

COUNTY OF SULLIVAN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Committee to Revise the Sullivan County Code of Ethics has prepared a draft of the Code, available on the Sullivan County website, with respect to which it seeks comment. Accordingly, the Committee will conduct a public hearing at the Legislative Chambers, County Government Center, 100 North Street, Monticello, New York 12701, on January 19, 2012 at 1:00p.m. at which time all persons interested will be heard.

DATED: January 5, 2012

ANNEMARIE MARTIN
Clerk of the Legislature
County of Sullivan, New York



Hon. Anthony Kane
Chair

COMMITTEE TO REVIEW THE
CODE OF ETHICS OF SULLIVAN
COUNTY

Hon. Burton Ledina
Mr. John Konefal
Ms. Lynda Levine
Members

DECEMBER 20, 2011

*Memorandum
Via E-Mail*

To:	Jonathan Rouis	Chairman
	David A. Sager	District 1 Legislator
	Kathleen LaBuda	District 2 Legislator
	Elwin Wood	District 3 Legislator
	Frank Armstrong	District 5 Legislator
	Jodi Goodman	District 6 Legislator
	Leni Binder	District 7 Legislator
	Ron Hiatt	District 8 Legislator
	Alan Sorensen	District 9 Legislator
	Legislator-Elect	District 1 Scott Samuelson
	Legislator-Elect	District 3 Kathleen Kitty Vetter
	Legislator-Elect	District 5 Cindy Kurpil Gieger
	Legislator-Elect	District 6 Cora Edwards
	Legislator-Elect	District 7 Gene Benson
	Legislator-Elect	District 8 Ira Steingart

Date: December 20, 2011

RE: PROPOSED CHANGES TO THE SULLIVAN COUNTY CODE OF ETHICS

Dear Ladies and Gentlemen:

In accordance with the directive of the County Legislature, attached is our Committee's draft revised Code of Ethics for your review. You will note that this draft represents a distinct departure from the current Code. On November 15, 2011, our Committee held its first public

meeting at which time we received meaningful comments from members of the County staff as well as the public. Many of the revisions reflect the concerns raised at the public meeting. It is our intention to hold another public meeting on January 19, 2011 to once again discuss the draft Code with members of the public. We respectfully invite you to attend and look forward to receipt of your comments at that time as well.

On behalf of the Committee I extend sincere gratitude to Senior Assistant County Attorney Cheryl McCausland for her assistance and dedication, and look forward to her continued involvement in the Code revision process.

Hon. Anthony Kane
Justice, Supreme Court
of the State of New York,
Appellate Division, Third Department,
(Retired)

/attachment

1 ***Draft dated December 20, 2011***

2

3 **CODE OF ETHICS**

4 **COUNTY OF SULLIVAN**

5 A local law establishing standards of conduct for elected and appointed officials, officers and
6 employees of the County of Sullivan, hereafter known as the "Sullivan County Code of Ethics".

7 Be it enacted by the Sullivan County Legislature as follows:

8 **SECTION I – PURPOSE AND INTENT**

9 There are rules of ethical conduct for public officers and employees which must be observed if
10 a high degree of ethical conduct is to be obtained and if public confidence is to be maintained in our
11 local government. This Code is intended to create the minimum standards which constitute such
12 behavior. These rules shall govern appropriate conduct of all elected and appointed officials, officers
13 and employees of the County of Sullivan. This Code as adopted shall not conflict with, but be in
14 addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special
15 law relating to ethical conduct and interest in contracts of municipal officers and employees.

16 **SECTION II – DEFINITIONS**

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

19 (a) **“Agency,”** means a non-government organization or entity, [%] percent of whose members
20 are appointed by the County Legislature and which receives [%] percent of its funding from the
21 County of Sullivan.¹

22 (b) **“Appropriate body”** pursuant to Article 18 of General Municipal Law means the Board of Ethics
23 of the County of Sullivan.

24 (c) **“Contract”** means any claim, account or demand against or agreement with the county, express
25 or implied, and shall include the designation of a depository of public funds and the designation
26 of a newspaper, including but not limited to an official newspaper, for the publication of any
27 notice, resolution, ordinance or other proceeding where such publication is required or
28 authorized by law.

29 (d) **“Child”** means any son, daughter, step-son or step-daughter of a County Official, employee or
30 elected or appointed official, if such person is under 21.

31 (e) **“County”** means the County of Sullivan or any department, board, division, institution, office,
32 branch, bureau, commission, or agency thereof.

33 (f) **“County Official”** means:

34 **(1) “Local officers or employees,”** a) the heads (other than local elected officials) of any
35 County agency, department, division, council, board, commission or bureau and their
36 deputies and assistants, whether paid or not; b) other employees of such, departments,
37 divisions, boards, bureaus, commissions, councils or agencies who hold policy-making
38 positions, whether paid or not. These individuals shall be determined annually by the

¹ THESE ARE POLICY DECISIONS BEST DETERMINED BY THE COUNTY LEGISLATURE

39 appointing authority and thereafter listed by the Chairman of the Legislature prior to
40 January 31st of each year. The list shall include the office, title or job classification of such
41 officers and employees. The term “local officer or employee” shall not mean a judge,
42 justice, officer or employee of the Unified Court System, unless the individual is also a
43 County employee.

44 **(2) “Local elected officials,”** County Legislators, Clerk, Treasurer, Sheriff, Coroners and
45 District Attorney; and

46 **(3) “Other employees”,** other individuals whose duties involve the negotiation,
47 authorization or approval of:

- 48 i. Contracts, leases, franchises, revocable consents, concessions, variances, special
49 permits or licenses as defined in section seventy-three of the Public Officers Law;
- 50 ii. The purchase, sale, rental or lease of real property, goods or services, or a
51 contract therefor;
- 52 iii. The obtaining of grants of money or loans; or
- 53 iv. The adoption or repeal of any rule or regulation having the force and effect of
54 law.

55 (g) **“Dependent”** means any person, related or unrelated, living in the same household with a
56 County Official or employee and claimed as a dependent for income tax purposes by said County
57 Official.

58 (h) **“Employee”** means any employee or official of the County of Sullivan, other than those
59 designated as County Officials herein.

60 (i) **“Interest”** means a direct or indirect financial or material benefit accruing to the County Official,
61 his or her relative or dependent, whether as a result of a contract with the County or otherwise.
62 A benefit shall include, but not be limited to, employment, a gift, service, payment, permit,
63 approval, waiver, authorization, travel, entertainment, hospitality, or gratuity, or a promise of
64 any of the foregoing. A County Official shall be deemed to have an interest in a contract of (1) his
65 or her dependent or relative, except a contract of employment with the County; (2) a firm,
66 partnership or association of which such County Official or his or her dependent or relative is a
67 member or employee; (3) a corporation of which such County Official or his or her dependent or
68 relative is an officer or director; or (4) a corporation, at least ten (10%) percent of the
69 outstanding capital stock of which is owned by a County Official or his or her dependent or
70 relative.

71 (A) A financial benefit shall not include a campaign contribution authorized by
72 law.

73 (B) An ‘interest’ shall not include the setting of County Official and employee
74 salaries and benefits, or an action statutorily mandated upon a County Official when there is no
75 other County Official authorized to undertake such statutorily mandated action. In that event, the
76 statutorily mandated action shall not be undertaken until the County Official delivers written
77 disclosure of the interest to the Clerk of the Legislature.

78 (j) **“Jurisdiction”** means having authority, capacity, power or right to act with regard to the
79 management and administration of policy and supervision of personnel of the County or Agency.

80 (k) **“Legislation”** means a matter which has been placed upon the calendar or agenda of the
81 Legislature of Sullivan County or a committee thereof, upon which official action has been or
82 may be taken, and shall include adopted acts, local laws, ordinances or resolutions.

83 (l) **“Relative”** means a spouse, child, grandchild, sibling, child of a sibling or parent of a County
84 Official.

85 (m) **“Sibling”** means a brother or sister, half-brother or half-sister, step-brother or step-sister of a
86 County Official.

87 (n) **“Spouse”** means a husband, wife, or domestic partner, of a County Official, unless legally
88 separated from the County Official.

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PART A: CONDUCT

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SECTION III – STANDARDS OF CONDUCT

94 Every County Official shall be subject to and abide by the following standards of conduct. These
95 standards of conduct are in addition to those which apply to County employees and are set forth in the
96 Sullivan County Employee Handbook distributed to each employee at his/her orientation session:

1. Prohibited Activities

98 a. No County Official shall use or permit the use of County property (including land,
99 vehicles, equipment, materials and/or any other property) for personal convenience or
100 profit; except when such use is available to County citizens generally or is provided as a
101 condition of county employment or is set as a matter of County policy.

102 b. No County Official may bid for or acquire or purchase any parcel or parcels of real
103 property which is offered for sale by the County of Sullivan in any manner as a result of
104 the tax delinquency of such parcel or parcels. This includes a prohibition against such
105 County Officials bidding upon or acquiring or purchasing such properties directly or
106 through an agent, representative, attorney or other third party, including, but not
107 limited to, a relative. It shall be presumptive proof of a violation of this Code if such
108 County Official shall have acquired any interest in the property whatsoever, including,
109 but not limited to, the holding of a mortgage, lien or other financial interest, no matter

110 how acquired, either directly or through any third parties, within two (2) years of the
111 date upon which such property was sold or conveyed by the County of Sullivan.

112 c. A County Official shall take no action on a matter before the County or Agency including,
113 but not limited to, official acts and legislation, when he or she has an interest in such
114 matter, as defined herein, which, to his or her knowledge, would conflict with or impair
115 the proper discharge of his or her official duties. The County Official shall disclose such
116 interest, in writing, to the County Legislature, as soon as he or she has knowledge of
117 such interest. Every such written disclosure shall be made part of and set forth in the
118 official record of the proceedings of the County Legislature.

119 d. A County Official may not receive or enter into any agreement, expressed or implied, for
120 compensation for services to be rendered in relation to any matter before any agency of
121 which he or she is an officer, member or employee or over which he or she has
122 jurisdiction, or to which he or she has the power to appoint any member, officer or
123 employee. This preclusion does not include circumstances when the Legislature
124 declares there to be an urgent need for the specific services so long as any conflict of
125 interest is disclosed in writing and prior to a vote of the Legislature regarding same.

126 e. A County Official may not receive or enter into any agreement, expressed or implied, for
127 compensation for services to be rendered in relation to any agency whereby his or her
128 compensation is to be dependent or contingent upon any action by such agency with
129 respect to such matter

- 130 f. A County Official shall not participate in the consideration of, vote on, or administer, a
131 matter in which he or she has any interest.²
- 132 g. A County Official shall not invest or hold any investment, directly or indirectly, in any
133 financial, business, commercial or other private transactions, which create a conflict of
134 interest with his or her official duties.
- 135 h. A County Official shall not engage in, solicit, negotiate for or promise to accept private
136 employment or render services for private interests when such employment or service
137 creates a conflict with or impairs the proper discharge of official duties.
- 138 i. A County Official shall not for six months after the termination of service or employment
139 with such municipality, appear before his or her own board, agency or division of the
140 County of Sullivan in relation to any case, proceeding or application in which he/she
141 personally participated or over which he or she had jurisdiction during the period of
142 his/her service or employment.
- 143 j. No County Official shall use or attempt to use his/her official position to advance or
144 obtain any unwarranted privilege, exemption or advantage for himself, herself or
145 others, not generally available to County citizens.
- 146 k. No County Official shall directly or indirectly solicit or accept gifts , whether in the form
147 of money, services, loan, travel, entertainment, hospitality, item or promise, or
148 otherwise under circumstances in which it reasonably could be perceived to influence

² IT IS RECOMMENDED THAT THE RULES OF THE LEGISLATURE PROVIDE THAT THE COUNTY OFFICIAL ABSTAIN FROM PARTICIPATION AND THAT ANY ABSTENTION NOT BE COUNTED AS A VOTE IN FAVOR OF THE MATTER BEFORE THE LEGISLATURE.

149 the performance of official duties or was intended as a reward for any official action. In
150 addition to, and notwithstanding the foregoing, in no event shall a County Official
151 accept any gift or benefit which alone or in the aggregate exceeds seventy-five (\$75.00)
152 dollars in any given twelve month period. Violation of this provision (k) shall constitute
153 a conflict of interest.

154 I. No Elected Official shall use his or her official position or office, or take or fail to take
155 any action, in a manner in which he or she knows or has reason to know may result in a
156 benefit to a person or entity from whom the Elected Official has received election
157 campaign contributions of more than \$250 in the aggregate during the past sixty
158 months.³ The Elected Official shall disclose his or her perceived conflict of interest and
159 thereafter shall abstain on any vote involving the person or entity.

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161 2. Confidential Information

162 A) A County Official shall not disclose confidential information or use such information
163 to further a personal interest.

164 B) The Public Officers Law of New York State requires counties to make certain records
165 available for public inspection and copying. Permissible exceptions to this requirement are
166 listed in Section 87, subdivision 2 of that Law. Information defined by this Code of Ethics as
167 either disclosable or confidential are intended to be consistent with the provisions of that Law.

³ THIS IS A POLICY DECISION BEST DETERMINED BY THE COUNTY LEGISLATURE

168 C) For the purposes of this Code of Ethics, all information falls into one of three
169 categories: the class of information which is never confidential; the class of information which
170 is always confidential; and the class of information which may be confidential.

171 (i) NEVER CONFIDENTIAL: Some internal or interagency records, communications and
172 reports are never confidential. According to the Public Officers Law, these include information
173 that is:

- 174 • The result of an external audit; or
- 175 • Statistical data; or
- 176 • An instruction to staff that affects the public; or
- 177 • A final policy or determination made by the county or one of its departments.

178 Disclosure or use of such information is not restricted by the Code of Ethics.

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180 (ii) ALWAYS CONFIDENTIAL: Information is always confidential when its disclosure
181 would:

- 182 • Impair current or imminent contract awards or collective bargaining
183 negotiations; or
- 184 • Interfere with law enforcement investigations or judicial proceedings; or
- 185 • Deprive a person of his or her right to a fair trial or impartial adjudication; or
- 186 • Constitute an unwarranted invasion of privacy or
- 187 • Endanger the life or safety of any person.

188 Information that is always confidential includes:

- 189 • Civil service examination questions or answers prior to the administration of the
- 190 exam; or
- 191 • Computer access codes; or
- 192 • Information that is specified as non-disclosable by federal or state law.

193 No County Official may disclose such information, unless pursuant to Court Order, and

194 may never use such information to further a personal interest.

195 (iii) MAY BE CONFIDENTIAL: Information which does not clearly fall into one of

196 the above categories may still be confidential. In those instances where

197 a request has not been filed pursuant to section 87 of the Public Officers

198 Law (F.O.I.L), and a County Official or employee is uncertain as to

199 whether information may be disclosed or used, prior to any

200 determination being made with regard to disclosure or personal use, all

201 County Officials and employees must submit a written request to the

202 County Attorney as to whether a given piece of information is

203 confidential or not. The County Attorney shall advise whether the County

204 Official or employee is at that time legally obligated to deem the

205 information confidential. The County Attorney shall make every best

206 effort to provide the requesting party with a written determination

207 within three (3) business days.

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209 D) The restrictions on disclosure and use of confidential information apply without regard to

210 the circumstances in which the information was sought or acquired.

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3. Failure to comply with this Section may result in the imposition of any appropriate penalty set forth in Section [currently VII] hereof.

SECTION V – BOARD OF ETHICS

- (a) Membership and Eligibility. There shall be a County Board of Ethics, the members of which shall be appointed by the County Legislature. The Board of Ethics shall consist of five members, only one of whom shall be a County Official or employee. Members of the Board of Ethics shall be volunteers, and shall receive no compensation for the performance of duties as members of the board. The Board shall have access to and the assistance of County administrative staff to the extent required to conduct its business, at no expense to the Board. County administrative staff shall be required to maintain complete confidentiality of all matters brought before and discussed by the Board. Each member of the Board shall be a resident of the County of Sullivan.
- (b) Term. Each member of the Board of Ethics shall serve a term of three (3) years and may be reappointed for one (1) additional consecutive term. Each member shall serve until his or her successor has been appointed, except that of the five members first appointed, one shall serve for one year; two shall serve for two years; and two shall serve for three years. No member shall serve for more than two full three-year terms.
- (c) Quorum. Three members shall constitute a quorum.
- (d) Meetings.

232 i) Annual Meeting: The Board of Ethics shall have an annual organizational meeting within
233 45 days of January 1st set by the chairperson from the previous year, at which time board
234 members will elect a chairperson. Such meeting shall serve as an orientation for any new
235 members. At the meeting, the Board shall review its activities of the previous year, discuss
236 and address modifications to procedure or the Code, review the list of positions subject to
237 annual disclosure statement filing requirements, and any other business that may come
238 before it .

239 ii) Regular Meetings: The Board of Ethics may hold additional meetings throughout the
240 year as shall be called by the Chair or any two members, provided, a meeting of the Board
241 of Ethics shall be held within fifteen (15) days after the filing of a complaint alleging a
242 violation of this Code, at which meeting such complaint shall be considered by the Board in
243 the manner set forth in Section VI hereof.

244 (e) Vacancies and Removals.

245 i. In the event a vacancy occurs, it shall be filled for the unexpired term in the same manner
246 as the original appointment. Such appointment shall be made no later than thirty days after
247 the vacancy occurs.

248 ii) A member may be removed for cause by motion of any member of the County
249 Legislature. Removal shall require approval by at least six affirmative votes cast by
250 members of the Legislature.

251 a) Grounds for removal are: substantial neglect of duty, gross misconduct in
252 office, inability to discharge the powers or duties of office, or violation of this
253 Code of Ethics or conviction of a crime.

254 b) The provisions of Section VI (A) and (B) shall control and be applied to
255 removals sought pursuant to this section V(e)(ii).

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257 (f) Powers and Duties of the Board of Ethics.

258 1) The Board of Ethics shall have the following powers and duties:

259 a) To prescribe and promulgate rules and regulations governing its own internal
260 organization and procedures in a manner consistent with this Code;

261 b) To review the list of Sullivan County Officials and employees required to file
262 financial disclosure statements;

263 c) To receive, review, index and maintain on file at the office of the Clerk of the
264 Legislature financial disclosure statements as further addressed in Part B of this
265 Code. Upon review of a financial or transactional statement, if it determined to be
266 deficient or reveals a potential violation of this Code, the Board shall notify the
267 person in writing of the deficiency or potential violation and of the penalties for
268 failure to comply with this Code. A copy of such notice shall be provided to the
269 County Manager and County Attorney. The Notice shall be confidential and shall
270 not be subject to disclosure unless required in an employee disciplinary or removal
271 proceeding or by order of court.

272 d) To investigate any alleged impropriety and recommend or undertake
273 appropriate actions and proceedings, as required. To do so, the Board shall have
274 the power to, among other things, administer oaths, affirmations, subpoena

275 witnesses, compel their attendance, and require the production of relevant or
276 material books and records;

277 e) To review the filing of waivers or extensions of time to file financial disclosure
278 statements as set forth in detail in Part B of this Code ;

279 f) To render, index and maintain on file advisory opinions;

280 g) To prepare an annual report by March 1st that summarizes the activities of
281 the previous year and recommends any changes to the Code of Ethics, including
282 provision of definitions, disclosure forms and instructions for filling them out, and
283 filing procedures.

284 h) To maintain records of its reports, proceedings and recommendations
285 for a period of seven years. Records deemed 'confidential' shall be segregated
286 from all other records to maintain their confidentiality until they are destroyed.

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288 2. Meetings and proceedings of the Board concerning an alleged violation of this Code shall
289 not be open to the public except upon the request of the accused County Official or
290 employee or as required by law.

291

292 3. The Board of Ethics may act only with respect to Sullivan County Officials and employees,
293 however, the resignation or termination of a County Official or employee from a County
294 office or from employment subsequent to the filing of a complaint, shall not affect the
295 jurisdiction of the Board.

296

- 297 4.The following records of the Board of Ethics shall be available for public inspection:
- 298 i. The information set forth in the annual statement of financial disclosure filed
- 299 pursuant to Part B of this Code, except the categories of value or amount and
- 300 personal information, which shall remain confidential.
- 301 ii. Notices of civil assessments imposed under this Code.
- 302 iii. Documents required to be disclosed by Public Officers Law, Section 87,
- 303 subdivision 2; however at no time shall a document produced or made available
- 304 as part of a confidential investigation be released or made available for
- 305 inspection.
- 306 iv. Documents mandated to be disclosed by Court Order.

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308 **SECTION VI – INVESTIGATION OF ALLEGED VIOLATIONS AND ADVISORY OPINIONS**

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310 A. COMPLAINTS. Upon receipt of a sworn complaint of a person alleging a violation of this Code, or

311 upon determining on its own initiative that a violation of this Code may exist, the Board of Ethics

312 shall have the power and duty to undertake an investigation to determine whether a violation has

313 occurred.⁴

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315 (i) A proceeding may be commenced by the filing of a sworn complaint, or by the Board of

316 Ethics' own written determination to investigate.

⁴ IT IS RECOMMENDED THAT A COMPLAINT 'FORM' BE CREATED.

317 a) In the event a proceeding is commenced by sworn complaint, within five (5) business
318 days, the Board shall review the allegations to determine whether or not a violation of
319 the Code of Ethics has been alleged. The Board shall render its determination, by
320 majority vote, within three(3) business days. In the event the Board determines that the
321 complaint does not allege a violation of the Code of Ethics, the complaint shall be
322 dismissed and notice of the dismissal shall be mailed to the complainant and the subject
323 of the complaint.⁵ The complaint and the determination shall be sealed and not
324 available to any person not a member of the Board of Ethics.

325 b) In the event a member of the Board of Ethics raises the possibility of a violation by a
326 County Official, the Board shall first determine, by majority vote, whether the alleged
327 conduct, if undertaken, would constitute a violation of the Code of Ethics. In the event
328 the Board determines that the conduct would not constitute a violation of the Code of
329 Ethics, it shall render a written determination. The allegation, preliminary investigation
330 and determination shall be sealed and not available to any person not a member of the
331 Board of Ethics.

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333 (ii) In the event the Board determines that an allegation, if true, would constitute a violation of
334 the Code of Ethics, it shall, within five business days, mail written notification to the accused
335 individual. The Board's notification shall describe the alleged violation and provide a fifteen-day
336 period in which the accused individual may submit a sworn, written response setting forth

⁵ NOTICE SHOULD BE MAILED TO THE COUNTY OFFICIAL WHO IS THE SUBJECT OF THE COMPLAINT. , DOES THE LEGISLATURE WISH SIMPLY TO PROVIDE NOTICE OF A COMPLAINT AND THAT IT WAS DISMISSED?

337 information and/or documentation relating to the alleged violation. The Board's notification shall
338 also inform the accused individual of its rules regarding the conduct of adjudicatory proceedings,
339 appeals, and the due process procedural mechanisms available to such individual. In the event the
340 Board of Ethics determines at any stage of the proceeding that there is no violation or that any
341 potential conflict of interest or violation has been rectified, it shall, within five (5) business days,
342 provide written notice to the accused individual and the complainant, if any. **The foregoing shall**
343 **be kept confidential except the subject of the complaint may disclose the facts alleged and**
344 **determination of the Board.**

345 i) In the event the Board of Ethics determines there is reasonable cause to believe a
346 violation has occurred, it shall, within twenty (20) days, provide written notice of reasonable
347 cause: (a) to the accused individual; (b) to the complainant, if any; and (c) in the case of a
348 County Official or employee, to the appointing authority for such person. Such determination
349 of reasonable cause shall be confidential and shall not be made public or disclosed unless
350 required by Public Officers Law or required for use in a disciplinary proceeding or proceeding
351 under Section VIII of this Code involving the subject individual, complainant, or another County
352 Official.

353 (ii) Once reasonable cause has been established, the Board of Ethics shall schedule a
354 hearing, to be held within sixty (60) days, at which the accused is entitled to legal
355 representation of his or her own choosing and at his or her own expense. Testimony shall be
356 taken under oath and the proceeding shall be recorded. The Board shall issue a decision,
357 containing specific findings, within thirty (30) days of the completion of the hearing. A copy of
358 the decision shall be served, by certified mail, on the accused or his or her legal representative,

359 the complainant, and the Clerk of the Legislature. The decision of the Board of Ethics shall not
360 be deemed confidential.

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362 B. DISPOSITIONS. The Board shall state in writing the disposition of every sworn complaint it
363 receives and of every investigation it conducts and shall set forth the reasons for the disposition.

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365 C. ADVISORY OPINIONS.

366 1. A County Official or employee may request an advisory opinion from the Board of Ethics
367 prior to that County Official or employee engaging in any behavior which he or she reasonably
368 believes may cause a violation of this Code. The request for an advisory opinion shall be written
369 and sworn to, and shall contain sufficient facts to permit the Board to make its determination. An
370 individual requesting the opinion is obligated to be forthcoming and cooperative throughout the
371 process, in the absence of which no advisory opinion will be provided. The Board shall endeavor to
372 provide written notice of its determination within ten (10) business days. The County Official or
373 employee who requested the opinion shall be notified of the Board's determination within forty-
374 eight (48) hours of the determination.

375 2. Advisory Opinions shall be filed with the Clerk of the Legislature; however, the Board of
376 Ethics shall first redact all names, identifying features, and any other information which would tend
377 to identify the complainant and the subject of the request for the Advisory Opinion.

378 3. In the event a complaint is subsequently filed against a County Official or employee in which
379 a violation of this Code is alleged based upon the facts which formed the basis of the request for

380 the Advisory Opinion, it shall be a complete defense to the alleged violation that the County Official
381 or employee acted consistent with, and in reliance upon, said Advisory Opinion.

382
383 D. COMPLAINTS AGAINST THE BOARD OF ETHICS. The Board of Ethics shall not conduct an
384 investigation of itself or any of its members or staff. In the event the Board of Ethics receives a
385 sworn complaint in which it is alleged that the Board or any of its members or staff has violated any
386 provision of this Code or any other law, it shall transmit a copy of the complaint to the Chair of the
387 Legislature within forty-eight hours of receipt of same. The Chair of the Legislature shall, within
388 five (5) business days, create a three person subcommittee of Legislators, at least one of whom is a
389 member of the minority party, to address the complaint, and provide the complainant with written
390 notice of the subcommittee members. The subcommittee shall thereafter conduct whatever
391 investigation or hearing necessary in the same manner and with the same authority as provided in
392 Section VI (A) and (B) hereof. A copy of the Board's decision shall be provided to all Legislators.
393 Further action, if any, shall comply with Section V (e)(ii) hereof

394 E. FALSE COMPLAINTS. Any person who knowingly files a false complaint may be referred to the
395 Office of the District Attorney for prosecution.

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398 **SECTION VII – PENALTIES**

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400 A) Any County Official who willfully and knowingly violates Section III hereof shall be subject to a civil
401 penalty.

402 B) Any person who shall knowingly and intentionally violate any of the provisions of this Code may be
403 fined up to \$10,000 per occurrence, and/or reprimanded, suspended, or removed from office or
404 employment, subject to the provisions of the Civil Service Law or any Collective Bargaining Agreement.

405 .

406 **SECTION VIII – DISTRIBUTION OF CODE OF ETHICS**

407 The Chair of the Sullivan County Legislature shall cause a copy of this Code of Ethics to
408 be distributed to every County Official and employee within thirty (30) days after the effective date of
409 this Code. Each County Official, elected or appointed, and each employee thereafter, shall be
410 furnished with a copy before entering upon the duties of his office or employment.

411 .

412 **SECTION IX –EFFECTIVE DATE**

413 This local law shall become effective sixty days after filing with the New York State Secretary of
414 State.

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422 Word/Cheryl/Ethics/CAMdraftcoderevisionsDecember20,2011tosendtoLegislature