or employee may not give or promise to give any thing to any person or entity for being elected or appointed to government service or for receiving a promotion or raise.

16. Hiring and supervision of relatives. No officer or employee of the County shall hire or induce others to hire a relative of such officer or employee nor shall any officer or employee of the County directly supervise or evaluate the work of any relative employed by the County except:

(a) as required by the Civil Service Law or rules promulgated there under; or

(b) pursuant to a supervisory arrangement that began prior to the effective date of this subdivision; or

(c) with the written approval of the Board of Ethics. In determining whether to approve the request of an officer or employee to hire or supervise a relative, the Board shall consider, among other things, the nature of the relationship at issue and any steps that have been taken to ensure objectivity in any such hiring decision, salary determination, evaluations, recommendations for promotions and increases and other aspects of a supervisory relationship. Neither such request for Board approval nor the determination of

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the Board shall be confidential. Nothing in this subdivision, nor any approval issued by the Board pursuant to this subdivision, shall relieve an employee of the continuing requirement to exercise his job duties in the best interests of the County, without giving raises, promotions or other beneficial terms or conditions of employment based on private interests or personal relationships, and the Board may continue to enforce such requirement, as it deems appropriate, whether or not it has approved the hiring or supervision of a relative.

17. **Avoidance of conflicts.** A County officer or employee may not knowingly request, negotiate for, or accept any interest, employment, or thing that would result in a violation of this Ethics Code.

18. **Improper conduct.** A County officer or employee may not take any action or have any position or interest that conflicts with his or her government duties.

19. **Inducement of others.** A County officer or employee may not cause, try to cause, or help another officer or employee of the government to do any thing that would violate any provision of this Ethics Code.

ARTICLE 4. EXCLUSIONS FROM THE ETHICS CODE

1. The Ethics Code shall not prohibit, or require recusal as a result of:

- (a) An action specifically authorized by a resolution or local law of the government or by a statute, rule, or regulation of the State or Federal Governments or lawfully undertaken pursuant to one's official duties; or
- (b) A ministerial act; or
- (c) Gifts accepted by a government officer or employee
 - (1) From his or her relatives; or
 - (2) That have an aggregate value of \$75.00 or less during any twelve-month period from any one source; or
 - (3) That are accepted on behalf of the government and transferred to the government in accordance with procedures established by the Board of Ethics, including without limitation perishable items such as flowers or food items. The determination to accept such a gift shall be made by the County Legislature or the County Administrator or the head of a County Department, but in any event only pursuant to procedures established by the Board of Ethics; or
- (d) Receipt of government services or benefits, or use of government facilities, personally and individually that are generally available on the same terms and conditions to citizens or residents, or classes of citizens or residents, under housing or other general welfare legislation; or
- (e) Representation of constituents by elected officials without compensation in matters of public advocacy; or
- (f) Disclosure to a law enforcement agency of confidential government information concerning conduct that may involve waste, fraud, corruption, criminal activity, or a violation of this conflicts of interest law.

ARTICLE 5. RECUSAL

All government officers and employees shall comply with the following provisions on disclosure and recusal.

1. As soon as a County officer or employee faces a conflict of interest or potential conflict of interest under the Ethics Code, the County officer or employee must recuse him or herself from

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dealing with the matter.

2. A member of the Board of Legislators in his or her official capacity that might financially benefit one of the persons or entities set forth in Article 2, Section 15, provided that the action and the relationship are not otherwise prohibited by the Ethics Code and further provided that the member, prior to acting on the matter, discloses the interest to the Board of Ethics and, in the case of matters before the Board of Legislators on the official public records of the Board of Legislators; or
3. Whenever a County officer or employee is required to recuse him or herself under this section, the County officer or employee shall:
 - (a) Immediately stop participating further in the matter; and
 - (b) Within five (5) business days inform his or her superior, if any, about the recusal; and
 - (c) Within five (5) business days file a written statement with the Board of Ethics disclosing the nature and extent of the conflict of interest; or, if a County officer or employee is a member of the St. Lawrence County Board of Legislators or of a board appointed by the Board of Legislators, the County officer, employee or appointee shall also set forth his or her recusal on the official public record of the St. Lawrence County Board of Legislators.
4. No one shall retaliate against a County officer or employee or take any adverse personal action against a County officer or employee for complying with this section.

ARTICLE 6. PRIVATE PERSONS AND ENTITIES

1. **Inducement of violations.** No one shall cause, attempt to cause, or help a government officer or employee to do any thing that would violate any provision of the Ethics Code.
2. **Appearances.**
 - (a) Subject to paragraph c of this subdivision, a person or entity for whom or for which a government officer or employee serves as a paid attorney, agent, broker, employee, officer, director, trustee, or consultant shall not communicate with the officer's or employee's government agency nor shall any business or entity of which a government officer or employee has ownership interest of 5% or more.
 - (b) Subject to paragraph c of this subdivision, a person or entity for whom or for which a government officer or employee serves as a paid attorney, agent, broker, employee, officer, director, trustee, or consultant shall not communicate with any other agency of the government if the officer or employee has the authority to appoint any officer or employee of the agency or to review, approve, audit, or authorize any budget, bill, payment, or claim of the agency nor shall any business or entity of which a government officer or employee has ownership interest of 5% or more.
 - (c) Nothing in paragraphs a or b of this subdivision shall be construed to prohibit the person, business, or entity from:
 - (1) Appearing on its own behalf, or on behalf of the government, before any agency of the government; or
 - (2) Seeking or obtaining a ministerial act; or
 - (3) Receiving a government service or benefit, or using a government facility, that is generally available to the public.

ARTICLE 7. ANNUAL REVIEW OF CODE OF ETHICS

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

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ARTICLE 8. ANNUAL DISCLOSURE

1. Officers and employees required to file. The following classes of officers and employees of the government shall be required to file a signed annual disclosure statement:

- (a) Elected officials; and
- (b) The heads of any agency, department, division, council, board, commission, authority or bureau of the government and their deputies and other persons authorized to act on their behalf who make policy decisions; and
- (c) Officers and employees who hold policymaking positions, including members of boards, commissions and public authorities of the government; A person shall be considered to hold a policymaking position if he or she meets the following criteria, based either on the powers and duties of the position held by the person as set forth in the job description or any applicable law or regulation, or based on the actual duties performed by the person:
 - (1) he or she has been determined to be managerial pursuant to Civil Service Law §201(7) because he or she formulates policy; or
 - (2) he or she is in the non-competitive class under §2.2 of the rules and regulations of the New York State Department of Civil Service, provided that the person holds a position that is designated in any applicable rules and regulations promulgated by the county civil service commission pursuant to Civil Service Law §20, on the basis that the position requires the performance of functions influencing policy; or
 - (3) he or she exercises responsibilities of a broad scope in the formulation of plans for the implementation of goals or policy for a county agency or acts as an advisor to an individual in such a position, and
- (d) Officers and employees having discretionary authority with respect to:
 - (1) Contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses; or
 - (2) The purchase, sale, rental, or lease of real property, personal property, or services, or a contract therefore; or
 - (3) The obtaining of grants of money or loans; or
 - (4) Inspections; or
 - (5) The adoption or repeal of any rule or regulation having the force and effect of law, and

2. Time and place for filing. Annual disclosure statements shall be filed with the Board of Ethics no later than the 31st of March each year.

ARTICLE 9. DESIGNATION OF OFFICERS AND EMPLOYEES REQUIRED TO FILE ANNUAL DISCLOSURE STATEMENTS

Within 30 days after the effective date of this law, and during the month of February each year thereafter, the heads of any agency, department, division, council, board, commission, authority or bureau of the government and their deputies and other persons authorized to act on their behalf and officers and employees who hold policymaking positions, including members of boards, commissions and public authorities of the government shall:

- (a) Cause to be filed with the Board of Ethics a list of the names and offices or positions of all government officers and employees required to file annual disclosure statements pursuant to Article 8 of this law; and
- (b) Notify all such officers and employees of their obligation to file an annual disclosure statement by March 31st of each year.

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ARTICLE 10. MAINTENANCE OF DISCLOSURE STATEMENTS

The Board of Ethics shall index and maintain on file for at least seven (7) years all transactional, applicant, and annual disclosure statements filed with the Board.

ARTICLE 11. VOID CONTRACTS

Any contract or agreement entered into by or with the government that results in or from a violation of any provision of Articles 3 and 6 shall be void unless ratified by the St. Lawrence County Board of Legislators. This section shall not be construed to authorize the ratification of any contract prohibited by Article 18 of the NY State General Municipal Law. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this law or any other provision of law.

ARTICLE 12. PROCEDURES AND PENALTIES

Complaints concerning the potential violations of this Local Law are to be referred to the St. Lawrence County Attorney who, while in the course of responding to complaints made by individuals or groups as to the possible violation of this Local Law, may request the Ethics Board to review allegations made and report such findings to the Board of Legislators and/or District Attorney. In its discretion after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Board of Ethics may recommend appropriate disciplinary action or civil penalties. A violation of this law may subject the violator to any or all of the following penalties:

1. Disciplinary action.

(a) Any government officer or employee who knowingly or intentionally engages in any action that violates any provision of this law, including knowingly failing to file the Annual Disclosure Statement, may be warned or reprimanded or suspended or removed from office or employment, or be subject to any other sanction authorized by law, by the person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this law or in any other provision of law.

(b) Any Advisory Board members required to comply with the provision of this Local Law who knowingly or intentionally engages in any action that violates any provision thereof, including the failure to complete the annual disclosure statement, shall be deemed to have resigned from said advisory board, in addition to any other applicable penalties as may be appropriate under this section.

2. Civil fine. Any government officer or employee who knowingly or intentionally violates any provision of this law may be subject to a civil fine of up to \$1,000 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this law, other than a civil forfeiture pursuant to Section 4 of this Article.

3. Damages. Any person, whether or not a government officer or employee, who knowingly or intentionally violates any provision of this law shall be liable in damages to the government for any losses or increased costs incurred by the government as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this law, other than a civil forfeiture pursuant to Section 4 of this Article.

4. Civil forfeiture. Any entity or person, whether or not a government officer or employee, which or who receives an economic benefit knowing it to be the result of conduct that violates

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any provision of this law shall be subject to a civil forfeiture to the government of a sum up to three times the value of the benefit. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this law, other than a civil fine pursuant to Section 2 or damages pursuant to Section 3 of this Article.

5. **Crime.** Any person, whether or not a government officer or employee, who knowingly or intentionally violates provisions of this law, may be guilty of a Class A Misdemeanor and, upon conviction thereof, should forfeit his or her government office or employment.

6. Debarment.

(a) Any entity or person, whether or not a government officer or employee, which or who knowingly or intentionally violates any provision of this law may be prohibited from entering into any contract with any agency of the government for a period not to exceed three years, and

(b) Nothing in this section shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, which is generally available to the public, and

(c) Under this section, a corporation, partnership, or other entity shall not be held vicariously liable for the unauthorized actions of an employee. A corporation, partnership, or other entity shall not be debarred because of the unauthorized actions of an employee unless the employee acted in the execution of company policy or custom. A store, region, division, or other unit of an entity shall not be debarred because of the unauthorized actions of an employee of that unit unless the employee acted at the direction, or with the actual knowledge or approval, of the manager of the unit.

ARTICLE 13. INJUNCTIVE RELIEF

Any citizen, officer, or employee of St. Lawrence County may bring an action for injunctive relief to enjoin an officer or employee of the government from violating this law or to compel an officer or employee of the government to comply with the provisions of this law.

**ARTICLE 14. BOARD OF ETHICS: ESTABLISHMENT; INDEPENDENCE;
BUDGET; MEMBERS; MEETINGS**

1. There is established a Board of Ethics, which shall consist of five (5) members and shall have and exercise the powers and duties set forth in this law.

2. The Board shall be independent of the St. Lawrence County Board of Legislators and County Administrator. The appropriations, if any, available to pay for the expenses of the Board during each fiscal year shall be determined by the St. Lawrence County Board of Legislators.

3. The first members appointed by the St. Lawrence County Board of Legislators shall serve for a term of one (1), two (2), three (3), four (4) and five (5) years. Hereafter, all appointees shall be appointed to five-year terms. Terms shall be staggered with no more than two vacancies open. A Board member may serve for up to one year upon the expiration of his or her term, or until a successor is appointed to fill the vacancy. An Ethics Board member may serve two full 5 year terms.

4. No Board of Ethics member shall hold office in a political party or be employed or act as a lobbyist or be an officer in the government. A Board of Ethics member may not make campaign contributions to any political campaigns associated with the St. Lawrence County Board of Legislators including but not limited to the positions of County Legislator, County Sheriff, County Clerk, District Attorney or County Treasurer, nor participate in any election campaign. Of the total membership of the Board, no more than the majority minus one shall be registered in

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the same political party.

5. The members of the Board of Ethics shall designate the Chair of the Board. The Chair or any three (3) members of the Board may call a meeting.

6. When a vacancy occurs in the membership of the Board, the vacancy shall, within 60 days, be filled by the Board of Legislators for the unexpired portion of the term in the same manner as the original appointment. Any person appointed to fill a vacancy on the Board shall meet the qualifications set forth in Section 4 of this Article.

7. Three (3) members of the Board shall constitute a quorum, and the Board shall have the power to act by vote of 3 members.

8. After written notice and opportunity for reply, members of the Board may be removed by the St. Lawrence County Board of Legislators for failure to meet the qualifications set forth in Section 4 of this Article, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this law.

9. The members of the Board shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

10. The County Attorney will act as Staff to the Board of Ethics.

ARTICLE 15. BOARD OF ETHICS: JURISDICTION; POWERS; DUTIES

The Board of Ethics shall:

1. Adopt a set of By-Laws to be approved by the St. Lawrence County Board of Legislators.

These By-Laws will be limited to the governance of the Board of Ethics. Any changes to these By-Laws will be subject to the approval of the St. Lawrence County Board of Legislators.

2. Review, index, and maintain on file officers' and employees' annual disclosure statements.

3. Confidentially review, index, maintain on file, and legitimately dispose of complaints, make notifications and referrals, and conduct investigations as referred by the St. Lawrence County Attorney or any party as defined in Article 9 of this Local Law.

4. Confidentially conduct hearings, recommend disciplinary action, and make referrals, and initiate appropriate actions and proceedings as referred by the St. Lawrence County Attorney or any party as defined in Article 9 of this Local Law.

5. Render, index, maintain on file, and publish advisory opinions in accordance with Article 20.

6. Provide training and education, including educational materials, on the requirements of this law.

7. Prepare an annual report and periodically review the requirements of this law and recommend changes, as noted in Article 22.

8. Provide for public inspection of certain records of the Board while maintaining confidentiality of all records to the extent allowable by law.

ARTICLE 16. REVIEW OF LISTS AND DISCLOSURE STATEMENTS

1. The Board of Ethics shall review:

(a) The lists of officers and employees, prepared pursuant to Article 9 of this law, to determine whether the lists are complete and accurate. The Board shall recommend to the St. Lawrence County Board of Legislators the name(s) of any other officer or employee who the Board determines should appear or not appear on the list.

(b) All annual disclosure statements, and revisions, to determine whether any person required to file such a statement has failed to file it.

2. If the Board determines that an annual disclosure statement or a transactional disclosure

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statement is deficient, the Board shall notify the person in writing of the deficiency of a possible or potential violation and of the penalties for failure to comply with this law.

ARTICLE 17. INVESTIGATIONS

1. Upon receipt of a complaint by the St. Lawrence County Attorney, by any person alleging a violation of this law, and at the request of the St. Lawrence County Attorney, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this law. In conducting any such investigation, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records that it may deem relevant and material.
2. Nothing in this section shall be construed to permit the Board of Ethics to conduct an investigation of itself or of any of its members or staff. If the Board receives a complaint alleging that the Board or any of its members or staff has violated any provision of this law, or any other law, the Board shall promptly transmit to the St. Lawrence County Board of Legislators a copy of the complaint.
3. The Board of Ethics shall state in writing the disposition of every complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all complaints shall be indexed and maintained on file by the Board.
4. All investigations will be conducted confidentially to the extent allowed by law.
5. Any person filing a complaint with the St. Lawrence County Attorney and where there is a referral to the Board of Ethics, the Board of Ethics shall notify all effected parties in writing of the disposition of the complaint.

ARTICLE 18. IMPOSITION OF PENALTIES

After a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law, the St. Lawrence County Board of Ethics shall file any report of findings with the County Attorney who may proceed with necessary actions to bring appropriate disciplinary action or civil penalties in accordance with this Local Law to the St. Lawrence County Board of Legislators. That recommendation shall be public. The St. Lawrence County Board of Legislators may impose disciplinary action or civil penalties as provided in Article 12 or as otherwise provided by law.

ARTICLE 19. WAIVERS

1. Upon written application and upon a showing of compelling need by the applicant, the Board of Ethics may grant the applicant a waiver of any of the provisions of Articles 3, 5, 6, 8 and 24 of this law.
2. Waivers may be granted only as to future interests or conduct and may be sought only by the person or firm whose interests or conduct is at issue or, in the case of an individual, by his or her superior. The Board may not consider a request for a waiver until the request has first been approved by the head of the government agency or agencies involved.
3. Waivers shall be in writing and shall state the grounds upon which they are granted. National Security or law enforcement waivers; waivers should state only that they are for National Security or law enforcement. All applications, decisions, and other records and proceedings relating to waivers shall be indexed and maintained on file by the Board.

ARTICLE 20. ADVISORY OPINIONS

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1. The Board of Ethics shall render confidential advisory opinions with respect to all matters covered by this law upon the written request of a current, former, or prospective government officer or employee. Advisory opinions shall relate only to the interests, conduct, or actions of the requester or of a subordinate of the requester.
2. A current, former, or prospective government officer or employee who acts in conformity with an advisory opinion shall not be subject to penalties or sanctions under this law for having so acted, unless the request for the advisory opinion omitted or misstated facts material to the opinion. The Board may amend or rescind an advisory opinion at any time upon notice to the officer or employee, provided, however, that the amended advisory opinion shall apply only to future actions of the officer or employee.
3. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board of Ethics. The Board shall publish such of its advisory opinions as the Board deems beneficial for the guidance of government officers and employees, those doing business with the government, and members of the public, provided, however, that before publishing such advisory opinions the Board shall first make such deletions as are necessary to prevent disclosure of the identity of the involved officers and employees.

ARTICLE 21. TRAINING AND EDUCATION

1. The Board of Ethics shall make information concerning this law available to all government officers and employees, to the public, and to persons interested in doing business with the government and shall annually distribute to every government officer and employee a copy of the Ethics Code set forth in this law. Each government agency shall conspicuously post in each of its worksites a sign provided by the Board setting forth the Ethics Code.
2. Training as to the provisions of this law shall be regularly offered for all government officers and employees. Each government agency shall provide such assistance to the Board as may be necessary and reasonable in conducting ongoing training programs on this law and in making information concerning this law available and known to all government officers and employees. On or before the tenth day after an individual becomes a government officer or employee, he or she shall sign a written statement, which shall be maintained in his or her personnel file, that the government officer or employee has received and read and shall conform to the provisions of the Ethics Code, provided, however, that the failure of an officer or employee to receive such training or to sign such a statement or to receive a copy of the Ethics Code or the failure to maintain the statement on file shall have no effect on the duty of compliance with this law or on the enforcement of the provisions thereof.

ARTICLE 22. ANNUAL REPORTS

The Board of Ethics shall prepare and submit an annual report to the St. Lawrence County Board of Legislators summarizing the activities of the Board during the preceding year. The report may also recommend changes to the text or administration of this law and shall also include an index and summary of all advisory opinions and of those enforcement dispositions imposing sanctions.

ARTICLE 23. TRANSPARENCY

The Ethics Board shall be subject to the requirements of both the Freedom of Information Law (Public Officers Law, sections 84-90) and the Open Meetings Law (Public Officers Law, sections 100-111). Meetings and documents of the Board of Ethics shall be confidential to the extent permitted by NY State Law, except as otherwise provided in this Code of Ethics.

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ARTICLE 24. DISCLOSURE STATEMENT

**ANNUAL STATEMENT OF FINANCIAL DISCLOSURE
County of St. Lawrence**

For Year: _____

Last Name	First Name	Initial
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Title or Capacity in which Statement is Required	Department or Agency in which this function reports
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Work Address	Telephone Number
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If the answer to any of the following questions in “none”, please so indicate.

1. Real Estate Ownership. List the address of each piece of property that you, your spouse, domestic partner, or dependent child own or have a financial interest in. List only real estate that is in the County of St. Lawrence or within one mile of the boundary of the County of St. Lawrence.

<u>Address of Real Estate</u>	<u>Type of Interest</u>
<i>E.g.: 2 Main St., Teatown</i>	<i>Residence</i>

2. Your outside employer or business. List the name of any outside employer or business from which you receive compensation for services rendered or goods sold or produced or of which you are a member of a board of directors, officer, or employee. Also include any entity in which you have an ownership interest, except a corporation of which you own less than five percent of the outstanding stock. Identify the type of business, such as a partnership, corporation, self-employment, or a sole proprietorship and list your relationship to the employer or business.

<u>Name of Employer or Business</u>	<u>Nature of Business</u>	<u>Type of Business</u>	<u>Relationship to Business</u>
<i>[E.g.: TechIM</i>	<i>Computer</i>	<i>Corp.</i>	<i>Pres./ Shareholder]</i>
<i>[E.g.: Monument</i>	<i>Realty</i>	<i>Real Estate</i>	<i>Partnership Employee]</i>

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3. Your spouse's or domestic partner's employer or business. List the information in question two for your spouse or domestic partner.

<u>Name of Employer or Business</u>	<u>Nature of Business</u>	<u>Type of Business</u>	<u>Relationship to Business</u>
<i>[E.g.: TechIM</i>	<i>Computer</i>	<i>Corp.</i>	<i>Pres./ Shareholder]</i>
<i>[E.g.: Monument</i>	<i>Realty</i>	<i>Real Estate</i>	<i>Partnership Employee]</i>

4. Relatives in St. Lawrence County Service. List each relative who is an officer or employee of St. Lawrence County, whether paid or unpaid, including relative's name, relationship to you, title, and department. Relative means your spouse, domestic partner, child, stepchild, grandchild, brother, sister, parent, stepparent, plus any person you claimed as a dependent on your latest income tax return, and that dependent's spouse or domestic partner.

<u>Name of Family Member</u>	<u>Relationship to You</u>	<u>Title</u>	<u>Department</u>
<i>E.g.: Alex Jones</i>	<i>Sister's husband</i>	<i>Code Enf. Officer</i>	<i>Building & Grounds</i>

5. Money you owe. List any debts of \$10,000 or more that you owe to an officer or employee of St. Lawrence County or anyone that does business with St. Lawrence County. Do not list debts that you owe to banking companies that have an official banking relationship with St. Lawrence County.

<u>Creditor</u>	<u>Type of Obligation</u>
<i>Legislator E. Nuff</i>	<i>Promissory Note</i>

Money owed to you. List any debts of \$10,000 or more that Officers or employees of St. Lawrence County or anyone that does business with St. Lawrence County owes to you.

<u>Debtor</u>	<u>Type of Obligation</u>
<i>XYZ Contractors</i>	<i>Bridge Loan</i>

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6. List and identify your potential conflicts of interest, if any. You may seek the advice of the Board of Ethics.

Example: "I serve as President of the Adirondack Trail Riders Association"

7. I have completed St. Lawrence County Ethics training _____

8. I have read and understand the St. Lawrence County Ethics Law _____

Date: _____

Signed: _____

* * *

Ms. Cobb moved to adopt Resolution No. 226-2009, seconded by Mr. Morrill. Mr. MacKinnon said he hopes that this issue has been put to rest. He said it has been a long and turbulent discussion and this was put together with the thinnest of majorities. He is hopeful that it sits for a while because a whole series of issues arise each time it is read. He said it is the best that the Committee could come up with that would pass the Board of Legislators. Ms. Cobb said it is a good law but we are not where we should be in terms of meeting the State's requirements for the Board of Ethics. She said we should revisit this again. Mr. Morrill said the size of the crowd is an indication of the public's view of this policy, as earlier versions drew large crowds of people. He said he believes this is a good law and is proud to be a part of it. Mr. FitzRandolph said he would like to see the law go further. He said he thinks there are people on both sides who will end up voting for it because it's the best we could do. He said a long time friend of his asked what the most discouraging thing was, in terms of public service on this Board. His answer was the lack of willingness to compromise. He said we have a tendency to draw lines in the sand and debate issues without coming to a compromise. He commended the Board for compromising on this issue. Mr. Grow said he believes that we will continue to be under public scrutiny, regardless of this law, because that is part of the job. He said the Ethics Law is fine and he will vote for it. Mr. House said he agrees with Mr. MacKinnon. He said all Advisory Boards had input and were heard from. He said he will support the Law. Mr. Turbett said he, too, will vote for this and thanked everyone for their efforts, especially Ms. Cobb. Chair Paquin said he agrees that Ms. Cobb did a great job on this. Resolution No. 226-2009 was adopted by a roll call vote with fourteen (14) yes votes and one (1) Legislator absent (Lightfoot).

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