

## A Local Law to Amend Local Law No. 3-2013 --the Sullivan County Ethics Law.

(Article VIIIA of the Sullivan County Code)

- Section 1: Purpose: To amend Local Law No. 3-2013 (Article VIIIA of the Sullivan County Code) the Sullivan Ethics Law and Code.
- Section 2: The definition of "Local officers or employees" contained in subsection A(1) of Section A8A-1 of Article VIIIA of the Sullivan County Code "Definitions" shall be amended by deleting the language "and" just before the language "assistants" and by inserting the following language "and volunteers" just after the language "assistants".
- Section 3: The definition of "Local officers or employees" contained in subsection A(2) of Section A8A-1 of Article VIIIA of the Sullivan County Code "Definitions" shall be amended by inserting the following language "or volunteers" just after the language "employees".
- Section 4: Subsection B (9) of Section A8A-2 of Article VIIIA of the Sullivan County Code, "Code of Ethics" shall be amended by inserting, at the end of the present subsection, the following language "An Elected Official shall not seek or accept employment that requires direct approval or confirmation of appointment by the County Legislature for two years after the expiration or termination of his or her term of office. Nothing herein shall preclude a person from employment as a result of competitive testing or having been elected."
- Section 5: Subsection A of Section A8A-3 of Article VIIIA of the Sullivan County Code "Board of Ethics" shall be amended by inserting the following language "no more than" just after the language "consist of" and inserting the language "may" in place of the language "shall" just after the language "only one of whom".
- Section 6: Subsection A of Section A8A-3 of Article VIIIA of the Sullivan County Code "Board Membership" shall be amended by inserting the following language "Members of the Board of Ethics shall be provided with training to enable them to carry out their responsibilities as set forth in this law. To the extent available, training shall be provided by the State of New York; otherwise the County shall seek appropriate training for Board members, at County expense." just after the first sentence ending with "duties as members."
- Section 7: Subsection B of Section A8A-3 "Board Membership" shall be amended by: deleting "two full three year terms" and adding "nine years".

- Section 8: Subsection D (1) of Section A8A-3 of Article VIII A of the Sullivan County Code “Meetings” shall be amended by striking the following sentence: “Such meeting shall serve as an orientation for any new members.”
- Section 9: Subsection D (2) of Section A8A-3 of Article VIII A of the Sullivan County Code “Meetings” shall be amended by inserting the following language “fifteen” and adding “( )” around the “15” and adding the language “business” before the word “days”.
- Section 10: Subsection E (1) of Section A8A-3 of Article VIII A of the Sullivan County Code “Vacancies and removals” shall be amended to change the language “no later than 30 days” to “no later than 60 days after the vacancy occurs”.
- Section 11: Subsection A (1) (a) of Section A8A-4 of Article VIII A of the Sullivan County Code “Investigation of alleged violations” shall be amended to read as follows: “In the event a proceeding is commenced by sworn complaint, the Board shall, within sixty (60) business days, review the allegations and supporting documentation and determine whether or not the complaint falls within the prohibitions of this Article. The sixty (60) business days may be extended by agreement between the Board of Ethics and the complainant. To the extent circumstances require an expedited review of a complaint, the Board shall endeavor to provide its initial determination to the complainant within a reasonable, expedited timeframe. The Board shall render its initial determination, by majority vote. In the event the Board determines that the complaint does not allege a violation of this Article, the complaint shall be dismissed and simple notice of the complaint and of its dismissal, without further detail, shall be mailed to the complainant. The complaint and the determination shall be sealed and not available to any person not a member of the Board of Ethics. The complaint and Ethics Board determination is Confidential and shall not be shared by the complainant with any person not a member of the Board of Ethics.”
- Section 12: Subsection A (2) of Section A8A-4 of Article VIII A of the Sullivan County Code “Investigation of alleged violations” shall be amended to read as follows: “Upon the review set for in section A (1) (a) above, in the event the Board determines that any element of the complaint, if true, would constitute a violation of this Article, it shall, provide written notification to the subject of the complaint within five (5) business days. The notification shall identify the complainant, describe the alleged violation and provide fifteen (15) business days in which the subject of the complaint may submit a sworn, written response setting forth information and/or documentation sufficient to address the alleged violation. The Board’s notification shall also inform the subject of the complaint of its rules regarding the conduct of adjudicatory proceedings, appeals, and the due process procedural mechanisms available to such individual.”

“In the event the Board of Ethics determines at any stage of the proceedings that the proof presented does not demonstrate that a violation has occurred, or that there is no violation or that any potential conflict of interest or violation has been rectified, it shall, within fifteen (15) business days, provide written notice to the subject of the complaint and the complainant. The foregoing notice of determination shall be Confidential, except the subject of the complaint may, in defense of any claim made against him/her, disclose the determination of the Board.”

Section 13: Subsection A (2) (a) of Section A8A-4 of Article VIII A of the Sullivan County Code “Investigation of alleged violations” shall be amended to read as follows: “Upon the review of the complaint and of any information or documentation provided by the subject of the complaint, a further investigation to determine whether reasonable cause exists to believe a violation has occurred, shall be commenced and completed within thirty (30) days, unless circumstances require a shorter or longer period of time. In the event the Board requires more than thirty (30) days to complete its investigation, it shall provide notice of same to the complainant and the subject of the complaint.”

Subsection A (2) of Section A8A-4 of Article VIII A of the Sullivan County Code “Investigation of alleged violations” shall be amended as follows: Subsection A (2) (b) will be added “In the event the Board determines there is reasonable cause to believe a violation has occurred, it shall provide written notice of reasonable cause to the subject of the complaint and to the complainant. In the case of a County official or employee, the Board shall also provide written notice to the appointing authority for such person, and, in the case of a County elected official, written notice to the Chair of the County Legislature. In the event of a conflict with the Chair, then notice shall be given to the Vice Chair. Such determination of reasonable cause shall not be disclosed or made public unless required by Public Officers Law or for use in a disciplinary proceedings or a proceeding under this Article involving the subject of the complaint, or another County official.”

Subsection A (2) of Section A8A-4 of Article VIII A of the Sullivan County Code “Investigation of alleged violations” shall be amended as follows: Subsection A (2) (c) will be added “Once reasonable cause has been established, the Board of Ethics shall schedule a formal hearing, to be held within sixty (60) days, at which the subject of the complaint is entitled to legal representation of his or her own choosing and at his or her own expense. Testimony shall be taken under oath and the proceeding shall be recorded. The Board shall issue a decision containing specific findings, within thirty (30) days of the completion of the hearing. A copy of the decision shall be served by certified mail on the subject of the complaint or his or her legal representative, the complainant, and the Clerk of the Legislature. The decision of the Board of Ethics shall not be confidential.”

- Section 14: Subsection A (3) of Section A8A-4 of Article VIIIA of the Sullivan County Code shall be amended as follows: after the language §A8A-3, “(1) (g),” shall be omitted.
- Section 15: Subsection A (4) (a) of Section A8A-4 of Article VIIIA of the Sullivan County Code “Advisory Opinions” shall be amended as follows: the language “(10)” will be added after the language “ten”.
- Section 16: Subsection A (5) of Section A8A-4 of Article VIIIA of the Sullivan County Code “Advisory Opinions” shall be amended as follows: the language “(5)” will be added after the language “five”.
- Section 17: Section A8A-10 of Article VIIIA of the Sullivan County Code “Distribution” shall be amended as follows: a “,” will be added after the language “County official”. Language “and” will be omitted before “employee”. The language “and volunteers,” will be added after “employee”. The following sentence will be added to the end of this Section: “Failure of the County to comply with the provisions of this section or failure of any County Official to receive a copy of this Law shall have no effect on the duty of compliance with this Law or on the enforcement of its provisions.”
- Section 18: Section A8A-13 Subsection A of Article VIIIA Part B of the Sullivan County Code “Financial Disclosure” shall be amended as follows: after the language “for the year within” “30” will be omitted and replaced with “thirty (30)” days.
- Section 19: Section A8A-13 Subsection C of Article VIIIA Part B of the Sullivan County Code “Financial Disclosure” shall be amended as follows: the language “(5)” will be added after the language “five”.
- Section 20: Effective Date

This Local Law shall take effect upon filing with the Secretary of State.