

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED STATE RECORDS

OCT 13 2010

DEPARTMENT OF STATE

County of Essex
City of
Town
Village

Local Law No. 6 of the year 2010

A local law A Local Law creating the Essex County Ethics and Disclosure Law in compliance with Article 18 of the New York State General Municipal Law.

Be It enacted by the Board of Supervisors of the

(Name of Legislative Body)

County of Essex as follows:
City of Essex
Town
Village

ESSEX COUNTY LOCAL LAW NO. 6 OF 2010

A Local Law creating the Essex County Ethics and Disclosure Law in compliance with Article 18 of the New York State General Municipal Law.

See Schedule A attached hereto and made a part hereof.

(If additional space is needed, attach pages the same size as this sheet and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2010 of the (County)(City)(Town)(Village) of Essex was duly passed by the Board of Supervisors on October 4, 2010 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20

of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__ , and was (approved)(not approved)(repassed after
(Name of legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____, 20__ ,
(Elective Chief Executive Officer)*
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__ and was (approved)(not approved)(repassed after
(Name of legislative Body)
disapproval) by the _____ on _____, 20__ . Such local law was submitted
(Elective Chief Executive Officer)*
to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20__ , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__ and was (approved)(not approved)(repassed after
(Name of legislative Body)
disapproval) by the _____ on _____, 20__ . Such local law was subject to
(Elective Chief Executive Officer)*
permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__ , in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__ , became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20__ , pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is

a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Deborah L. Palmer

Deborah L. Palmer

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 10/10/2010

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK

COUNTY OF ESSEX.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Handwritten Signature]

Signature **Daniel T. Manning**

Essex County Attorney

Title

County

City of Essex

Town

Village

Date: 10-15-2010

SCHEDULE A

ESSEX COUNTY ETHICS AND DISCLOSURE LAW

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ARTICLE 1. PURPOSE

The purpose of this law is to create the Essex County Ethics and Disclosure Law in compliance with Article 18 of the New York State General Municipal Law. The citizens of Essex 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.

The provisions of this Ethics and Disclosure Law apply in addition to all applicable State and local laws relating to conflicts of interest and ethics and any subsequent amendments thereto. This Local Law is enacted pursuant to Section 806 of the General Municipal Law of the State of New York and Section 10 of the Municipal Home Rule and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law or any subsequent amendments or modifications to Article 18 of the General Municipal Law. This Local Law also supplements other provisions of law regulating ethics and local government, such as Section 107 of the Civil Service Law of the State of New York.

In the event of any conflict or inconsistency between this Local Law and the provisions of Article 18 of the General Municipal Law or Section 107 of the Civil Service Law of the State of New York, the more restrictive provisions, or those imposing higher standards, shall govern and control.

ARTICLE 2. DEFINITIONS

Unless otherwise expressly stated or unless the context otherwise requires, the following terms are defined for the purpose of the Essex 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” or “Board” pursuant to Article 18 of General Municipal Law, means the Board of Ethics of the County of Essex.
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. “Contract” means any claim, account or demand against or agreement with a municipality, 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.

6. "County" means the County of Essex or any department, board, executive division, institution, office, branch, bureau, commission, agency, legislature or other division or part thereof.

7. "Gift" means anything of value sought or received for less than fair market value, whether in the form of a service, license, permit, loan, entertainment or tickets, contract, authorization or any promise thereof or any other gratuity or promise thereof or anything of value.

8. "Government" means the Essex County Board of Supervisors, and includes all of its agencies, offices, departments, divisions, bureaus, boards, administrations, authorities, corporations, councils, commissions, and other units.

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

10. "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.

11. "Interest" means a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee, or his or her spouse, as the result of a contract with the municipality which such officer or employee serves. For the purposes of this article a municipal officer or employee, or his or her spouse, shall be deemed to have an interest in the contract of:

- (a.) his or her spouse, children and dependents, except a contract of employment with the municipality which such officer or employee serves;
- (b.) a firm, partnership or association of which such officer, employee or appointed official, or his or her spouse, is a member or employee;
- (c.) a corporation of which such officer, employee or appointed official, or his or her spouse, is an officer, director or employee; and
- (d.) a corporation of which the outstanding capital stock is owned or controlled directly or indirectly by such officer or employee or appointed official, or his or her spouse.

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

13. "County Officer" or "employee" means any officer or employee of the County, whether paid or unpaid, elected or appointed, full time or part time, or in an advisory capacity, and includes without limitation all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, branch, or committee of the County who occupy a policy making position. "County Officer" or "employee" shall not include:

- (a) Judge, justice, officer or employee of the Court System; or

(b) Member of an advisory board of the County if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the County or to restrict the authority of the County to act. No entity established pursuant to General Municipal Law of the State of New York shall be deemed an advisory board for purposes of this paragraph.

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

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

16. "Legislature" means the Essex County Board of Supervisors.

17. "Board of Ethics" or "Board" means the Board of Ethics of the County of Essex established pursuant to Article 14 of this Local Law.

18. "Relative/immediate family member" means individuals who are related by blood, marriage or adoption including, but not limited to, spouse, domestic partner, child, stepchild, grandparent, grandchild, brother, sister, parent, legal guardian, foster child, niece, nephew or stepparent of the County officer or employee. In addition, any person claimed as a dependent on the latest income return.

19. "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.

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

21. "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.

22. "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.

23. "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).

24. "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.

ARTICLE 3. CODE OF ETHICS

I. General Standards:

A. Essex County officers, employees, elected and appointed officials shall in all actions conduct themselves in accordance with the following ethical principles and standards:

1. A County officer, employee or elected official shall serve the people and uphold the rule of law, always seeking to promote effective and democratic government.
2. A County officer, employee or elected official 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, employee or elected official shall 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, employee or elected official 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, employee or elected official shall 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, employee or elected official shall give a full day's work for a full day's pay.
7. A County officer, employee or elected official shall 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, employee or elected official shall conserve public resources.
9. A County officer, employee or elected official shall 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, employee or elected official shall 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, employee or elected official shall 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, employee or elected official shall 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, employee or elected official shall resist any attempts by anyone to undermine the professionalism, honesty, and integrity of the public service.

14. A County officer, employee or elected official shall promptly inform the appropriate authority and Board of Ethics of any interests or actions by anyone that violates these principles.

II. Additional Conflict of Interest Standards:

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 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) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) any use of municipal resources authorized by law or municipal policy;

(2) the use of municipal resources for personal or private purposes when provided to a

municipal officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

3. Gifts.

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars (\$75.00) or more when:

(1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form.

The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor,

whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift, including:

(1) gifts made to the municipality;

(2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;

(3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or

(6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

(g) The 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.

10. 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.

11. Future employment.-

(a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

(b) No municipal officer or employee, for the one-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.

(c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

12. 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.

13. 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 anything 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.

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

15. Hiring and supervision of relatives – Nepotism.

No person shall be appointed or employed or continued to be employed in any position in Essex County if the appointment, employment or continued employment cause the employee to come under the supervision of a relative, either directly, indirectly or through a chain of authority, and no officer or employee of the County shall hire or induce others to hire, directly, indirectly or through a chain of authority, a relative of such officer or employee nor shall any officer or employee of the County directly supervise, evaluate or audit 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) pursuant to the procedures identified herein.

(d) with the written approval of the Board of Ethics reviewed and approved by the Essex County Attorney with prior notification to be provided to the Essex County Board of Supervisors. In determining whether to approve the request of an officer or employee to hire or supervise a relative, the Board of Ethics shall consider, among other things, the benefits to the County of Essex, 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 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.

(e) In the event a County officer or employee proposes to hire a person or wishes to continue to employ a person in a position that would fall under the administrative supervision of anyone to whom the person is related, as specified herein, such person shall request written approval of such appointment or continuation, which request shall include an alternative procedure for supervision, salary determination, evaluation, recommendations for promotion and other aspects of the supervisory relationship.

(f) When two existing employees marry or begin cohabitating, and a determination has been made that the potential for creating adverse impact as described above exists, the Department Head, in conjunction with the Personnel Officer, shall make reasonable efforts to minimize problems of supervision, safety and security through reassignment of duties, relocation or transfer. A proposed plan shall be submitted to and approved by the Board of Ethics and the County Attorney.

(g) The Decision of the Essex County Board of Ethics relative to the hiring or supervision by an officer or employee of a relative may be reversed, overruled, changed or overridden by a majority vote of the Essex County Board of Supervisors.

16. 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.

17. 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.

18. 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 anything that would violate any provision of this Ethics Code.

19. A County employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

20. Each County employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

21. Each County employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

22. No County employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the County in which such employee serves or is employed.

23. Each County employee shall, to the extent that he is cognizant thereof, disclose any interest he may have in legislation or other official matters pending before the County Board of Supervisors pursuant to Article 5.

24. Conflicts of Interest Authority to Negotiate/Appoint:

Except as provided in Section 802 of the New York State General Municipal Law (1), no municipal officer or employee shall have an interest in any contract with the municipality of which he or she is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize payment thereunder, (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has any of the powers or duties set forth above and (2) No fiscal officer, treasurer or his or her deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which he or she is an officer or employee.

No municipal officer or employee whose service to a municipality includes rendition of professional services requiring admission to the practice of law shall (a) have an interest in any contract for rendition of legal services to the municipality, or (b) compensate any person or organization from his or her personal resources to render legal services to the municipality. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

25. Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

26. Investments in conflict with official duties.

(a) No municipal officer or employee may acquire the following investments:

(1) investments that can be reasonably expected to require more than sporadic recusal and abstention under Article 5 of this code; or

(2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

(1) real property located within the municipality and used as his or her personal residence;

(2) less than five percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

27. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

(a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to Article 5 of this code;

(b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;

(c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or

(d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Any employee accepting outside employment shall make arrangements with his outside employer to be relieved from his duties should he be called for an emergency by the County. Any employee accepting such employment shall agree to respond to any emergency should his or her department head determine it necessary. All employees sustaining injuries while performing outside employment are to report them to their immediate County supervisor prior to the next regularly scheduled work day.

28. Use of Property.

“County Property” shall be defined as being any material, supply or any other article of value obtained with County funds for use by the County or gifts to the County for use by the County. Employees are strictly prohibited from using County property outside the scope of their County employment with the following exceptions:

(a) Where off-duty service of County employees requires wearing of uniform and/or operation of County equipment for identification as a County employee at public gatherings; at parades or exhibitions. Such action must be properly authorized by the Department Head.

(b) County employees who furnish their personal tools in the performance of their duties may use such tools after their official duty hours in performing jobs of a private nature, provided that no County supplies are used on such jobs.

29. Outside Interest Form.

If any employee or immediate family member is currently or plans to be in the future an employee, Board member, consultant, owner, contractor or even a passive investor of an entity that engages in any business or maintains any relationship with the County; provides to or receives from the County any client referrals or competes with the County, they must fill out an Outside Interest Form. Attached hereto and made a part hereof as Appendix A is a sample copy of said Outside Interest Form.

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 AND ABSTENTION

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

1. No County officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative or any private organization in which he or she is deemed to have an interest. In such cases, the County officer or employee shall recuse himself from participating or voting on the matter.

2. A member of the Board of Supervisors in his or her official capacity that might financially benefit one of the persons or entities set forth in Article 2 (4)(18)(21)(22)(9) and/or any private individual or private organization, 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 Supervisors on the official public records of the Board of Supervisors; 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 Essex County Board of Supervisors or of a board appointed by the Board of Supervisors, the County officer, employee or appointee shall also set forth his or her recusal on the official public record of the Essex County Board of Supervisors.

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 anything 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 Essex, to be made on or before March 31st of the year for which the employment is in effect.

ARTICLE 8. ANNUAL DISCLOSURE

1. Officers and employees required to file. The classes of officers and employees of the government set forth below shall be required to sign and file a signed annual disclosure statement pursuant to the General Municipal Law and the Board of Ethics shall receive, review for completeness and serve as the depository for such annual statements. The Board of Ethics shall also enforce such filing requirements. All officers and employees will comply with General Municipal Law Article 18 and any amendments or revisions relative to the filing of financial statements.

- (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.

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 this Local Law shall be void unless ratified by the Essex County Board of Supervisors. 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. BOARD OF ETHICS: JURISDICTION; POWERS; DUTIES

Powers and Duties:

1. The Board of Ethics shall render advisory opinions to the officers and employees of the County of Essex with respect to Article 18 of the General Municipal Law, the Code of Ethics of the County of Essex (as set forth herein and known as the "Essex County Ethics and Disclosure Law"), and the Administrative Code. Such advisory opinions shall be in response to written request from any such officer or employee under such rules and regulations as the Board may prescribe:

a. The Board shall render advisory opinions with respect to all matters covered by this law. An advisory opinion shall be rendered on the request of a county officer or employee or supervisory official of a county officer or employee and shall apply only to such public servant. The request shall be in such form as the Board may require and shall be signed by the person making the request. The opinion of the Board shall be based on such facts as presented in the request or subsequently submitted in a written, signed document.

b. Advisory opinions shall be issued only with respect to proposed future action by a public servant. A county officer or employee whose conduct or action is the subject of an advisory opinion shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion. The Board may amend a previously issued advisory opinion after giving reasonable notice to the county officer or employee that it is reconsidering its opinion; provided

that such amended advisory opinion shall apply only to future conduct or action of the public servant.

c. The Board shall make public its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of any county officer or employee or other involved party. The advisory opinions of the Board shall be indexed by subject matter and shall be maintained on an annual and cumulative basis.

d. For purposes of this subdivision, county officer or employee includes a current, prospective and county officer or employee, and a supervisory official includes a supervisory official who shall supervise, supervises or has supervised either a current, prospective or former county officer or employee.

2. The Board may also accept from the general public or any of its own members or any county officer or employee a complaint or allegation of conflict of interest of any officer or employee of Essex County. The Board may also accept from the general public or any of its own members or any county officer or employee a complaint or allegation of a violation of this law by a county officer or employee.

a. All such complaints shall be signed; and

In the event that an officer or employee is entitled to protections pursuant to Civil Service Law Section 75, all procedural protections, rights to counsel and due process contained therein shall be afforded that officer or employee and Section 75 rules and procedures shall control. Attached hereto and made a part hereof at Exhibit B is a copy of said Section 75 for reference.

b. All such complaints or allegations are to be kept in the confidential records of the Board.

3. Hearing Procedure

a. The Board may initiate an investigation upon its own motion or upon receipt of a sworn complaint alleging a violation. Upon initiating an investigation, the Board shall provide to the municipal officer or employee who is the subject of the investigation written notice describing the potential violation, providing the person with at least a fifteen (15) day period within which to submit a written response setting forth information related to the activities cited as the potential violation. The Board may also obtain additional information relating to the potential violation from such other sources as it deems appropriate. If at any time during an investigation, the Board determines that there has been no violation of this Article or Code of Ethics, the Board shall provide written notification of such determination to the municipal officer or employee who is the subject of the investigation and the complainant, if any. In such case, all documents and records relating to proceedings conducted pursuant to this subdivision shall be confidential.

b. Should the Board determine that there appears to be merit or probable cause in the complaint or allegations, it shall send a written invitation to the officer or employee in question to appear at a private meeting of the Board and explain the apparent conflict of interest. The written invitation shall be in the form of a notice and shall contain a statement of facts upon which the Board has relied for its determination of probable cause and a statement of the

provisions of law allegedly violated. The Board shall also inform the county officer or employee of the Board's procedural rules. Such county officer or employee shall have a reasonable time to respond either orally or in writing, and shall have the right to be represented by counsel or any other person.

c. If, after consideration of the response of the officer or employee, the Board determines that there remains probable cause to believe that a violation has occurred, the Board shall hold or direct a hearing to be held on the record to determine whether such violation has occurred, or refer the matter to the appropriate department or appointing authority if the county officer or employee is subject to the jurisdiction of any state law or collective bargaining agreement which provides for conduct of disciplinary proceedings including, but not limited to, Disciplinary Grievance Arbitration and/or NYS Civil Service Law Section 75 or other proceedings. When such matter is referred to such department or appointing authority, the department or appointing authority may consult with the Board before issuing a final decision.

d. Should such officer or employee fail to appear in response to such invitation or should he or she appear and fail to satisfy the Board that there is no conflict of interest or violation of this law, the Board shall send a written report on the matter to the law, to the County Manager and the Clerk of the Board. The report shall not be made public except by the County Manager or by the unanimous vote of the Board.

e. If the Board determines, after a hearing or the opportunity for a hearing, that a county officer or employee has violated this law, it shall, after consultation with the head of the department or appointing authority for the officer or employee, issue an order either imposing such penalties as provided for by this law as it deems appropriate, or recommending such penalties to the head of the department or appointing authority if the county officer or employee is subject to the jurisdiction of any State Law or Collective Bargaining Agreement which provides for the conduct of disciplinary proceedings including, but not limited, Disciplinary Grievance Arbitration and/or NYS Civil Service Law Section 75 or other proceedings. The order shall include findings of facts and conclusions of law. When a penalty is recommended, the head of the department or the appointing authority shall report to the Board what action was taken.

f. Hearings of the Board shall not be public unless requested by the public servant. The order and the Board's findings and conclusions shall be made public.

g. The Board shall maintain an index of all persons found to be in violation of this law, by name, office and date of order. The index and the determination of probable cause, complaints and orders in such cases shall be filed in the Office of the Board of Ethics and be made available for public inspection and copying. All final orders of the Board or any appointing authority or department head relative to a determination of this Local Law and penalties shall be placed in the employee's personnel file and originals to be maintained by the Board.

h. Nothing contained in this section shall prohibit the appointing officer of a county officer or employee from terminating or otherwise disciplining such public servant, where such appointing officer is otherwise authorized to do so; provided, however, that such action by the appointing officer shall not preclude the Board from exercising its powers and duties under this law with respect to actions of any public servant.

i. For purposes of this subdivision, the term county officer or employee shall include both current and former county officers and employees.

j. The Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the proceedings authorized herein including the assessment of the civil penalties herein authorized. Such rules shall provide for the due process procedural mechanisms substantially similar to those set forth in Article Three of the State Administrative Procedure Act but such mechanisms need not be identical in terms of scope.

k. Any person compelled to appear in person or who voluntarily appears before the Board of Ethics shall be accorded the right to be accompanied, represented by, and/or advised by counsel.

4. In addition, the Board may make recommendations with respect to the County Code of Ethics or amendments thereto upon the request of the Essex County Board of Supervisors (as set forth and known as “The Essex County Ethics and Disclosure Law”). The Board, upon its formulation, shall promulgate its own rules and regulations as to its forms and procedures and shall maintain records of its opinions and proceedings. Copies of all rules and regulations promulgated by the Board and any and all amendments thereto which may be adopted from time to time shall be filed with the Clerk of the Essex County Board of Supervisors within ten days of their adoption.

5. The Board shall not act with respect to officers and employees of any municipality located within the County or agency thereof where such municipality has established its own Board of Ethics, except that the local board may, at its option refer matters to the County Board to be reviewed under this Local Law.

6. No meeting or proceeding or hearing of the Board of Ethics concerning a possible violation of this law by a county officer or employee shall be open to the public, except upon the request of the officer or employee or as required by the provisions of Article 7 of the Public Officers Law or by some other state or federal law or regulation.

7. The Board of Ethics shall also have the following powers and duties:

1. To administer the provisions of this County Law.
2. To prescribe and promulgate rules and regulations governing its own organization and procedures.
3. To review, index and maintain all Annual Disclosure Statements filed with the Board of Ethics.
4. To prepare and submit an annual report to the Essex County Board of Supervisors summarizing the activities of the Board of Ethics, listing any recommended changes to the text or administration of this Local Law.
5. To provide for public inspection of certain records. The only records of the Board of Ethics which shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law of the State of New York or by some other state or federal law or regulation.
6. To receive, review and approve or disapprove all requests for waivers related to this law.

7. The Board of Ethics shall perform such other functions relating to the administration of this Local Law as may be authorized by the governing Board including, but not limited to, providing ethics training to the County's officers and employees and officers and employees of municipalities located wholly or partly within the County. In addition, the Board may make recommendations with respect to amendments to this Code of Ethics upon the request of the governing body.

Any person aggrieved by a determination or Order of the Board of Ethics, as implemented by the County, may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

ARTICLE 13. INJUNCTIVE RELIEF

Any citizen, officer, or employee of Essex 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 Essex County Board of Supervisors and County Manager. The appropriations, if any, available to pay for the expenses of the Board during each fiscal year shall be determined by the Essex County Board of Supervisors.
3. The first members appointed by the Essex County Board of Supervisors 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 Essex County Board of Supervisors 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 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 Supervisors 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. All issues shall be decided by a majority vote (3 members) of the Board.

8. After written notice and opportunity for reply, members of the Board may be removed by the Essex County Board of Supervisors 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 and for actual and necessary expenses incurred by a Board Member in successful completion of the training required by this Local Law and the General Municipal Law.

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

11. Each member of the Board of Ethics shall attend and successfully complete a training course approved by the State Comptroller within 270 days of his or her appointment or re-appointment to the Board, provided, however, that nothing in this Law shall be deemed to require a member of the Board of Ethics to successfully complete such training course more than once. The course shall contain training related to the provisions of the General Municipal Law, Code of Ethics, Annual Financial Disclosure and Decisional Law relating to conflicts of interests and ethics and such other topics as the Comptroller deems advisable.

ARTICLE 15. PENALTIES

A violation of this law may subject the violator to any or all of the following penalties:

1. Disciplinary action.

(a) Any County 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 this Local Law or any State law or Collective Bargaining which provides for conduct of disciplinary proceedings including, but not limited to, Disciplinary Grievance Arbitration and/or NYS Civil Service Law Section 75 or other laws. 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 required by the laws of New York State.

(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 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 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 Essex County Board of Supervisors 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 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. 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 18. 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 work sites a sign provided by the Board setting forth the Ethics Code. The chief executive officer of a municipality adopting a Code of Ethics or an amendment thereto shall cause a copy thereof of such Code or amendment thereto to be distributed promptly to every officer and employee of his or her municipality. In addition, such chief executive officer shall cause a complete and current copy of the municipality's Code of Ethics to be distributed to every such officer and employee at least once every five years. Every municipal officer and employee receiving a copy of a Code of Ethics or amendment thereto shall acknowledge promptly in writing that he or she has received and read the Code of Ethics or amendment. The Board shall also cause a copy of the Code of Ethics, including any amendment thereto, to be posted publicly and conspicuously in each building under their control. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such Code or amendment nor the enforcement of provisions thereof.

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 19. ANNUAL REPORTS AND REVIEW

The Board of Ethics shall prepare and submit an annual report to the Essex County Board of Supervisors 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 20. 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.

**ARTICLE 21. DISCLOSURE STATEMENT
ANNUAL STATEMENT OF FINANCIAL DISCLOSURE
County of Essex**

For Year: 2010

Last Name	First Name	Initial
Title or Capacity in which Statement is Required		Department or Agency in which this function reports
Work Address		Telephone Number

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 Essex or within one mile of the boundary of the County of Essex.

<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 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>

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 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 Essex County Service. List each relative who is an officer or employee of Essex 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 Essex County or anyone that does business with Essex County. Do not list debts that you owe to banking companies that have an official banking relationship with Essex 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 Essex

Essex County
Outside Interest Form

This form is to be filled out if you or any immediate family member is currently or plans to be in the future, an employee, board member, consultant, owner, contractor or even a passive investor of an entity that: (i) engages in any business or maintains any relationship with The County (The County), (ii) provides to, or receives from, The County any client referrals, or (iii) competes with The County. The completed form must be submitted to the Compliance Officer.

Name: _____

Job Title: _____

If not an employee, describe the nature of your relationship with The County.

Describe the nature of your outside activities in any entity that engages in any business or maintains any relationship with The County.

Describe the nature of your outside activities in any entity that provides to, or receives from, The County any client referrals.

ALLIB012617882
12/14/2009

Describe the nature of your outside activities in any entity that competes with The County.

Date completed and signature

Signature

Date

Date reviewed by Compliance Officer and signature

Compliance Officer

Date

ALLIB01\261788\2
12/14/2009

TITLE B—REMOVAL AND OTHER DISCIPLINARY
PROCEEDINGS

Section

75. Removal and other disciplinary action.
75-a. Civil service proceeding; commencement upon alleged violation of certain provisions of the labor law relating to police officers.
75-b. Retaliatory action by public employers.
76. Appeals from determinations in disciplinary proceedings.
77. Compensation of officers and employees reinstated by court order.
78. Transfer of personnel upon the abolition of positions in state service.
79. Establishment of redeployment lists in the state service; general provisions.

§ 75. Removal and other disciplinary action

1. Removal and other disciplinary action. A person described in paragraph (a) or paragraph (b), or paragraph (c), or paragraph (d) or paragraph (e) of this subdivision shall not be removed or otherwise subjected to any disciplinary penalty provided in this section except for incompetency or misconduct shown after a hearing on stated charges pursuant to this section.

(a) A person holding a position by permanent appointment in the competitive class of the classified civil service, or

(b) a person holding a position by permanent appointment in the classified service of the state or in the several cities, counties, towns, or villages thereof, or in any other political subdivision of the state or of a municipality, or in the public school service, or in any public or special district, or in the service of a public authority, commission or board, or in any other branch of public service, who was honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in section eighty-five of this chapter, or who is an exempt volunteer firefighter as defined in the general municipal law, except when a person described in this paragraph holds the position of private secretary, cashier or deputy of any official or department, or

(c) an employee holding a position in the non-competitive class other than a position designated in the rules of the state or municipal civil service commission as confidential or requiring the performance of functions influencing policy, who since his last entry into service has completed at least five years of continuous service in the non-competitive class in a position or positions not so designated in the rules as confidential or requiring the performance of functions influencing policy, or

OTHER DISCIPLINARY
PROCEEDINGS

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Disciplinary action

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DISCIPLINARY PROCEEDINGS

§ 75

Article B

(d) an employee in the service of the City of New York holding a position as Homemaker or Home Aide in the non-competitive class, since his last entry into city service has completed at least three years of continuous service in such position in the non-competitive class, or

(e) an employee in the service of a police department within the City of New York holding the position of detective for a period of three continuous years or more; provided, however, that a hearing shall not be required when reduction in rank from said position is based solely on reasons of the economy, consolidation or abolition of functions, curtailment of activities or otherwise.

Procedure. An employee who at the time of questioning appears to be a potential subject of disciplinary action shall have a right to representation by his or her certified or recognized employee organization under article fourteen of this chapter and shall be notified in advance, in writing, of such right. A state employee who is designated managerial or confidential under article fourteen of this chapter, shall, at the time of questioning, where it appears that such employee is a potential subject of disciplinary action, have a right to representation and shall be notified in advance, in writing, of such right. If representation is requested a reasonable period of time shall be afforded to obtain such representation. If the employee is unable to obtain representation within a reasonable period of time the employer has the right to then question the employee. A hearing officer under this section shall have the power to find that a reasonable period of time was or was not afforded. In the event the hearing officer finds that a reasonable period of time was not afforded then any and all statements obtained from said questioning as well as any evidence or information obtained as a result of said questioning shall be excluded, provided, however, that this subdivision shall not modify or replace any written collective agreement between a public employer and employee organization negotiated pursuant to article fourteen of this chapter. A person against whom removal or other disciplinary action is proposed shall have written notice thereof and of the reasons therefor, shall be furnished a copy of the charges preferred against him and shall be allowed at least eight days for answering the same in writing. The hearing upon such charges shall be held by the officer or body having the power to remove the person against whom such charges are preferred, or by a deputy or other person designated by such officer or body in writing for that purpose. In case a deputy or other person is so designated, he shall, for the purpose of such hearing, be vested with all the powers of such officer or body and shall make a record of such hearing which shall, with his recommendations, be referred to such

officer or body for review and decision. The person or person holding such hearing shall, upon the request of the person against whom charges are preferred, permit him to be represented by counsel, or by a representative of a recognized or certified employees organization, and shall allow him to summon witnesses in his behalf. The burden of proving incompetency or misconduct shall be upon the person alleging the same. Compliance with technical rules of evidence shall not be required.

3. Suspension pending determination of charges; penalty. Pending the hearing and determination of charges of incompetency or misconduct, the officer or employee against whom such charges have been preferred may be suspended without pay for a period not exceeding thirty days. If such officer or employee is found guilty of the charges, the penalty or punishment may consist of a reprimand, a fine not to exceed one hundred dollars to be deducted from the salary or wages of such officer or employee, suspension without pay for a period not exceeding two months, demotion in grade and title, or dismissal from the service; provided, however, that the time during which an officer or employee is suspended without pay may be considered as part of the penalty. If he is acquitted, he shall be restored to his position with full pay for the period of suspension and the amount of any unemployment insurance benefits he may have received during such period. If such officer or employee is found guilty, a copy of the charges, his written answer thereto, a transcript of the hearing, and the determination shall be filed in the office of the department or agency in which he has been employed, and a copy thereof shall be filed with the civil service commission having jurisdiction over such position. A copy of the transcript of the hearing shall, upon request of the officer or employee affected, be furnished to him without charge.

3-a. Suspension pending determination of charges and penalty relating to police officers of the police department of the city of New York. Pending the hearing and determination of charges of incompetency or misconduct, a police officer employed by the police department of the city of New York may be suspended without pay for a period not exceeding thirty days. If such officer is found guilty of the charges, the police commissioner of such department may punish the police officer pursuant to the provisions of sections 14-115 and 14-123 of the administrative code of the city of New York.

4. Notwithstanding any other provision of law, no removal or disciplinary proceeding shall be commenced more than eight months after the occurrence of the alleged incompetency or misconduct.