

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.

County
City
Town
Village

of OSWEGO

Local Law No. Three of the year 20 02

A local law Amending Local Law No. 4 of 1990, Oswego County Ethics and Disclosure Law
(Insert Title)

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County
City
Town
Village

of OSWEGO

as follows:

I. PURPOSE

The purpose of this law is to create the Oswego County Ethics and Disclosure Law in compliance with Article 18 of the New York State General Municipal Law. The citizens of Oswego 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. This legislation recognizes that varying degrees of professional and governmental responsibility warrant equitable requirements of disclosure in pursuit of official integrity, which must be balanced against individual constitutional rights. Any particulars not determined in this law shall be construed within the provisions of General Municipal Law Article 18.

II. DEFINITIONS

Unless otherwise indicated, the following terms shall be defined such for the purpose of the Oswego County Ethics Law:

- (A) "Agency" means any of the divisions of county government, referred to in subdivision (c) of this section, except the legislature.
- (B) "Child" means any son, daughter, step-son or step-daughter who is under the age of eighteen (18), unmarried and living in the household of the official or employee.

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

- (C) **"County"** means the County of Oswego or any department, board, executive division, institution, office, branch, bureau, commission, legislature, or other division or part thereof.
- (D) **"Interest"** means a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the County of Oswego. For the purposes of this article a municipal officer or employee shall be deemed to have an interest in the contract of (a), his spouse, minor children and dependents, except a contract of employment with the County of Oswego, (b), a firm, partnership or association of which such officer or employee is a member or employee, (c), a corporation of which such officer or employee is an officer, director or employee and (d), a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.
- (E) **"Legislation"** means a matter which appears upon the calendar or agenda of the County Legislature of Oswego County or upon a committee thereof upon which any official action has been taken and shall include adopted acts, local laws, ordinances or resolutions.
- (F) **"Officer" or "employee"** means any officer or employee of the County Of Oswego 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 Oswego whether paid or unpaid.
- (G) **"County elected official"** means a County Legislator, the County Clerk, the District Attorney, the County Treasurer or the Sheriff.
- (H) **"Appointed official"** means any individual who is appointed by the County Legislature to any agency, institution, department, office, branch, division, council, commission, board or bureau, whether unpaid or paid.
- (I) **"Relative"** means a spouse, child or stepchild of a county officer, employee or appointed official.
- (J) **"Reporting officer, employee or appointed official"** shall mean:
- (1) Heads of any agency, and their deputies, department, division, council, board, commission or bureau of the county, and
 - (2) Any employee or officer of Oswego County, as designated by the Oswego County Legislature on or before February 1st of each year, who are policy making employees and officers of such agencies, department, divisions, councils, boards, commissions or bureaus of the county, or employees whose duties involve the negotiation, authorization or approval of:
 - (a) contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses as defined in Section 73 of the Public Officers Law;
 - (b) the purchase, sale, rental or lease of real property, goods or services, or a contract therefore;
 - (c) the obtaining of grants of money or loans; or
 - (d) the adoption or repeal of any rule or regulation having the force or effect of law.
- (K) **"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 pursuant to a judicial order, decree, judgement or legally binding separation agreement.

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

- (L) "**Jurisdiction**" shall mean having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the county agency herein defined.
- (M) "**Reporting Category**" for the purpose of completing the financial disclosure reports means the category of interest, income, value or worth of said reported items. No exact dollar amounts are to be included in the completion of the statements of financial disclosure; rather all amounts are to be indicated using the following categories:
- "A" - \$0 - \$ 10,000
"B" - \$10,001 - \$ 50,000
"C" - Over \$ 50,000
- (N) "**Chief Elected Official**" means, for the purposes of interpreting this local law only, the Chair of the County Legislature.
- (O) "**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.

III. CODE OF ETHICS

Prohibited Activities

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. No officer or employee shall:

- A. Take action in any manner whatsoever in his or her official capacity in the discussion, negotiation or the awarding of any contract or in any business or professional dealings with the County of Oswego or any agency thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or professional dealings.
- B. Engage in, solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge of his or her official duties.
- C. Solicit, directly or indirectly, any gifts, or receive or accept any gift having the value of Seventy-five (\$75.00) dollars, or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.
- D. Disclose confidential information acquired in the course of his or her official duties or use such information to further his or her personal interest.
- E. Take action on a matter before the county or any agency thereof when, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit to himself, herself, spouse or children.

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

IV. DISCLOSURE OF INTEREST

- A. Any officer who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the Legislature of the County of Oswego or by any other official, board, agency, officer or employee of the County of Oswego, and who participates in the discussion before or who gives an opinion or gives advice to any board, agency or individual considering the same, shall publicly disclose on the official record the nature and the extent of such interest
- B. Any officer or employee of the County of Oswego who has knowledge of any matter being considered by any board, agency, officer or employee of the County of Oswego in which matter he or she has or will have or intends to acquire any direct or indirect interest, shall be required immediately to disclose, in writing, his or her interest to such board, agency, officer or employee, and the nature and the extent thereof, to the degree that such disclosure gives substantial notice of any potential conflict of interest.
- C. All county elected officials, their immediate deputies, and all reporting officers, employees, as set forth in Schedule I annexed hereto are required to file with the Ethics Board a "Level I" statement of financial disclosure on or before May 1, of the year for which the employment is in effect.
- D. The Oswego County Legislature shall designate, on or before February 1st of each year, the reporting officers, employees, and members of boards contained in Schedule I, and reserves the right to amend said schedules as deemed appropriate and in conformity with this Local Law.
- E. A person who is subject to the filing requirements of this local law from more than one county, or one position, may satisfy the requirements by filing only one annual statement of financial disclosure, and filing with the other(s) a notice that such filing has been made, inclusive of the date and place of the filing.
- F. Any person who is subject to the reporting requirements of this local law and who has or shall timely file with the Internal Revenue Service an application for automatic extension of time in which to file his/her individual income tax return for the immediately preceding calendar or fiscal year shall be required to submit an annual statement of financial disclosure on or before May 1, of the year in which the employment is in effect. Such person shall file a supplementary statement for any item as so noted on the annual statement of financial disclosure, without liability under Article VIII of this local law, if said supplementary statement is filed within fifteen (15) days of the expiration of the automatic extension.
- G. Any person who is required to file an annual statement of financial disclosure may request, prior to May 1, of the year for which the employment is in effect, an extension of filing for an additional specific period of time. Such request shall be made in writing to the Board of Ethics, with approval based upon substantiation of justifiable cause or undue hardship. The Board of Ethics may grant or deny the request, by vote of the membership, and extensions shall be for the specific period of additional time requested.
- H. Any person required to file an annual statement of financial disclosure who becomes so required, or becomes a candidate for county elected office after May 15 of the year for which the employment is in effect, shall file the appropriate annual statement within thirty (30) days.

V. ANNUAL CODE OF ETHICS REVIEW

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 Oswego, to be made on or before May 1 of the year for which the employment is in effect, to be filed with the Oswego County Ethics Board.

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

VI. ETHICS BOARD

A. Establishment

The Legislature of the County of Oswego, pursuant to Article 18 of the New York State general Municipal Law, hereby establishes the Oswego County Board of Ethics, responsible for ensuring full compliance with this code of ethics and disclosure. The Ethics Board shall consist of three (3) members, each appointed by a majority vote of the Oswego County Legislature. The majority of the Board shall not be officers or employees of Oswego County or municipalities wholly or partially located in Oswego County. One member of the Ethics Board shall be an elected or appointed officer or employee of Oswego County.

B. Membership

Members of the Ethics Board shall serve without compensation, but shall be entitled to reimbursement of reasonable expenses and for mileage, in accordance with rules established by the County Legislature. Members of the Ethics Board shall be construed under this local law as policy making officials, and thus be subject to all of the appropriate ethics and disclosure requirements.

The members of the Ethics Board shall serve staggered 3 year terms, provided that the first appointments to the Ethics Board shall be as follows: one member shall be appointed for a one-year term; one member shall be appointed for a two-year term; one member shall be appointed for a three-year term.

C. Removal

In addition to penalties defined specifically for violation of the Oswego County Ethics Law, and other pertinent sections of local, state and federal law, members of the Ethics Board may be removed for cause by the Chairman of the Legislature with the concurrence of two-thirds of the County Legislature. Prior to removal, the Ethics Board member shall be given written notice of the grounds for removal and an opportunity to reply.

D. Powers and Duties

- (1) The Board of Ethics shall possess all powers and duties authorized by Sections 808 and 813 of General Municipal Law.
- (2) The Board of Ethics shall be the repository, with the County Attorney's Office having physical custody, of all completed annual statements of financial disclosure, pursuant to section 808(5) of the General Municipal Law and Article IV herein and such written instruments, affidavits, and disclosures as required under this local law.
- (3) The Board of Ethics shall possess, exercise and enjoy all the rights, powers and privileges necessary and proper to the enforcement of the Code of Ethics and completion and filing by reporting officers, employees and appointed officials of the county of annual statements of financial disclosure required by this act.

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

- (4) The Board of Ethics shall promulgate rules and regulations in furtherance of its powers and duties enumerated herein subject to the approval of the Oswego County Legislature. Said rules and regulations shall include rules, consistent with due process, governing the conduct of adjudicatory hearings, proceedings and appeals relating to the assessment of the civil penalties herein authorized, exemptions from disclosure requirements, and of the same import as those which the Temporary State Commission on Local Government Ethics enjoys under General Municipal Law Section 813. The County Legislature may empower the Board of Ethics to subpoena any individual, whether or not a county officer, employee or appointed official, and any document or thing which the Board of Ethics deems necessary to the resolution of any pending adjudicatory proceeding or matter.
- (5) The Board of Ethics shall render advisory opinions in writing regarding specific matters pertaining to filings and reporting categories, to officers, employees and appointed officials of the county with respect to this local law and Article 18 of the General Municipal Law. Such opinions shall be rendered only upon written request by the officer, employee or appointed official concerning only the subject of the inquiry as it pertains to the requesting individual's own filing requirements.
- (6) Such opinions shall not be made public or disclosed unless required for use in a disciplinary proceeding or proceeding under Article VII of this Local Law involving the officer, employee or appointed official who requested the advisory opinion.
- (7) The County Attorney shall serve as counsel to the Board of Ethics.
- (8) The Ethics Board shall be empowered to request support staff assistance from the County Legislature in furtherance of its duties and responsibilities.
- (9) Notwithstanding the provisions of Article 6 of the Public Officers Law, the only records of the Ethics Board which will be available for public inspection are:
 - (a) The information, except for categories of amounts, set forth in the annual Financial Disclosure Statement files pursuant to this Local Law.
 - (b) Notices of reasonable cause and civil assessments imposed pursuant to Article IX of this Local Law.
- (10) Notwithstanding Article 7 of the Public Officers Law, no meeting or proceeding of the Ethics board shall be open to the public.

VII. PUBLIC ACCESS

- A. Disclosure statements filed with the Ethics Board shall be made available to the public pursuant to the provisions of this local law.
- B. Any person or news media desiring to review the Disclosure Statement of any official or employee shall submit a written request to the County of Oswego's Ethics Board which shall include the following:
 1. Name and address
 2. Name and address of any person or organization on whose behalf the Statement is being requested.
 3. A form of identification to verify that an accurate name and address has been given by the person requesting such information
 4. The payment of a fee of one (\$1.00) Dollar per page if a copy of the Disclosure Statement is desired.

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

- C. It shall be unlawful for any person or organization to inspect or to copy a Statement for:
1. Any unlawful purpose.
 2. For the use, directly or indirectly, in the solicitation of the official or employee for political, charitable or business purposes.
- D. A civil action may be brought by the Board of Ethics against any person or organization that violates the provisions of Paragraph C of this Section, or for the willful withholding or falsely reporting of the information requested in Paragraph A of this Section.

VIII. APPEAL OF DESIGNATION OF POLICY MAKING POSITION

Appeal may be taken by the filing of a written petition in opposition to such designation within thirty (30) days from the date that the designation was filed with the Oswego County Board of Ethics. Upon receipt of the petition, the Board of Ethics shall make a determination upon the merits of the application within thirty (30) days.

IX. PENALTIES.

- A. If any official or employee refuses or fails, either unknowingly or unintentionally, to file a Statement as required by this Local Law, the Ethics Board shall notify the Oswego County Legislature that said individual has not filed such Statement. On such notification, the County of Oswego may suspend the official or employee without pay, if such person is compensated. In addition, the official or employee shall also be notified by certified mail that such requirement Statement is not on file. Once a Statement has been filed, the Ethics Board shall promptly notify the Oswego County Legislature that the official or the employee has complied with such requirement of this Local Law. The official or employee shall be reinstated, and any monies withheld pursuant to this Section shall be released. Notwithstanding any other penalties imposed by this Section, if any official or employee does not file a Statement within forty-five (45) days after having been notified by the Ethics Board that said official or employee has failed to file, or if the official or employee files a Statement which the Ethics Board, after an adjudicatory hearing or proceeding consistent with due process, determines was filed with intent to deceive, intentionally misrepresent or otherwise fraudulently has answered any questions set forth in the Statement, or has intentionally withheld any information asked for or demanded in the Statement, such action may be deemed a misconduct of office and may be grounds for suspension or dismissal by the appropriate authority. The Ethics Board shall send a notice of reasonable cause to the Oswego County Legislature of such instances of alleged misconduct. The Oswego County Legislature may then take whatever action in deems appropriate to suspend or dismiss the offending individual, after a hearing consistent with due process.
- B. A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the Oswego County Board of Ethics. For a violation of this section, other than for conduct which constitutes a violation of subdivision twelve of section seventy-three of the Public Officers Law, the Oswego County Board of Ethics may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Upon an appropriate determination and vote, the Oswego County Ethics Board may file a written recommendation with the Oswego County Legislature establishing grounds for removal for cause, in accordance with other provisions of the Oswego County Laws pertaining to officers, officials and employees

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and rules governing conduct. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the Oswego County Legislature may impose disciplinary action as otherwise provided by law. The Oswego County Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules provide for 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 or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated with thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Oswego County Board of Ethics pursuant to Article seventy-eight of the Civil Practice Law and Rules.

- C. It will be a violation of this Local Law for any individual, except the individual who files such Statement, to disclose any information contained on a Financial Disclosure Statement or to disclose any matter or information before the Ethics Board except as authorized by this Local Law. A civil action may be brought by the Ethics Board against any person or organization that violates this paragraph.
- D. Nothing in this Local Law shall be construed as precluding the prosecution of officials or employees for violations of any offense, criminal or civil, pursuant to the laws or statutes of the State of New York, or shall preclude the Ethics Board from providing information or records of possible criminal activity to the District Attorney.

X. ANNUAL STATEMENT OF FINANCIAL DISCLOSURE

The Oswego County Legislature hereby designates Form "Level I", as attached, as the official annual statement of financial disclosure for the purposes of fulfilling the requirements of Article IV, sections C, D, and E, respectively, of the Oswego County Ethics and Disclosure Law.

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

SCHEDULE I

The following officers and employees are subject to the Oswego County Ethics and Disclosure Law.

Aging Services Administrator	Probation Director
Board of Elections Commissioner	Purchasing Director
Budget Officer/Auditor	Sheriff
Buildings & Grounds Superintendent	Superintendent of Public Works
Clerk of the Legislature	Assistant to the Director of Emergency Management
CNY Regional Planning & Development Board Members	Assistant to the Director of Personnel
Community Services Board Members	Assistant District Attorney
Commissioner of Health Services	Deputy Commissioner of Health Services
Commissioner of Human Services	Deputy Commissioner of Social Services
Commissioner of Social Services	Chief Assistant County Attorney
County Administrator	Deputy County Clerk
County Attorney	Deputy County Treasurer
County Clerk	Deputy Director of Personnel for Labor Relations
County Fire Coordinator	Deputy Director of Probation
County Treasurer	Director of Community Development Programs
Deputy County Administrator	Deputy Fire Coordinator (HT)
Director of Central Services	Deputy Superintendent of Buildings & Grounds
Director of Emergency Management	Deputy Superintendent of Public Works - Energy Recovery Facility
Director of Employment & Training	Deputy Superintendent of Public Works - Equipment and Ancillary Services
Director of Personnel	Deputy Superintendent of Public Works - Highway
Director of Planning and Community Development	Deputy Superintendent of Public Works - Solid Waste
Director of Promotion & Tourism	Undersheriff
Director of Real Property Tax Services II	Workforce Development Board Members
Director of Veterans Services	
Director of Youth Bureau	
District Attorney	
E-911 Director	
Family Court Attorney	
Health Board Members	
Industrial Development Agency Members	
Members, Oswego County Legislature	
County Planning Board Members	

(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. Three of 20 02 of the (County)(City)(Town)(Village) of Oswego was duly passed by the County Legislature on November 14, 20 02 in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~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 _____ Disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

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 _____ Disapproval) by the _____ on _____ 20 _____. Such local law was submitted 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 _____ Disapproval) by the _____ on _____ 20 _____. Such local law was subject to Permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in Accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide 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 or 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 one, above.



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

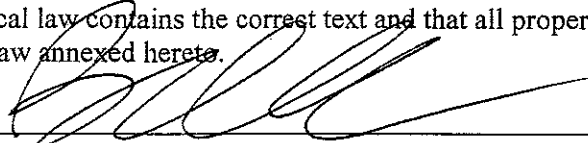
(Seal)

Date: 11/21/02

(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 OSWEGO

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.



Signature
Bruce Clark
County Attorney

Title
County
City of OSWEGO COUNTY
Town
Village

Date: 11/21/02