

CHAUTAUQUA COUNTY ETHICS BOARD (CCEB)

MEETING AGENDA

Fourth Meeting of CY2023

Wednesday, September 13, 2023

2 p.m.

Room 331

Gerace Office Building

3 North Erie St.

Mayville, NY 14757

- I. Call to order: confirm proper public notification was completed.
- II. Review and approve August 16, 2023 minutes.
- III. Review correspondence.
- IV. Review Changes to Code of Ethics, Statement of Financial Disclosure Form, Titles of Required Filers, and discuss Interest in Contracts Disclosure.
- V. Status of Annual Code of Ethics Training for County Employees and Board Members.
- VI. Status of Financial Disclosure forms.
- VII. Review Questions and Answers concerning Code of Ethics and Disclosure Statement.
- VIII. Discuss 2023 Annual Report.
 - a. Membership- Doc and Diane's terms expire 1/31/24.
 - b. Set 2024 Meeting Dates.
- IX. Next meeting: TBD.
- X. Meeting adjourned.

CHAUTAUQUA COUNTY ETHICS BOARD MEETING MINUTES

DATE: August 16, 2023
LOCATION: Room 331, Gerace Office Building, 3 North Erie Street,
Mayville, New York 14757

TIME: 2:05 – 3:19 p.m.

MEMBERS PRESENT: John Hamels
Diane Hannum
Darlene Nygren
Stephanie Stevens

MEMBER ABSENT: John Marengo

OTHERS PRESENT: Amanda Gallagher from the County Executive's Office
Kristen Wright from the County Law Department
Respondent for Case No. 2023-03

CALL TO ORDER & PUBLIC NOTIFICATION:

John H. called the meeting to order at 2:05 p.m.

Amanda confirmed proper public notification was completed as the notice of today's meeting was sent out to the local media and posted on the county website on August 7, 2023. It also appeared in the Post-Journal's "Briefly" section on August 8, 2023.

Stephanie motioned to go into executive session to discuss matters leading to the discipline, suspension, dismissal or removal of a particular person, which was seconded by Darlene. All in favor. Executive session entered at 2:06 p.m. with Diane entering the meeting and Respondent for Case No. 2023-03 leaving the meeting.

John H. motioned to leave executive session at 2:09 p.m., which was seconded by Diane. All in favor.

Respondent for Case No. 2023-03 re-entered the meeting at 2:09 p.m.

The Board discussed Case No. 2023-03 with Respondent.

Respondent left meeting.

APPROVAL OF MINUTES:

Stephanie motioned to approve the minutes from the July 12, 2023 meeting, which was seconded by Diane. All in favor.

REVIEW CORRESPONDENCE:

John M. was not present to report if any mail was received at the Board's P.O. Box.

Amanda reported that Case No. 2023-02 has been closed as the Extension Request Form was received and signed on July 16, 2023. She also reported that the determination on Opinion No. O-23-01 was mailed to the requestor on July 20, 2023.

The Board reviewed Case No. 2023-01. It was determined that the Case has already been handled by the Supervisor. John H. motioned that the memo of the conversation with the Supervisor be attached to Case No. 2023-01, which was seconded by Stephanie. All in favor. Case No. 2023-01 was closed.

Kristen entered the room at 2:26 p.m.

Case No. 2023-04A, 2023-04B, 2023-04D, 2023-04F, 2023-05A, 2023-05B, and 2023-06 were reviewed by the Board and no violations of the Code of Ethics were found and all of these cases were closed.

Case No. 2023-04E was reviewed by the Board. This matter was already brought to the Board's attention through Case No. 2023-03 and no further action is needed. Case No. 2023-04E was closed.

Case No. 2023-04C and Case No. 2023-04G were reviewed by the Board. It was determined that these cases pertaining to former County employees will not be pursued and these cases were closed.

Kristen also reminded Board members to complete and turn in their lists of businesses culled from employee disclosure statements so the Finance Department can reference it when reviewing and processing contracts.

The Board reviewed Case No. 2023-07. Correspondence will be sent to the Respondent.

The Board reviewed Case No. 2023-08.

STATUS OF ANNUAL CODE OF ETHICS TRAINING FOR COUNTY EMPLOYEES:

Amanda provided an update on the 2023 Code of Ethics Training. There are 4 county employees who still need to complete the ethics training. All of these employees are still out on medical leave and will be required to complete the training upon their return to

work. She also reported that for Extension Request Form #T-23-11 the individual is no longer an employee and no longer needs to submit a corrected Extension Request Form.

The Board reviewed and approved corrected Extension Request Form #T-23-07.

STATUS OF FINANCIAL DISCLOSURE FORMS:

Amanda reported that so far for 2023, a total of 345 forms have been reviewed and approved by the Board as of August 15, 2023. There are 17 forms pending review and 3 forms with upcoming due dates.

NEXT MEETING:

The next meeting of the Ethics Board is scheduled for September 13, 2023 at 2 p.m. in Room 331 of the Gerace Office Building, 3 N. Erie St. in Mayville, N.Y.

MOTION TO ADJOURN:

Stephanie motioned to adjourn the meeting at 3:19 p.m., which was seconded by Diane. All in favor.

Minutes prepared by Amanda Gallagher and respectfully submitted to John Hamels.

LOCAL LAW 10-22
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

I. Local Law 3-21 of the County of Chautauqua, entitled "A Local Law Amending the Chautauqua County Code of Ethics, is hereby amended by substitution to state as follows:

Section 1. Short Title

This code of ethics shall be known as the "Chautauqua County Code of Ethics."

Section 2. Legislative Purpose.

The purpose of this Code is to establish minimum standards of ethical conduct for County officers and employees to ensure that County government is free from improper influence. Ethical conduct ultimately depends on the personal integrity of County officers and employees and on the vigilance of their communities. The establishment of the standards and guidelines set forth in this code is a step toward providing the highest caliber of public administration for County government and increased confidence in its officials, while recognizing that public service cannot require a complete divesting of all proprietary interests nor impose overly burdensome disclosure requirements if County government is to attract and hold competent administrators.

By requiring public disclosure of interests that may influence or be perceived to influence the actions of County officials, this code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people.

The disclosure requirements of this Code of Ethics are in addition to any other requirements imposed by law. Additional disclosure to the public is available pursuant to the New York State Freedom of Information Law and Election Law requirements. Copies of all contracts with the County are also available for public inspection at the Office of the Clerk of the County Legislature.

Section 3. Definitions

When used in this Code and unless otherwise expressly stated:

1. "Agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the County.

2. "Appear" and "Appear Before" mean communicating in whatever form, whether personally or through another person.

3. "County Officer or Employee" means any officer or employee of the County, whether paid or unpaid, including Public Officials and all other members of any Agency of the County, but does not include a judge, justice, officer, or employee of the Unified Court System.

4. "Dependent" means an individual who will be claimed by the County Officer or Employee as a dependent on the current year's State or Federal tax return.

5. "Family Member" means a spouse, child, step-child, parent, step-parent, sibling, step-sibling, half-sibling, Dependent, and household member of a County Officer or Employee.

6. "Person" means an individual, corporation, partnership, unincorporated association, and all other entities.

7. "Related Person" means a spouse, fiancé(e), parent, child, or sibling, including step and half relations, a grandparent, parent-in-law, sibling-in-law, Dependent, member of the County Officer or Employee's household, first cousin, aunt, uncle, niece, or nephew.

8. "Public Official" means any official who has discretionary authority, either alone or as a member of an Agency, but does not include a judge, justice, officer, or employee of the Unified Court System.

Section 4. Conflicts of Interest of County Officers and Employees

1. No County Officer or Employee shall directly or indirectly do or take any act prescribed below, or agree to do such acts, or attempt such acts, or induce another Person to do such acts:

- a. act or Appear as agent, broker, employee, consultant, or representative for any third party in connection with any transaction that involves discretionary acts of any County Officer or Employee or act or Appear in any matter in which the County is a party or a complainant except on behalf of the County or himself or herself.
- b. solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75.00) or more per year from any Person, other than a Family Member, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, who the County Officer or Employee knows is considering or has had any transactions with the County that involves any discretionary act by the County Officer or Employee.
- c. take or refrain from taking any action on any matter before the County in order to obtain a pecuniary or material benefit different from that to be derived by the general public for:

- (i) himself or herself;
- (ii) a Family Member;
- (iii) any partnership or unincorporated association of which the County Officer or Employee is a member or employee or in which he or she has a proprietary interest;
- (iv) any corporation of which the County Officer or Employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
- (v) any Person with whom the County Officer or Employee or his or her Family Member has an employment, professional, business, or financial relationship, provided, however, that relationships which are available to and entered into by the general public on the same terms and conditions as those applicable to the County Officer or Employee, such as relationships in the nature of bank accounts, credit cards, bank loans, and mortgages, shall not be deemed to be financial relationships for purposes of this section; or
- (vi) any Person from whom the County Officer or Employee or his or her spouse has received a pecuniary or material benefit having an aggregate value greater than two thousand dollars (\$2,000.00) per calendar year.

Examples of material or pecuniary benefits include, but are not limited to, hiring, promoting, authorizing a pay increase, providing a performance review, a job assignment or job description change, work schedule change, approving a voucher or expense claim, awarding a contract, extension of time to perform a contract, a contract dollar amount increase, and purchasing goods. Nothing in this section shall be construed as prohibiting a County Officer or Employee from performing a purely ministerial act.

Notwithstanding the above, a County Officer or Employee may respond to questions asked by an individual who will be taking or refraining from taking an action.

- d. solicit directly or indirectly any non-elected County Officer or Employee or any entity that is not subject to competitive bidding, to participate in an election campaign, or pay any assessment, subscription, or contribution to a political party, political party organization or election campaign, or to otherwise participate in political activities. This paragraph shall not prohibit a general solicitation of a class of persons, other than those expressly prohibited, of which such solicited County Officer or Employee happens to be a member.

- e. except where authorized by law, disclose any confidential information acquired in the course of official duties or use any such information for personal gain or to advance the financial interests of any other Person.
- f. after termination of his or her term of office or employment with the County, Appear Before the County or receive compensation for any services rendered on behalf of any Person other than the County in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the County; provided, however, that this provision shall not prohibit the continuance of an existing contract when the former County employee has become the head of an entity that is a sole source for goods or services required by the County, or when the County Department Head determines that there is insufficient alternative availability of needed goods or services.
- g. no paid County Officer or Employee shall for two years after the termination of employment provide professional or managerial services for a third party on any matter involving his or her former County Agency; provided, however, that this provision shall not prohibit the continuance of an existing contract when the former County employee has become the head of an entity that is a sole source for goods or services required by the County, or when the County Department Head determines that there is insufficient alternative availability of needed goods or services.

This subsection shall not apply to any elected official, member, or employee of a federal, state, or local government or one of their agencies or instrumentalities, or to any action by a licensed attorney that is permitted by the New York State Rules of Professional Conduct. Retired County Officers or Employees who were working for a third party on a matter involving their former County Agency at the time of enactment of this Law may continue to perform such work as long as their actions do not violate the terms of this paragraph "g" as it was written on their date of retirement.

- h. act or Appear as an attorney in: (1) any litigation in which the County is a party or complainant that involves torts, civil rights, contracts, or eminent domain, except on behalf of the County or himself of herself; or (2) any other matter in which the County is a party or complainant that would constitute a violation of the New York State Rules of Professional Conduct.

2. No partnership, unincorporated association, corporation or any other entity owned or controlled by a County Officer or Employee shall Appear Before any County department or Agency which employs such County Officer or Employee except on behalf of the County or itself.

3. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee or any other Person from receiving a County service or benefit or using a County facility which is generally available to residents or to a class of residents in the County.

4. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee from performing any ministerial act.

5. Nothing in this Local Law shall be construed to prohibit an unpaid member of a County Agency from acting or appearing for a third party regarding a matter unrelated to the business of their County Agency, nor prohibit a County Officer or Employee who is an elected Public Official of another governmental entity from acting or appearing in their official capacity on behalf of such other governmental entity.

6. Nothing in this Local Law shall be construed to prohibit an unpaid member of an advisory County board, bureau, council, committee, or commission from acting or Appearing for a third party regarding a contract with the County when such member has no power or duty on behalf of the County to:

- a. negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
- b. audit bills or claims under the contract; or
- c. appoint a County Officer or Employee who has any of the powers or duties set forth above.

7. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee from serving in an unpaid capacity as an officer or director of a non-profit or governmental entity, when such service is in furtherance of the official duties of the County Officer or Employee.

8. Nothing in this Local Law shall be construed to prohibit a member of a County advisory board, bureau, council, committee, or commission (collectively Advisory Body), who was selected to serve on the Advisory Body due to involvement in a particular industry, or employment by a particular entity, from taking action on a matter before the Advisory Body which has the potential to benefit or result in additional revenues to the industry or entity, provided such action is not binding on the County and is subject to further County approval.

Section 5. Interests in Contracts Pursuant to General Municipal Law

1. No County Officer or Employee may have an interest in a contract that is prohibited by section 801 of New York General Municipal Law.

2. Every County Officer and Employee shall disclose interests in actual or proposed contracts with the County at the time and in the manner required by section 803 of New York General Municipal Law.

Section 6. Use of County Resources

The use of County resources by County Officers and Employees shall be in compliance with County policies and procedures.

Section 7. Procurement Integrity

1. While procuring property or services of more than fifty thousand dollars (\$50,000.00) in value, no County Officer or Employee shall solicit, discuss, or accept, directly or indirectly, any promise of future employment or business opportunity from any contractor competing for such procurement.

2. While competing for award of a County procurement of property or services of more than fifty thousand dollars (\$50,000.00) in value, no contractor shall discuss or make, directly or indirectly, any offer or promise of future employment or business opportunity to any official of the County involved in such procurement.

Section 8. Annual Disclosure

1. All Public Officials who are elected or paid, and all County Officers or Employees who are authorized to use County-issued credit cards or to approve vouchers, invoices, purchase orders or contracts, such as purchasing clerks and purchasing agents, shall file with the Ethics Board, by depositing with the Office of the County Executive, a signed annual disclosure statement using a form approved by the Ethics Board which shall be substantially in conformance with the 2022 disclosure statement form filed with the Clerk of the County Legislature.

- a. within thirty (30) days of taking office; and
- b. no later than April 30 of each year thereafter.

A list of those titles which are subject to County disclosure requirements, as the same may be amended from time to time by the Ethics Board, is on file with the Clerk of the Legislature and in the office of the County Executive.

The Ethics Board shall have free and unlimited access to all forms at all times.

County department heads shall ensure that if an Officer or Employee under the department head's purview who is required to file a statement does not timely file a statement, such Officer or Employee's ability to directly or indirectly expend County funds is suspended until such time as the statement has been filed. This will include without limitation suspension of use of County-issued credit cards and suspension of the ability to approve vouchers, invoices, purchase orders, and contracts. Before May 15th of each year, the County Executive shall verify that every affected County Officer or Employee has filed his or her annual disclosure statement. Failure of the Department Head or the County Executive to comply with these requirements shall not relieve any individual from his or her duty to timely file a disclosure statement pursuant to this Code of Ethics.

2. Within thirty (30) days of any material change in the information contained in his or her most recently filed statement, the County Officer or Employee shall file a signed amendment to the statement indicating the change.

3. If a County Officer or Employee subject to the filing requirement is unable to timely file the statement or amended statement due to approved leave-time (excluding vacation time), illness, injury, lack of County engagement, or other justifiable circumstances, such individual must submit for Ethics Board approval a written request for an extension of time to file, approved by such Officer or Employee's department head or by the County Executive or Legislative Chair. The request shall be supported by such documentation as may be reasonably requested by the Ethics Board. The prioritization of other County matters over the filing of the disclosure statement is not grounds for an extension of time to file.

4. If a County Officer or Employee who is elected or paid is not able, after reasonable efforts, to obtain some or all of the information required by paragraph two of this section which relates to his or her spouse or household member, he or she shall so state, as part of the annual disclosure statement.

5. The Ethics Board shall review all disclosure statements. Upon being satisfied as to the content and completeness of a statement, the Ethics Board shall return the statement to the Office of the County Executive, which will in turn file the original statement with the County Clerk and an electronic copy with the Clerk of the Legislature. All such statements are public records and shall be kept on file for at least seven (7) years.

6. If the Ethics Board finds a disclosure statement to be deficient, the Ethics Board will provide written notification of the deficiency(ies) to the filer along with a date or period of time by which the deficiency(ies) must be cured. If all deficiencies are not cured within the specified date or time period, and the otherwise applicable filing deadline has passed, the Disclosure Statement may be deemed to have been untimely filed.

Section 9. Training and Distribution of Code

1. All County Officers and Employees subject to the requirements of the Chautauqua County Code of Ethics are required to undergo annual Ethics Board training to inform and educate them as to the requirements of this Code. At least every five (5) years starting in 2022, the training will consist of or include the Code of Ethics. In other years, the training will include either a paper copy of the Code or information about where the Code can be found online.

2. County employees shall confirm completion of Ethics Board training, and County board, bureau, council, committee, and commission members (collectively County Participants) shall acknowledge receipt of such training, in written or electronic form in the manner specified by the Department of Human Resources or the County Executive's office, as follows:

- a. on the day of employee orientation for all new employees;
- b. within thirty days of receipt of training materials for newly appointed County Participants; and
- c. by March 31st for existing employees and County Participants;

Notwithstanding the above, the Ethics Board may extend a due date due to approved

leave-time (excluding vacation time), illness, injury, lack of County engagement, or other justifiable circumstances. The prioritization of other County matters over completion of ethics training is not grounds for an extension of time to file.

County employees shall cooperate with any request made by their supervisor that they complete, and confirm completion of, the annual training, *earlier than* March 31st.

Notwithstanding the fact that the Ethics Board's training is administered by the Department of Human Resources and Department Heads, County Officers and Employees bear ultimate responsibility for their timely compliance with this Law.

3. Training will be administered as follows:
 - a. The County Department of Human Resources will provide the Ethics Board's training materials to:
 - (i) new employees, as part of the new employee orientation process, securing written confirmation of completion during orientation; and
 - (ii) County Department Heads annually, no later than March 1st, with optional Human Resources distribution to some or all County employees.
 - b. Department Heads shall administer annual training for all County employees under their purview and shall ensure that each employee timely confirms completion of the training. In the event an employee under the Department Head's purview fails to timely confirm completion of the training, the Department Head shall remit to the County Executive and Legislative Chair, documentation demonstrating efforts made by the Department Head to secure timely confirmation. Such documentation shall reflect arrangements made by the Department Head for the employee to receive training at a designated date, time and location prior to the training confirmation due date.
 - c. For board members and others subject to the training requirement who are not County employees, the appointing authorities or their designees shall provide a copy of the training materials to each such individual upon such individual's appointment, and annually no later than March 1st, and shall secure written or electronic confirmation of receipt in the manner specified by the Office of the County Executive.
 - d. Appointing authorities or their designees shall certify to the County Ethics Board within five (5) business days of the annual confirmation due date that all non-employees under their purview and subject to the training requirement have acknowledged receipt of the annual training materials. If such an individual has not timely acknowledged receipt of the materials, the certification shall include a written explanation of efforts made to secure timely acknowledgment as well as a recommendation on retention or dismissal of such individual.
4. If a County Officer or Employee subject to the training requirement is unable to

complete the training by the deadline due to approved leave-time (excluding vacation time), illness, injury, lack of County engagement, or other justifiable circumstances, such individual must submit for Ethics Board approval a written request for an extension of time to complete the training, approved by such Officer or Employee's department head, board liaison, the County Executive, or the Legislative Chair. The request shall be supported by such documentation as may be reasonably requested by the Ethics Board. The prioritization of other County matters over completion of ethics training is not grounds for an extension of time to file.

Section 10. Reporting Violations.

All County Officers and Employees are encouraged to report any instances of suspected or known violations of this Code. Reports may be made to a supervisor, to the Chautauqua County Ethics Board c/o Office of the County Executive, 3 North Erie Street, Mayville, New York 14757, or to the Ethics Board at PO Box 13, Jamestown, New York 14702-0013. Making a report with knowledge that all or part of the information in the report is false or misleading is a violation of this Code and may result in penalties as provided herein.

Section 11. Inducement of Violations

Any Person, whether or not a County Officer or Employee, who intentionally induces any County Officer or Employee to take any action or to refrain from taking any action in violation of any provision of this Code, violates this Code.

Section 12. Civil and Administrative Penalties

1. Any County Officer or Employee who engages in any action that violates any provision of this Code may be warned or reprimanded or suspended or removed from office or employment or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or Person or body authorized by law to impose such sanctions.

2. Any County Officer or Employee who violates any provisions of this Code may be subject to a civil fine of up to ten thousand dollars (\$10,000) for each violation, as may be determined by the Ethics Board. A civil fine may be imposed in addition to any other penalty contained in any other provisions of law or in this Code.

3. Any County Officer or Employee who violates any provision of this Code shall be liable in damages to the County for any losses or increased costs incurred by the County 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 Code.

Section 13. County Ethics Board

1. Establishment. The County Legislature hereby establishes an Ethics Board consisting of five (5) members. The Ethics Board shall be responsible for ensuring full compliance with the Code of Ethics. All actions of the Ethics Board shall be by a vote of at least three (3) members. Members of the Ethics Board shall serve without compensation.

2. Appointment. Members of the Ethics Board shall be appointed by the County Executive and confirmed by a two-thirds vote of the County Legislature. No Ethics Board members shall hold office in a political party, be employed as a lobbyist, have a Family Member who is a County Officer or Employee, or have any financial interest in any contracts or other transactions involving the County.

3. Term. The members of the Ethics Board shall serve three-year staggered terms. If a vacancy occurs on the Ethics Board, the new member shall be appointed to fill the unexpired portion of the term. Members of the Ethics Board may be removed for cause by the County Executive with the concurrence of two-thirds of the County Legislature. Grounds for removal shall be neglect of duty, misconduct in office, inability to discharge the powers or duties of the office, or violation of the Code of Ethics. Prior to removal, the Ethics Board member shall be given written notice of the reasons for removal and an opportunity to reply.

4. Powers and Duties. The Ethics Board shall have the following powers and duties:

- a. Prescribe and promulgate rules and regulations governing its internal organization and procedures consistent with the Code of Ethics;
- b. Review with County Officers or Employees the disclosure requirements of this Code, and ensure proper filing of all disclosure statements;
- c. Conduct investigations, hearings, and other examinations relating to the Code of Ethics, with the power to issue subpoenas where necessary;
- d. Recommend and impose sanctions, penalties, or fines in accordance with the Code of Ethics;
- e. Render advisory opinions upon request of any County Officer or Employee;
- f. Recommend content for training and education of County officers and employees regarding the requirements of the Code of Ethics;
- g. Prepare an annual report;
- h. Recommend changes or improvements to the Code of Ethics;
- i. Perform such other related duties as requested by the County Executive;
- j. Meet at least four times a year, and send notice of meetings and the names of Ethics Board members to the County's official newspapers and to radio stations in the County. In addition, notice of meetings and the names of Ethics Board members shall be posted on the County's website; and

- k. Arrange for a separate post office box for the Ethics Board, accessible only by officers of the Ethics Board.

Section 14. Separability.

If any clause, sentence, paragraph, or section of this Code of Ethics is adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, and the unaffected portions of this Code of Ethics shall remain in full force and effect.

II. This Local Law shall become effective upon filing with the Secretary of State.

Sponsor: Legislator Scudder

Emailed: 11/4/22

Adopted by Legislature: 11/16/22

R/C Vote: 15 YES; 4 ABSENT (Absent: Gould, Pavlock, Proctor, and Scudder)

Public Hearing by County Executive: 11/28/22

Date State Filed: 12/5/22

Adopted As Local Law 10-22

**2023 (YEAR) ANNUAL STATEMENT OF FINANCIAL DISCLOSURE
FOR THE COUNTY OF CHAUTAUQUA**

DIRECTIONS: You must answer all questions. If you have no information to enter, check "No" or None." If you need additional space for any answers, please attach a separate sheet. Please note, this form does not take the place of the required nepotism disclosure. YOU MUST ANSWER ALL QUESTIONS (If you have no information to enter, check "No" or "None")

~~If you need additional space for any answers, please attach a separate sheet.~~

1. NAME AND ADDRESS.

Full Name (including middle initial)

Title of County Employee or County Board Member

County Department or County Board Name

Preferred Mailing Address (include street, city, state and zip code). Please provide your preferred mailing address for the Ethics Board to contact you should it have any follow-up questions regarding your form.

2. SPOUSE. Provide the name of your spouse (if married) including first name, middle initial and last name. ~~and include his or her middle initial.~~

NO SPOUSE (Check if appropriate)

Spouse

3. CHILDREN. Provide the names and ages of any dependent children, including first name, middle initial, and last names ~~for all.~~ A dependent child is a child who may be listed on your federal tax return as a dependent during the year in which the disclosure form is completed.

NO DEPENDENT CHILDREN (Check if appropriate)

Child/Age

Child/Age

Child/Age

Child/Age

Child/Age

Child/Age

(If you have more than six (6) children, please provide their names and ages on a separate sheet.)

NAME: _____
2023(YEAR)

4. EMPLOYMENT

a. Non-County-Government Employment. Describe any non-county government occupation, employment, trade, business or profession providing more than \$1,000.00 of income in the previous calendar year for you (and/or your spouse and/or dependent children). For past employment, please complete Question 4c.

NONE (Check if appropriate)

Name of Family Member	Position	Name, Address & Description of Organization
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

b. Future Employment. Describe any contract, promise or other agreement between you and any third party, with respect to your employment after leaving your County office or position. Include the name and address of the other party, and describe the nature of the future employment.

NONE (Check if appropriate)

c. Past Employment. Identify the source and nature of any income currently received, or received in the previous twelve (12) months, in excess of \$1,000.00 per calendar year from any prior employer, including wages, deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement.

NONE (Check if appropriate)

Name & Address of Income Sources	Description of Income (i.e., pension, deferred, etc.)
_____	_____

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STATEMENT OF FINANCIAL DISCLOSURE
_____FOR

NAME: _____
2023(YEAR)

5. BUSINESS POSITIONS. List any office, trusteeship, directorship, partnership, or other position in any business, municipality, association, proprietary, or not-for-profit organization for you (and/or your spouse and/or dependent children), which has not been listed above, and indicate whether these businesses are involved with the County of Chautauqua in any manner. This includes volunteer, unpaid positions on boards including advisory boards.

NONE (Check if appropriate)

Name of Family Member	Position	Organization	County Department or Agency and Nature of Involvement
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

6. ASSETS AND INVESTMENTS

a. Investments. Itemize and describe all investments in excess of \$5,000.00 or five percent (5%) of the value in: any business, corporation, or partnership (including those controlled by you, your spouse and dependent children); and other assets including stocks, bonds, loans, pledged collateral, and other investments (for you and/or your spouse and/or dependent children). You do not need to list checking or savings accounts, investments in Federal programs (such as Social Security) or a State of New York retirement plan.

NONE (Check if appropriate)

Name of Family Member	Name & Address of Business	Description of Investment
_____	_____	_____
_____	_____	_____
_____	_____	_____

b. Real Estate. List the location of all real estate within the County or within five (5) miles of the County in which you (and/or your spouse and/or dependent children) have an interest or had an interest in the previous calendar year, regardless of its value. **You do not need to list property listed on the deed of your primary residence.**

NONE (Check if appropriate)

Name of Family Member	Location of Real Estate	Description of Investment
_____	_____	_____
_____	_____	_____
_____	_____	_____

PAGE 4

STATEMENT OF FINANCIAL DISCLOSURE
FOR

NAME: _____
2023 (YEAR)

c. Trusts. Identify each interest in a trust or estate or similar beneficial interest in any assets in excess of \$2,000.00, except for IRS eligible retirement plans or interests in an estate or trust of a Related person ~~Person~~, as such term is defined in the County's Code of Ethics, for you (and/or your spouse and/or dependent children). As defined by the Code of Ethics, a "Related Person" means a spouse, fiancé(e), parent, child, or sibling, including step and half relations, a grandparent, parent-in-law, sibling-in-law, Dependent, member of the County Officer or Employee's household, first cousin, aunt, uncle, niece, or nephew.

NONE (Check if appropriate)

Name of Family Member	Trustee/Executor	Description of Trust/Estate
_____	_____	_____
_____	_____	_____

7. OTHER INCOME. Identify the source and nature of any other income in excess of \$1,000.00 per calendar year from any source not described above, including teaching income, lecture fees, consultant fees, contractual income, or other income of any nature, for you (and/or your spouse and/or dependent children). This should include any income for which you have received an IRS form 1099 showing income in excess of \$1,000.00 during the preceding year.

NONE (Check if appropriate)

Name of Family Member	Name & Address of Income Source	Nature of Investment
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. GIFTS AND HONORARIUMS. List the source of all gifts aggregating in excess of \$250.00 received during the last calendar year by you (and/or your spouse and/or dependent children) excluding gifts from a Related person ~~Person~~. As defined by the Code of Ethics, a "Related Person" means a spouse, fiancé(e), parent, child, or sibling, including step and half relations, a grandparent, parent-in-law, sibling-in-law, Dependent, member of the County Officer or Employee's household, first cousin, aunt, uncle, niece, or nephew. (as defined in the Code of Ethics). The term "gifts" includes gifts of cash, property, personal items, payments to third-parties on your behalf, forgiveness of debt, honorariums, services, travel, entertainment, hospitality, thing or promise, non-employment donations to a retirement plan, discounts not available to members of the public, and any other payments or items that are not reportable as income. Gifts received from a Related person ~~Person~~ acting as an agent for a third party must be disclosed.

NONE (Check if appropriate)

Name of Family Member	Name & Address of Donor
_____	_____

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NAME: _____

2023(YEAR)

STATEMENT OF FINANCIAL DISCLOSURE
—FOR

9. THIRD-PARTY REIMBURSEMENTS. Identify and describe the source of any third-party reimbursement within the past 12 months for travel-related expenditures in excess of \$250.00 for any matter that relates to your official duties. The term "reimbursement" includes any travel-related expenses provided by anyone other than the County for speaking engagements, conferences, or fact finding events that relate to your official duties. Report all reimbursement aggregating \$250.00 or more, whether paid by one or more individuals or entities.

NONE (Check if appropriate)

Source

Description

_____	_____
_____	_____
_____	_____
_____	_____

10. LOANS. Describe all loans to you (and/or your spouse and/or dependent children) in excess of \$5,000.00 where the creditor is not a federally insured bank, a Federal or state loan program, or savings and loan institution, or a Related person Person, (as defined in the Code of Ethics). As defined by the Code of Ethics, a "Related Person" means a spouse, fiancé(e), parent, child, or sibling, including step and half relations, a grandparent, parent-in-law, sibling-in-law, Dependent, member of the County Officer or Employee's household, first cousin, aunt, uncle, niece, or nephew.

NONE (Check if appropriate)

Name of Family Member

Name & Address of Creditor

_____	_____
_____	_____
_____	_____
_____	_____

11. POLITICAL PARTIES. List any position you held within the last five (5) calendar years as an officer of any political party, political committee, or political organization. The term "political organization" includes any independent body or any organization that is affiliated with or a subsidiary of a political party.

NONE (Check if appropriate)

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STATEMENT OF FINANCIAL DISCLOSURE
—FOR

NAME: _____

2023 (YEAR)

12. INTEREST IN CONTRACTS. Describe any interest you (and/or your spouse, minor children, or dependents) have in any actual or proposed contract involving the County or any town, village, or city within the County. "Interest" means a direct or indirect pecuniary or material benefit accruing to you (and/or your spouse, minor children or dependents) as the result of a contract with the County. Besides any direct contractual relationships with the County, you (and/or your spouse, minor children or dependents) shall be deemed to have an interest in a contract between the County and: (a) a firm, partnership or association of which you or such family member is a member or employee; (b) a corporation of which you or such family member is an officer, director, or employee, but shall not include a contract of employment with the County; and (c) a corporation any stock of which is owned or controlled directly or indirectly by you or such family member. Pursuant to State Law, interests in contracts must be disclosed in writing to your immediate supervisor. The Ethics Board Liaison will also remit it to the Chautauqua County Legislature as required. The disclosure made herein is intended to fulfill the requirements of Section 803 of General Municipal Law.

NONE (Check if appropriate)

Name of Family Member _____ Contract Description _____

Examples:

<u>Name of Family Member:</u>	<u>Full Name (No abbreviations) of Person, Business or Organization that Family Member is affiliated with that has a contract directly with the County:</u>	<u>Family Member's role / affiliation with the listed Person, Business or Organization:</u>	<u>Description of the services provided through this contract:</u>
<u>John P. Smith</u>	<u>Green Tree Landscaping Inc.</u>	<u>Employee – Assistant Manager</u>	<u>Landscaping services for various county locations.</u>
<u>Jane L. Doe</u>	<u>Jane L. Doe</u>	<u>Self</u>	<u>Contract to serve as an</u>

			<i>Emergency Medical Services Instructor.</i>
<i>Self</i>	<i>Chautauqua County Visitors Bureau</i>	<i>Board member</i>	<i>Tourism promotion.</i>

Name of	Full Name (No abbreviations)	Family Member's role	Description of the services
Family Member:	Person, Business or Organization	/ affiliation with the	provided through this contract:
	that Family Member is affiliated	listed Person, Business	
	with that has a contract directly	or Organization:	
	with the County:		

PAGE 7 **STATEMENT OF FINANCIAL DISCLOSURE**
NAME: **FOR (YEAR)**

CERTIFICATION:

I hereby certify under penalty of perjury that the information disclosed on this form is true and complete to the best of my knowledge. A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willingly with intent to deceive makes a false statement or gives information which the individual knows to be false on this statement of financial disclosure may be subject to civil and/or criminal penalties as allowed by law.

I hereby acknowledge that if I am disclosing interest in contracts that it is my responsibility to also provide a copy of my form to my immediate supervisor.

I hereby further acknowledge my continuing responsibility to disclose any conflicts of interest or potential conflicts of interest and/or recuse myself from any act or action as required by Chautauqua County's Code of Ethics. I certify that I will undertake and carry out this responsibility to the best of my ability.

Signature

Date

For Corrected or Amended Forms Only:

Signature

Date Corrected or Amended

THE DEADLINE FOR FILING IS APRIL 30, 2023(YEAR).

Please return the originally signed, completed form to:

the County Executive's Office, Gerace Office Building, 3 N. Erie St., Mayville, NY 14757.

In the event of a material change to the information reported on this form,
an amended form must be filed within thirty (30) days of such change.

FOR OFFICE USE ONLY

Reason for Filing:

New Appointment

(Required to file within 30 days of taking office)

Annual Filing

(Required to file by April 30th of each year)

Making Amendment(s)

(Required to file within 30 days of any material change)

Ethics Board Review and Approval:

(Board Member's Initials)

(Date Form was Reviewed and Approved)

Rev. ~~2022~~-2023

List of Titles Required to File a Statement of Financial Disclosure

This list identifies the ~~122-102~~ titles of County Officers or Employees who are subject to County disclosure requirements per Section 9 of the Chautauqua County Code of Ethics. This list was last revised by the Chautauqua County Ethics Board on 9/21/2022. Pursuant to Section 9 of the Code, this list is required to be on file with the Clerk of the Legislature and with the Office of the County Executive.

1. **Administrative Assistant**
2. **Assigned Counsel Administrator**
3. **Assistant Construction & Maintenance Supervisor**
4. **Assistant County Attorney**
5. **Assistant Deputy Director of Public Facilities (Buildings & Grounds)**
6. **Assistant Director of Real Property Tax Services III**
7. **Assistant District Attorney**
8. **Assistant Public Defender**
9. **Assistant Social Services Attorney**
10. **Assistant to Commissioner of Social Services**
11. **Associate Public Health Engineer**
12. **Board of Health Members**
13. **Budget Director**
14. **Chautauqua County Land Bank Corporation Board Members**
15. **Chautauqua Tobacco Asset Securitization Corporation Members**
16. **Chief Information Officer**
- ~~16~~.17. **Chief Medical Officer**

- ~~17,18.~~ **Child Psychiatrist**
- ~~18,19.~~ **Clerk of the Legislature**
- ~~19,20.~~ **Commissioner of Elections**
- ~~20.~~ **Commissioner of Health Services**
- ~~21.~~ **Commissioner of Social Services**
- ~~22,21.~~ **Construction & Maintenance Supervisor**
- ~~23,22.~~ **Coroner**
- ~~24,23.~~ **Corrections Lieutenant**
- ~~25,24.~~ **County Attorney**
- ~~26,25.~~ **County Clerk**
- ~~27,26.~~ **County Executive**
- ~~28.~~ **County Fire Coordinator**
- ~~29,27.~~ **County Historian**
- ~~30,28.~~ **Deputy Clerk of the Legislature**
- ~~31,29.~~ **Deputy Commissioner of Social Services**
- ~~32,30.~~ **Deputy County Clerk**
- ~~33,31.~~ **Deputy County Executive**
- ~~34,32.~~ **Deputy County Executive for Economic Development**
- ~~35.~~ **Deputy Director of Central Services (Office Services)**
- ~~36.~~ **Deputy Director of Central Services (Purchasing)**
- ~~37,33.~~ **Deputy Director of Community Mental Hygiene Services**
- ~~38,34.~~ **Deputy Director of Finance**
- ~~39.~~ **Deputy Director of Planning**

~~40. Deputy Director of Planning and Economic Development~~

35. Deputy Director of Office for Aging Services

~~41.36. Deputy Director of Public Facilities (Engineering)~~

~~42.37. Deputy Director of Public Facilities (Environment, Airports, Parks & Buildings & Grounds)~~

~~43. Deputy Director of Public Facilities (Transportation)~~

~~44.38. Deputy Probation Director (Group B)~~

~~45.39. Deputy Public Health Director~~

~~46.40. Deputy Sheriff Captain~~

41. Director of Administrative Services

47.42. Director of Adult, Children and Family Services

48.43. Director of Aging Health Services

49.44. Director of Certification

50.45. Director of Community Mental Hygiene Services

~~51. Director of Economic Development~~

~~52. Director of Emergency Services~~

~~53.46. Director of Emergency Services and Workplace Safety~~

~~54. Director of Environmental Health~~

~~55.47. Director of Environmental Health Services~~

~~56.48. Director of Finance~~

~~57. Director of Health & Human Services~~

~~58.49. Director of Human Resources~~

~~59. Director of Information Services~~

~~60. Director of Intermunicipal Services~~

50. Director of Medical Assistance

51. Director of Mental Hygiene and Social Services

~~61.52.~~ **Director of North Chautauqua Lake Sewer District**

~~62.~~ **Director of Office for the Aging**

~~63.53.~~

~~64. Director of Office of Management and Budget~~

~~65.54.~~ **Director of Patient Services**

~~66. Director of Planning~~

~~67. Director of Planning and Community Development~~

~~68. Director of Planning and Economic Development~~

~~69. Director of Portland-Pomfret-Dunkirk Sewer District~~

~~70.55.~~ **Director of Public Facilities**

~~71. Director of Real Property Tax Services III~~

~~72.56.~~

~~73. Director of Social Services~~

57. Director of South & Center Chautauqua Lake Sewer Districts

~~74.58.~~ **Director of Temporary Assistance**

~~75.59.~~ **Director of Veterans Service Agency**

~~76.60.~~ **District Attorney**

~~77.61.~~ **Engineer III**

~~78.62.~~ **Executive Assistant**

~~79.63.~~ **Executive Director of the Chautauqua County Land Bank Corporation**

~~80.64.~~ **Financial Analyst to Legislature**

~~81.65.~~ **First Assistant County Attorney**

- ~~82.66.~~ **First Assistant District Attorney**
- ~~83.67.~~ **First Assistant Public Defender**
- ~~84.68.~~ **First Assistant Social Services Attorney**
- ~~85.69.~~ **First Deputy Director of Finance**
- ~~86.~~ **Health Administrator**
- ~~87.70.~~ **Insurance Administrator**
- ~~88.~~ **Legal Counsel to the Legislature**
- ~~89.71.~~ **Legislator**
- ~~90.72.~~ **Manager of Airports**
- ~~91.73.~~ **Members of North Chautauqua County Water District**
- ~~92.74.~~ **Members of North Chautauqua Lake Sewer District Board**
- ~~93.75.~~ **Members of North County Industrial Water/Sewer District 1**
- ~~94.76.~~ **Members of Portland Pomfret Dunkirk Sewer District Board**
- ~~95.77.~~ **Members of South and Center Chautauqua Lake Sewer Districts Board**
- ~~96.78.~~ **Members of the Chautauqua County Soil and Water Conservation District**
- ~~97.79.~~ **Mental Hygiene Program Coordinator**
- ~~98.80.~~ **Personnel Technician**
- ~~99.81.~~ **Physician**
- ~~100.82.~~ **Planning Board Members**
- ~~101.83.~~ **Probation Director (Group B)**
- ~~102.84.~~ **Probation Supervisor I**
- ~~103.85.~~ **Public Defender**

~~104. Public Health Director~~

~~105.86. Purchasing Agent~~

~~106.87. Purchasing Manager~~

~~107. Real Property Systems Coordinator/Assistant Director~~

~~108.88.~~

~~109. Sanitation Supervisor~~

~~110.89. Sealer of Weights and Measures~~

~~111.90. Second Assistant County Attorney~~

~~112.91. Second Assistant District Attorney~~

~~113.92. Second Assistant Public Defender~~

~~114.93. Second Assistant Social Services Attorney~~

~~115.94. Secretary to Legislature~~

~~116.95. Senior Personnel Technician~~

~~117.96. Senior Personnel Technician/Deputy Director of Human Resources:~~

~~118.97. Senior Project Coordinator (Transportation)~~

~~119.98. Sheriff~~

~~120. Social Services Attorney~~

~~121.99.~~

~~121. Special Assistant for Medicaid~~

~~122. Special Projects Coordinator~~

~~123.100.~~

~~123. Supervising Clinical Psychologist~~

~~124.101. Undersheriff~~

~~125.102. Warden~~

INTEREST IN CONTRACTS DISCLOSURE

DIRECTIONS: This form is for Chautauqua County Employees and Board Members who need to disclose interests in any actual or proposed contracts they and/or their spouse, minor children, or dependents have with the County or any town, village, or city within the County pursuant to the conflict of interest provisions of Article 18 of New York State General Municipal Law. If you are unsure if the businesses or organizations you and/or your spouse, minor children, or dependents are involved with have a contract with Chautauqua County, please visit <https://chqgov.com/county-executive/Ethics-Board> to view a list of the County's current vendors and for more information. **Please return the completed form to: County Executive's Office, Gerace Office Building, 3 N. Erie St., Mayville, NY 14757.** Once completed, this form only needs to be refiled when new interests in contracts arise or if there is a change to any of the previously listed contract information.

IMPORTANT: If you are required to complete a Statement of Financial Disclosure form, you **DO NOT** need to complete this form. You will satisfy this requirement by disclosing your interests in contracts in Question 12 of the Statement of Financial Disclosure form.

1. NAME AND ADDRESS.

Full Name (including middle initial)

Title of County Employee or County Board Member

County Department or County Board Name

Preferred Mailing Address (include street, city, state and zip code). Please provide your preferred mailing address for the Ethics Board to contact you should it have any follow-up questions regarding your form.

2. SPOUSE. Provide the name of your spouse (if married) and include his or her middle initial.

NO SPOUSE (Check if appropriate)

Spouse

3. INTEREST IN CONTRACTS. Describe any interest you (and/or your spouse, minor children, or dependents) have in any actual or proposed contract involving the County or any town, village, or city within the County. "Interest" means a direct or indirect pecuniary or material benefit accruing to you (and/or your spouse, minor children or dependents) as the result of a contract with the County. Besides any direct contractual relationships with the County, you (and/or your spouse, minor children or dependents) shall be deemed to have an interest in a contract between the County and: (a) a firm, partnership or association of which you or such family member is a member or employee; (b) a corporation of which you or such family member is an officer, director, or employee, but shall not include a contract of employment with the County; and (c) a corporation any stock of which is owned or controlled directly or indirectly by you or such family member. The disclosure made herein is intended to fulfill the requirements of Section 803 of General Municipal Law.

NAME: _____

INTEREST IN CONTRACTS DISCLOSURE

Examples:

Name of Family Member:	<i>Full Name (No abbreviations) of Person, Business or Organization that Family Member is affiliated with that has a contract directly with the County:</i>	Family Member's role / affiliation with the listed Person, Business or Organization:	Description of the services provided through this contract:
<i>John P. Smith</i>	<i>Green Tree Landscaping Inc.</i>	<i>Employee – Assistant Manager</i>	<i>Landscaping services for various county locations.</i>
<i>Jane L. Doe</i>	<i>Jane L. Doe</i>	<i>Self</i>	<i>Contract to serve as an Emergency Medical Services Instructor.</i>
<i>Self</i>	<i>Chautauqua County Visitors Bureau</i>	<i>Board member</i>	<i>Tourism promotion.</i>

Name of Family Member:	Full Name (No abbreviations) Person, Business or Organization that Family Member is affiliated with that has a contract directly with the County:	Family Member's role / affiliation with the listed Person, Business or Organization:	Description of the services provided through this contract:
------------------------	---	--	---

_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If you need additional space for any answers, please attach a separate sheet.

NAME: _____

INTEREST IN CONTRACTS DISCLOSURE

CERTIFICATION:

I hereby certify under penalty of perjury that the information disclosed on this form is true and complete to the best of my knowledge. A reporting individual who knowingly and willfully fails to file an interest in contracts disclosure or who knowingly and willingly with intent to deceive makes a false statement or gives information which the individual knows to be false on this disclosure may be subject to civil and/or criminal penalties as allowed by law.

I hereby acknowledge that if I am disclosing interest in contracts that it is my responsibility to also provide a copy of my form to my immediate supervisor.

I hereby further acknowledge my continuing responsibility to disclose any conflicts of interest or potential conflicts of interest and/or recuse myself from any act or action as required by Chautauqua County's Code of Ethics and Article 18 of New York State General Municipal Law. I certify that I will undertake and carry out this responsibility to the best of my ability.

Signature

Date

For Corrected Forms Only:

Signature

Date Corrected

THE DEADLINE FOR FILING IS APRIL 30, (YEAR).

Please return the originally signed, completed form to:
the County Executive's Office, Gerace Office Building, 3 N. Erie St., Mayville, NY 14757.

In the event new interests in contracts arise which were not previously reported on this form, a new form must be filed as soon as the individual has knowledge of such actual or prospective interest.

FOR OFFICE USE ONLY

Ethics Board Review and Approval:

(Board Member's Initials)

(Date Form was Reviewed and Approved)