

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
 Resolution No. 08-05-17  
 May 28, 2008

**OPPOSING THE PROPOSED ST. LAWRENCE COUNTY CODE OF ETHICS**

**WHEREAS**, the St. Lawrence County Legislature has proposed revisions to its Code of Ethics (attached), and

**WHEREAS**, the St. Lawrence County Industrial Development Agency recognizes and appreciates the St. Lawrence County Legislature’s responsibility to its citizens through the establishment and oversight of standards of ethical conduct for its officers and employees, and

**WHEREAS**, the current Code of Ethics includes a requirement for certain officers and employees of St. Lawrence County to file an “Annual Disclosure Statement,” and

**WHEREAS**, proposed revisions to the “Annual Disclosure Statement” are seen by the St. Lawrence County Industrial Development Agency as unnecessary, burdensome and a hindrance to the spirit of volunteerism of this and many other Boards,

**NOW, THEREFORE, BE IT RESOLVED** that the St. Lawrence County Industrial Development Agency opposes the Legislature’s proposed Code of Ethics, as presented, specifically the revised “Annual Disclosure Statement.”

Move:	LaBaff			
Second:	Weekes/Greenwood			
VOTE	AYE	NAY	ABSTAIN	ABSENT
Blevins	X			
Greenwood	X			
LaBaff	X			
McMahon	X			
Morrill				X
Staples	X			
Weekes	X			

I, Natalie Sweatland, of the St. Lawrence County Industrial Development Agency, DO HEREBY CERTIFY, that I have compared this copy of this resolution adopted May 28, 2008, with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

\_\_\_\_\_/s/  
 Natalie Sweatland  
 May 28, 2008

**ST. LAWRENCE COUNTY**

**CODE OF ETHICS**

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- SECTION 21. ANNUAL REPORTS**
- SECTION 22. TRANSPARENCY**

**SECTION 1. PREAMBLE**

As its purpose, this law seeks to establish minimum standards of ethical conduct for all officers and employees of the government to help ensure that they conduct the business of government free from improper influence and conflicts of interest, whether actual or perceived. At the same time, one must recognize that public service cannot require a complete divesting of all proprietary interests by public servants, or impose overly burdensome disclosure requirements, if the government is to attract and hold highly competent officers and employees. Although the assurance of ethical, conflict-free conduct will continue to rest primarily on the personal integrity of the officers and employees themselves, on their commitment to the public good, and on the vigilance of the citizenry, the establishment of, and adherence to, the standards and procedures set forth in this law will serve to provide the highest caliber of public administration and foster increased confidence in public officials. By requiring public annual disclosure of interests that may influence or be perceived to influence the actions of government officials, by mandating ethics training for all government officials, and by assuring the availability of legal advice about the propriety of proposed actions by government officers and employees, this law intends to facilitate the consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of the government to the people. Recognizing that the overwhelming majority of public servants are honest, this law focuses primarily on prevention, not punishment, and thereby seeks to promote both the reality and the perception of integrity and transparency in government.

Consistent with the foregoing, government officers and employees should strive to conduct themselves in accordance with the ethical principles set forth in the following Code of Ethics. In all actions, as a government officer or employee:

1. A County officer or employee should serve the people and uphold the rule of law, always seeking to promote effective and democratic government.
2. A County officer or employee shall demonstrate a dedication to the highest ideals of honor, honesty, and integrity, thereby promoting public confidence in the honor, honesty, and integrity of the government.
3. A County officer or employee should make decisions and act solely on the basis of merit, with fairness and impartiality and in conformity with the law, and, except as provided by law, shall give no preference to anyone because of their wealth, position, or status or because of their relationship to the County officer or employee personally.
4. A County officer or employee shall impress upon all with whom the County officer or employee deals that the County officer or employee performs his or her duties free of improper influence.
5. A County officer or employee should show respect to the public, to his or her superiors, subordinates, and co-workers, and to all with whom the County officer or employee deals.
6. A County officer or employee should give a full day's work for a full day's pay.
7. A County officer or employee should maintain confidential information to which the County officer or employee is privy as a result of his or her government position and shall never use or disclose that information for personal gain or private purposes.
8. A County officer or employee should conserve public resources.
9. A County officer or employee should make no private promises in carrying out his or her official duties, as his or her position is a public one.
10. A County officer or employee should never solicit any gifts or favors and shall accept no gifts or favors that might compromise, or appear to compromise, his or her independence as a public servant.
11. A County officer or employee should refrain from any personal, private, financial, business, or political activities that might undermine the public's confidence in the government and shall never use his or her official position for private gain.
12. A County officer or employee should so conduct his or her private investments, private employment, and personal relationships and actions that they will never be in conflict with his or her official duties.
13. A County officer or employee should resist any attempts by anyone to undermine the professionalism, honesty, and integrity of the public service.
14. A County officer or employee should promptly inform the appropriate authority of any interests or actions by anyone that violate these principles.

## **SECTION 2. DEFINITIONS**

1. "Confidential" means any record or other information that is not by law available to the public and shall include, but not be limited to, such records in the possession of the government that contain proprietary information or trade secrets of firms.
2. "Gift" means anything of value sought or received for less than fair market value, whether in the form of money, a service, a loan, travel, entertainment, or tickets, or in any other form.

3. "Government" means the St. Lawrence County Legislature, and includes all of its agencies, offices, departments, divisions, bureaus, boards, administrations, authorities, corporations, councils, commissions, and other units.
4. "County officer or employee" means all officials, officers, and employees of the government, whether paid or unpaid.
5. "Major campaign contributor" means any individual or entity that has made contributions in excess of those permitted by Section 14-114 of the Election Law of the State of New York for a participating candidate for one of the offices set forth in that section, whether or not the government officer or employee was in fact a participating candidate, and, in the case of candidates for all other national, state, or local elective offices, the contribution limit specified for that elective position.
6. "Ministerial act" means an administrative act, including the issuance of a license, permit, or other permission by the government, which is carried out in a prescribed manner and which does not involve substantial personal discretion.
7. "Relative" means a spouse, domestic partner, child, grandchild, parent, sister, brother, or grandparent of the government officer or employee; a parent, child, sister, or brother of the spouse, or domestic partner, of the government officer or employee; and a spouse or domestic partner of a parent, child, brother, or sister of the government officer or employee.
8. "Domestic Partner" means a person who is neither married nor related by blood or marriage to the employee; it is the employee's sole spousal equivalent; lives together with the employee in the same residence and intends to do so indefinitely; is responsible with the employee for each other's welfare. A domestic partner relationship may be demonstrated by any of the following types of documentation: a) a joint address as indicated on a W2 Form or Driver's License b) a joint mortgage or lease; c) designation of the domestic partner as beneficiary for life insurance; d) designation of the domestic partner as primary beneficiary in the employee's will; e) domestic partnership agreement; f) powers of attorney for property and/or health care; and g) joint ownership of either a motor vehicle, checking account or credit account.
9. "Subordinate" means a government officer or employee the work of whom one has the authority to directly or indirectly control or direct, whether or not the two officers or employees stand in a direct reporting relationship to one another.

### SECTION 3. CODE OF ETHICS

All government officers and employees shall comply with the following Ethics Code.

1. **Misuse of office.** A County officer or employee may not take an action or fail to take an action as a government officer or employee if doing so might financially benefit
  - (a) him or herself; or
  - (b) a relative; or
  - (c) any person or entity for which a County officer or employee is an attorney, agent, broker, employee, officer, director, trustee, or consultant; or
  - (d) any person or entity with which a County officer or employee has a financial relationship; or
  - (e) any person or entity with which a County officer or employee had a financial relationship during the previous twelve months; or

- (f) any person or entity from which a County officer or employee received a gift, or any goods or services for less than fair market value, during the previous twelve months; or
  - (g) any person or entity that was a major campaign contributor during the previous twenty-four months.
2. **Misuse of government resources.** A County officer or employee may not use government letterhead, personnel, equipment, supplies, or resources for a non-governmental purpose nor may a County officer or employee do personal or private activities during times when he or she is required to work for the government.
  3. **Gifts.**
    - (a) A County officer or employee may not request or accept a gift from any person or entity
      - (1) that the County officer or employee knows, should know, or could reasonably learn, is doing business with the government or intends to do business with the government or has done business with the government during the previous twelve months, or
      - (2) that the County officer or employee knows, should know, or could reasonably learn, has or is seeking a license, permit, grant, or benefit from the government.
    - (b) A County officer or employee also may not buy goods or services for less than fair market value from any of these persons or entities.
    - (c) Exclusions: Gifts accepted by the government officer or employee
      - (1) From his or her parent, grandparent, spouse, brother, sister, or child; or
      - (2) That have an aggregate value of \$75.00 or less during any twelve-month period; or
      - (3) That are accepted on behalf of the government and transferred to the government in accordance with procedures established by the Board of Ethics.
  4. **Compensation.** A County officer or employee may not request or accept any thing from any person or entity other than the government for doing his or her government job.
  5. **Solicitation of subordinates.** A County officer or employee may not knowingly ask, directly or indirectly, a subordinate to make contributions to any person, entity, or campaign or to do any political activity.
  6. **Coercive political solicitation.** A County officer or employee may not use his or her government position to make threats or promises for the purpose of trying to get anyone to do any political activity or make a political contribution.
  7. **Political solicitation of vendors, contractors, and licensees.** A County officer or employee may not ask any person or entity that he or she knows, or could reasonably learn, does or intends to do business with the government or has or is seeking a license, permit, grant, or benefit from the government and a County officer or employee may not ask any person he or she knows, or could reasonably learn, has done business with the government during the previous twelve months to make any political contribution or to any political activity.
  8. **Political activity by high-level officials.** If a County officer or employee is an elected government official he or she may not directly or indirectly ask any County employee to contribute to the political campaign of a government officer or employee running for public office or to the political campaign of anyone running for elective government office.
  9. **Confidential information.** A County officer or employee may not disclose confidential government information or use it for any non-government purpose, even after the County officer or employee leaves government service.
  10. **Appearances and representation.** A County officer or employee may not communicate with his or her government agency on behalf of a private person or entity nor may a County

officer or employee represent a private person or entity in a matter that is before his or her government agency.

Exclusion: Communications by former government officers or employees with his or her former government agency during the first year following termination of his or her government service is permissible where the former government officer or employee is a consultant directly to the former agency.

11. **Prohibited outside positions.** A County officer or employee may not be an attorney, agent, broker, employee, officer, director, trustee, or consultant for anyone that the County officer or employee knows or should know is doing business or seeking to do business with the government or that the County officer or employee knows or should know has or is seeking a license, permit, grant, or benefit from the government.

12. **Post-government employment.**

(a) A County officer or employee may not seek or obtain any non-government employment, nor may a County officer or employee discuss possible future employment with anyone that is doing business with his or her government agency.

(b) A County officer or employee may never work on a matter or accept any thing to work on any particular matter that he or she personally and substantially worked on while with the government.

(c) If a County officer or employee is an elected official, Administrator or Department Head for one year after leaving government service, he or she may not accept any thing from any person or entity to communicate with any agency of the government.

13. **Prohibited ownership interests.** A County officer or employee may not own any part of a business or entity that the County officer or employee knows, or could reasonably learn, is doing business or seeking to do business with the government or that the County officer or employee knows, or could reasonably learn, has or is seeking a license, permit, grant, or benefit from the government nor may his or her spouse nor may any of his or her children who are less than 18 years old.

Exclusion: An ownership interest or the dealing with the government otherwise prohibited shall not create a conflict of interest if determined by rule of the Board of Ethics upon application.

14. **Lawyers and experts.** A County officer or employee may not be a lawyer or expert against the government's interests; nor may a County officer or employee receive anything from anyone to act as a lawyer or expert against the government's interests.

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

16. **Hiring and supervision of relatives.** No officer or employee of the County shall hire or induce others to hire a relative of such officer or employee nor shall any officer or employee of the County directly supervise or evaluate the work of any relative employed by the County except:

(a) as required by the Civil Service Law or rules promulgated there under; or

(b) pursuant to a supervisory arrangement that began prior to the effective date of this subdivision; or

(c) with the written approval of the Board of Ethics. In determining whether to approve the request of an officer or employee to hire or supervise a relative, the Board shall consider, among other things, the nature of the relationship at issue and any steps that

have been taken to ensure objectivity in any such hiring decision, salary determination, evaluations, recommendations for promotions and increases and other aspects of a supervisory relationship. Neither such request for Board approval nor the determination of the Board shall be confidential. Nothing in this subdivision, nor any approval issued by the Board pursuant to this subdivision, shall relieve an employee of the continuing requirement to exercise his job duties in the best interests of the County, without giving raises, promotions or other beneficial terms or conditions of employment based on private interests or personal relationships, and the Board may continue to enforce such requirement, as it deems appropriate, whether or not it has approved the hiring or supervision of a relative.

17. **Avoidance of conflicts.** A County officer or employee may not knowingly request, negotiate for, or accept any interest, employment, or thing that would result in a violation of this Ethics Code.
18. **Improper conduct.** A County officer or employee may not take any action or have any position or interest that conflicts with his or her government duties.
19. **Inducement of others.** A County officer or employee may not cause, try to cause, or help another officer or employee of the government to do anything that would violate any provision of this Ethics Code.

#### **SECTION 4. EXCLUSIONS FROM THE ETHICS CODE**

1. The Ethics Code shall not prohibit, or require recusal as a result of:
  - (a) An action specifically authorized by a resolution or local law of the government or by a statute, rule, or regulation of the State or Federal Governments or lawfully undertaken pursuant to one's official duties; or
  - (b) A ministerial act; or
  - (c) Awards having a value of \$75.00 or less, if they are publicly presented by a charitable organization in recognition of public service; or
  - (d) Receipt of government services or benefits, or use of government facilities, personally and individually that are generally available on the same terms and conditions to citizens or residents, or classes of citizens or residents, under housing or other general welfare legislation; or
  - (e) Representation of constituents by elected officials without compensation in matters of public advocacy; or
  - (f) Disclosure to a law enforcement agency of confidential government information concerning conduct that may involve waste, fraud, corruption, criminal activity, or a violation of this conflicts of interest law.

#### **SECTION 5. RECUSAL**

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

1. As soon as a County officer or employee faces a conflict of interest or potential conflict of interest under the Ethics Code, the County officer or employee must recuse him or herself from dealing with the matter.

2. A member of the Board of Legislators in his or her official capacity that might financially benefit one of the persons or entities set forth in subdivision 1 of section 2, provided that the action and the relationship are not otherwise prohibited by the Ethics Code and further provided that the member, prior to acting on the matter, discloses the interest to the Board of Ethics and, in the case of matters before the Board of Legislators on the official public records of the Board of Legislators: ;or
3. Whenever a County officer or employee is required to recuse him or herself under this section, the County officer or employee must:
  - (a) Within five (5) business days inform his or her superior, if any, about the recusal; and
  - (b) Within five (5) business days file with the Board of Ethics a signed statement disclosing the nature and extent of the conflict of interest; and
  - (c) Immediately stop participating further in the matter.
4. If a County officer or employee is a member of the St. Lawrence County Board of Legislators or of a board appointed by the Board of Legislators, the County officer, employee or appointee shall also set forth his or her recusal on the official public record of the St. Lawrence County Board of Legislators.
5. No one shall retaliate against a County officer or employee or take any adverse personnel action against a County officer or employee for complying with this section.

## **SECTION 6. PRIVATE PERSONS AND ENTITIES**

1. **Inducement of violations.** No one shall cause, attempt to cause, or help a government officer or employee to do anything that would violate any provision of the Ethics Code.
2. **Appearances.**
  - (a) Subject to paragraph c of this subdivision, a person or entity for whom or for which a government officer or employee serves as a paid attorney, agent, broker, employee, officer, director, trustee, or consultant shall not communicate with the officer's or employee's government agency nor shall any business or entity of which a government officer or employee has ownership interest of 5% or more.
  - (b) Subject to paragraph c of this subdivision, a person or entity for whom or for which a government officer or employee serves as a paid attorney, agent, broker, employee, officer, director, trustee, or consultant shall not communicate with any other agency of the government if the officer or employee has the authority to appoint any officer or employee of the agency or to review, approve, audit, or authorize any budget, bill, payment, or claim of the agency nor shall any business or entity of which a government officer or employee has ownership interest of 5% or more.
  - (c) Nothing in paragraphs a or b of this subdivision shall be construed to prohibit the person, business, or entity from:
    - (1) Appearing on its own behalf, or on behalf of the government, before any agency of the government; or
    - (2) Seeking or obtaining a ministerial act; or
    - (3) Receiving a government service or benefit, or using a government facility, that is generally available to the public.

## **SECTION 7. ANNUAL DISCLOSURE**

1. **Officers and employees required to file.** The following classes of officers and employees of the government shall be required to file a signed annual disclosure statement:
  - (a) Elected officials; and
  - (b) The heads of any agency, department, division, council, board, commission, authority or bureau of the government and their deputies and other persons authorized to act on their behalf; and
  - (c) Officers and employees who hold policymaking positions, including members of boards, commissions and public authorities of the government; A person shall be considered to hold a policymaking position if he or she meets the following criteria, based either on the powers and duties of the position held by the person as set forth in the job description or any applicable law or regulation, or based on the actual duties performed by the person:
    - (1) he or she has been determined to be managerial pursuant to Civil Service Law §201(7) because he or she formulates policy; or
    - (2) he or she is in the non-competitive class under §2.2 of the rules and regulations of the New York State Department of Civil Service, provided that the person holds a position that is designated in any applicable rules and regulations promulgated by the county civil service commission pursuant to Civil Service Law §20, on the basis that the position requires the performance of functions influencing policy; or
    - (3) he or she exercises responsibilities of a broad scope in the formulation of plans for the implementation of goals or policy for a county agency or acts as an advisor to an individual in such a position, and
  - (d) Officers and employees having discretionary authority with respect to:
    - (1) Contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses; or
    - (2) The purchase, sale, rental, or lease of real property, personal property, or services, or a contract therefore; or
    - (3) The obtaining of grants of money or loans; or
    - (4) Inspections; or
    - (5) The adoption or repeal of any rule or regulation having the force and effect of law, and
2. **Time and place for filing.** Annual disclosure statements shall be filed with the Board of Ethics no later than the 31<sup>st</sup> of March each year.
3. **Annual disclosure statement.**

ST. LAWRENCE COUNTY  
ANNUAL DISCLOSURE STATEMENT  
FOR CALENDAR YEAR ...

Last Name	First Name	Initial
Title or Capacity in which Statement is Required	County Department or Agency in which this function reports	
Work Address	Work Phone No.	

If the answer to any of the following questions is “none,” please so state. Attach additional pages if necessary.

**1. Outside Employers and Businesses.** List the name of every employer or business, other than St. Lawrence County, from which you received more than \$1,000 for services performed or for goods sold or produced, or of which you were a paid member, officer, director, or employee during the year 2007. Do not list individual customers or clients of the business. Do not list businesses in which you were an investor only (they are listed in Question 2 below). Identify the nature of the business and the type of business, such as a partnership, corporation, or sole proprietorship, and list your relationship(s) to the employer or business (*i.e.*, owner, partner, officer, director, member, employee, and/or shareholder).

Name of Employer or Business	Nature of Business	Type of Business	Relationship to Business
<i>[e.g. Tech IM</i>	<i>Computer</i>	<i>Corporation</i>	<i>President/Shareholder]</i>
<i>[e.g. Monument</i>	<i>Realty</i>	<i>Real Estate</i>	<i>Partnership Employee]</i>

Provide the same information for your relatives. “Relative” means your spouse, domestic partner, child, stepchild, brother, sister, parent, stepparent, any person you claimed as a dependent on your latest income tax return, and their spouses or domestic partners as set for in Section 7 of the Code of Ethics.

Relationship to You	Name of Employer or Business	Nature of Business	Type of Business	Relationship to Business
<i>[e.g. Self</i>	<i>Tech IM</i>	<i>Computer</i>	<i>Corporation</i>	<i>Pres./Shareholder</i>
<i>[e.g. Wife</i>	<i>Monument</i>	<i>Realty</i>	<i>Real Estate</i>	<i>Partnership Employee]</i>

**2. Investments.** List the name of any entity in which you have an investment of at least 5% of the stock or debt of the entity or \$10,000, whichever is less. Do not list any entity listed in response to Question 1 above. Identify the nature of the business and the type of business (*e.g.*, corporation).

Name of Entity	Nature of Business	Type of Business
<i>[e.g. Verizon</i>	<i>Communications</i>	<i>Corporation]</i>

Provide the same information for your spouse or domestic partner and any of your children who are under age 18.

Relationship to You	Name of Entity	Nature of Business	Type of Business
<i>[e.g. Spouse</i>	<i>Verizon</i>	<i>Communications</i>	<i>Corporation]</i>

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3. **Real Estate.** List the address of each piece of real estate that you, as defined in Question 1, own or rent, in whole or in part, or otherwise have a financial interest in. List only real estate that is located in St. Lawrence County. For residential property, list as the address only the city or village (or, if none, the town) in which the property is located.

<u>Address of Real Estate</u>	<u>Type of Interest</u>
<i>[e.g. 2 Main Street, Teatown]</i>	<i>Hold Mortgage]</i>

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Provide the same information for your relatives. "Relative" means your spouse, domestic partner, child, stepchild, brother, sister, parent, stepparent, any person you claimed as a dependent on your latest income tax return, and their spouses or domestic partners as set for in Section 7 of the Code of Ethics.

<u>Relationship to You</u>	<u>Address of Real Estate</u>	<u>Type of Interest</u>
<i>[e.g. Wife]</i>	<i>2 Main Street, Teatown</i>	<i>Hold Mortgage]</i>

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4. **Gifts.** List each gift that you or your spouse or domestic partner received worth \$75 or more during the year 2007, except gifts from relatives, as defined in Question 1. A "gift" means anything of value for which you or your spouse or domestic partner paid nothing or paid less than the fair market value and may be in the form of money, services, reduced interest on a loan, travel, travel reimbursements, tickets, entertainment, hospitality, or in any other form. Separate gifts from the same or affiliated donors during the year must be added together for purposes of the \$75 rule. You do not need to list a gift if you know that the donor has had no business dealings with St. Lawrence County during the previous 24 months and contemplates no business dealings with St. Lawrence County during the next 24 months.

<u>Recipient of Gift</u>	<u>Donor of Gift</u>	<u>Relationship to Donor</u>	<u>Nature of Gift</u>
<i>[e.g. John Smith]</i>	<i>Acme Corp.</i>	<i>Former employer</i>	<i>Free trip to Las Vegas]</i>

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5. **Political Contributions.** List each person or firm that made to you or your campaign committee, within the previous 24 months, financial contributions, in money, goods, or services, totaling \$1,000 or more to assist in your election to public office.

Name of Contributor

[E.g.: Alfred Jones]

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6. **Relatives in St. Lawrence County Service.** List each relative, as defined in Question 1, who is an officer or employee of St. Lawrence County, whether paid or unpaid, including the relative's name, relationship to you, title, and department.

Name of Family Member	Relationship to You	Title	Department
<i>[e.g. Alex Jones]</i>	<i>Sister's husband</i>	<i>Code Enf. Officer</i>	<i>Building</i>

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7. **Volunteer Positions.** List each volunteer office or position that you hold with any not-for-profit organization. Do not list entities of which you were a member only or for which you volunteered only in a non-policy-making, non-administrative capacity, such as a Little League coach. Provide the same information for your spouse or domestic partner.

You or Spouse/DP	Name of Entity	Position	Nature of Business
<i>[e.g. Spouse]</i>	<i>Shepherd's Food Pantry</i>	<i>Bd of Directors member</i>	<i>Distributes free food</i>

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8. **Money You Owe [Elected Officials and Compensated Policymakers Only].** List each person or firm to which you or your spouse or your domestic partner owes \$10,000 or more. Do not list money owed to relatives, as defined in Question 1. Do not list credit card debts.

Debtor	Creditor	Type of Obligation
<i>[e.g. John &amp; Rose Smith]</i>	<i>Chase Bank</i>	<i>Mortgage Loan</i>

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9. **Money Owed to You [Elected Officials and Compensated Policymakers Only].** List each person or firm that owes you or your spouse or your domestic partner \$10,000 or more. Do not list money owed by relatives, as defined in Question 1.

Creditor	Debtor	Type of Obligation
<i>[e.g. John Smith]</i>	<i>Alexis Doe</i>	<i>Personal loan</i>

*I certify that all of the above information is true to the best of my knowledge and that I have received a copy of the St. Lawrence County Code of Ethics.*

Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**PENAL LAW SECTION 210.45:** In a written instrument, any person who knowingly makes a false written statement which such person does not believe to be true, has committed a crime under the laws of the state of New York punishable as a class A Misdemeanor.

4. **Good faith efforts.** Failure to disclose the information required by subdivision 3 of this section with respect to an officer's or employee's relative shall not constitute a violation of that subdivision if the officer or employee has made a good faith effort to obtain the information and if he or she also sets forth those efforts in his or her disclosure statement.

**SECTION 8. APPLICANT DISCLOSURE**

1. Where a person requests a government officer or employee to take or fail to take any action (other than a ministerial act) that may result in a financial benefit to either any officer or employee of the government or one of the other persons listed in subdivision 3 of section 1, the requestor shall disclose the names and the nature of the interest of any such persons, to the extent known to the requestor at the time of the request.
2. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in writing filed with the Board of Ethics.

**SECTION 9. DESIGNATION OF OFFICERS AND EMPLOYEES REQUIRED TO FILE ANNUAL DISCLOSURE STATEMENTS**

Within 30 days after the effective date of this law, and during the month of February each year thereafter, the heads of any agency, department, division, council, board, commission, authority or bureau of the government and their deputies and other persons authorized to act on and their behalf and officers and employees who hold policymaking positions, including members of boards, commissions and public authorities of the government shall:

- (a) Cause to be filed with the Board of Ethics a list of the names and offices or positions of all government officers and employees required to file annual disclosure statements pursuant to section 6 of this law; and

(b) Notify all such officers and employees of their obligation to file an annual disclosure statement by March 31<sup>st</sup> of each year.

## **SECTION 10. MAINTENANCE OF DISCLOSURE STATEMENTS**

The Board of Ethics shall index and maintain on file for at least seven (7) years all transactional, applicant, and annual disclosure statements filed with the Board.

## **SECTION 11. VOID CONTRACTS**

Any contract or agreement entered into by or with the government that results in or from a violation of any provision of sections 3 and 6 shall be void unless ratified by the St. Lawrence County Board of Legislators. This section shall not be construed to authorize the ratification of any contract prohibited by Article 18 of the NY State General Municipal Law. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this law or any other provision of law.

## **SECTION 12. PENALTIES**

In its discretion after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Board of Ethics may recommend appropriate disciplinary action or a violation of this law may subject the violator to any or all of the following penalties:

1. **Disciplinary action.** Any government officer or employee who knowingly or intentionally engages in any action that violates any provision of this law may be warned or reprimanded or suspended or removed from office or employment, or be subject to any other sanction authorized by law, by the person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this law or in any other provision of law.
2. **Civil fine.** Any government officer or employee who knowingly or intentionally violates any provision of this law may be subject to a civil fine of up to \$1,000 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this law, other than a civil forfeiture pursuant to subdivision 4 of this section.
3. **Damages.** Any person, whether or not a government officer or employee, who knowingly or intentionally violates any provision of this law shall be liable in damages to the government for any losses or increased costs incurred by the government as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this law, other than a civil forfeiture pursuant to subdivision 4 of this section.
4. **Civil forfeiture.** Any entity or person, whether or not a government officer or employee, which or who receives an economic benefit knowing it to be the result of conduct that violates any provision of this law shall be subject to a civil forfeiture to the government of a sum up to three times the value of the benefit. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this law, other than a civil fine pursuant to subdivision 2 or damages pursuant to subdivision 3 of this section.

5. **Crime.** Any person, whether or not a government officer or employee, who knowingly or intentionally violates any provision of this law shall be guilty of a Class A Misdemeanor and, upon conviction thereof, should forfeit his or her government office or employment.
6. **Debarment.**
  - (a) Any entity or person, whether or not a government officer or employee, which or who knowingly or intentionally violates any provision of this law may be prohibited from entering into any contract with any agency of the government for a period not to exceed three years, as provided in section 11, and
  - (b) Nothing in this section shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, which is generally available to the public, and
  - (c) Under this section, a corporation, partnership, or other entity shall not be held vicariously liable for the unauthorized actions of an employee. A corporation, partnership, or other entity shall not be debarred because of the unauthorized actions of an employee unless the employee acted in the execution of company policy or custom. A store, region, division, or other unit of an entity shall not be debarred because of the unauthorized actions of an employee of that unit unless the employee acted at the direction, or with the actual knowledge or approval, of the manager of the unit.

### **SECTION 13. INJUNCTIVE RELIEF**

Any citizen, officer, or employee of St. Lawrence County may bring an action for injunctive relief to enjoin an officer or employee of the government from violating this law or to compel an officer or employee of the government to comply with the provisions of this law.

### **SECTION 14. BOARD OF ETHICS: ESTABLISHMENT; INDEPENDENCE; BUDGET; MEMBERS; MEETINGS**

1. There is established a Board of Ethics, which shall consist of five (5) members and shall have and exercise the powers and duties set forth in this law.
2. The Board shall be independent of the St. Lawrence County Board of Legislators and County Administrator. The appropriations available to pay for the expenses of the Board during each fiscal year shall not be less than \$5,000.
3. The first members so appointed shall serve for a term of one (1), two (2), three (3), (four) 4 and five (5) years. Hereafter, all appointees shall be appointed to five-year terms. Terms shall be staggered with no more than two vacancies open. A Board member may be reappointed for one year upon the expiration of his or her term if a successor is not appointed within 60 days of a vacancy.
4. No Board of Ethics member shall hold office in a political party or be employed or act as a lobbyist or be an officer in the government. A Board of Ethics member may make campaign contributions but may not participate in any election campaign. Of the total membership of the Board, no more than the majority minus one shall be registered in the same political party.
5. The members of the Board of Ethics shall designate the Chair of the Board. The Chair or any three (3) members of the Board may call a meeting.
6. When a vacancy occurs in the membership of the Board, the vacancy shall, within 60 days, be filled by the Board of Legislators for the unexpired portion of the term in the same manner

as the original appointment. Any person appointed to fill a vacancy on the Board shall meet the qualifications set forth in subdivision 4 of this section.

7. Three (3) members of the Board shall constitute a quorum, and the Board shall have the power to act by vote of 3 members.
8. After written notice and opportunity for reply, members of the Board may be removed by the St. Lawrence County Board of Legislators for failure to meet the qualifications set forth in subdivision 4 of this section, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this law.
9. The members of the Board shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.
10. The County Attorney will act as Staff to the Board of Ethics.

### **SECTION 15. BOARD OF ETHICS: JURISDICTION; POWERS; DUTIES**

The Board of Ethics shall:

1. Adopt, amend, and rescind rules and regulations to govern procedures of the Board.
2. Review, index, and maintain on file lists of officers' and employees', annual disclosure statements.
3. Review, index, maintain on file, and dispose of complaints, make notifications and referrals, and conduct investigations.
4. Conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceedings.
5. Render, index, maintain on file, and publish advisory opinions.
6. Provide training and education, including educational materials, on the requirements of this law.
7. Prepare an annual report and periodically review the requirements of this law and recommend changes, as noted in Section 21.
8. Provide for public inspection of certain records of the Board.

### **SECTION 16. REVIEW OF LISTS AND DISCLOSURE STATEMENTS**

1. The Board of Ethics shall review:
  - (a) The lists of officers and employees, prepared pursuant section 9 of this law, to determine whether the lists are complete and accurate. The Board shall add the name of any other officer or employee who the Board determines should appear on the list.
  - (b) All annual disclosure statements, and revisions, to determine whether any person required to file such a statement has failed to file it.
2. If the Board determines that an annual disclosure statement or a transactional disclosure statement is deficient, the Board shall notify the person in writing of the deficiency or possible or potential violation and of the penalties for failure to comply with this law.

### **SECTION 17. INVESTIGATIONS**

1. Upon receipt of a complaint by any person alleging a violation of this law, or upon determining on its own initiative that a violation of this law may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the

provisions of this law. In conducting any such investigation, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records that it may deem relevant and material.

2. Nothing in this section shall be construed to permit the Board of Ethics to conduct an investigation of itself or of any of its members or staff. If the Board receives a complaint alleging that the Board or any of its members or staff has violated any provision of this law, or any other law, the Board shall promptly transmit to the St. Lawrence County Board of Legislators a copy of the complaint.
3. The Board of Ethics shall state in writing the disposition of every complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all complaints shall be indexed and maintained on file by the Board.
4. Any person filing a complaint with the Board of Ethics shall be notified in writing of the disposition of the complaint.

### **SECTION 18. WAIVERS**

1. Upon written application and upon a showing of compelling need by the applicant, the Board of Ethics may grant the applicant a waiver of any of the provisions 3, 5, 6, 7, 8 of this law.
2. Waivers may be granted only as to future interests or conduct and may be sought only by the person or firm whose interests or conduct is at issue or, in the case of an individual, by his or her superior. The Board may not consider a request for a waiver until the request has first been approved by the head of the government agency or agencies involved.
3. Waivers shall be in writing and shall state the grounds upon which they are granted. All applications, decisions, and other records and proceedings relating to waivers shall be indexed and maintained on file by the Board.

### **SECTION 19. ADVISORY OPINIONS**

1. The Board of Ethics shall render confidential advisory opinions with respect to all matters covered by this law upon the written request of a current, former, or prospective government officer or employee. Advisory opinions shall relate only to the interests, conduct, or actions of the requester or of a subordinate of the requester.
2. A current, former, or prospective government officer or employee who acts in conformity with an advisory opinion shall not be subject to penalties or sanctions under this law for having so acted, unless the request for the advisory opinion omitted or misstated facts material to the opinion. The Board may amend or rescind an advisory opinion at any time upon notice to the officer or employee, provided, however, that the amended advisory opinion shall apply only to future actions of the officer or employee.
3. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board of Ethics. The Board shall publish such of its advisory opinions as the Board deems beneficial for the guidance of government officers and employees, those doing business with the government, and members of the public, provided, however, that before publishing such advisory opinions the Board shall first make such deletions as are necessary to prevent disclosure of the identity of the involved officers and employees.

### **SECTION 20. TRAINING AND EDUCATION**

1. The Board of Ethics shall make information concerning this law available to all government officers and employees, to the public, and to persons interested in doing business with the government and shall annually distribute to every government officer and employee a copy of the Ethics Code set forth in this law. Each government agency shall conspicuously post in each of its worksites a sign provided by the Board setting forth the Ethics Code.
2. Training as to the provisions of this law shall be regularly offered for all government officers and employees. Each government agency shall provide such assistance to the Board as may be necessary and reasonable in conducting ongoing training programs on this law and in making information concerning this law available and known to all government officers and employees. On or before the tenth day after an individual becomes a government officer or employee, he or she shall sign a written statement, which shall be maintained in his or her personnel file, that the government officer or employee has received and read and shall conform to the provisions of the Ethics Code, provided, however, that the failure of an officer or employee to receive such training or to sign such a statement or to receive a copy of the Ethics Code or the failure to maintain the statement on file shall have no effect on the duty of compliance with this law or on the enforcement of the provisions thereof.

#### **SECTION 21. ANNUAL REPORTS**

The Board of Ethics shall prepare and submit an annual report to the St. Lawrence County Board of Legislators summarizing the activities of the Board during the preceding year. The report may also recommend changes to the text or administration of this law and shall also include an index and summary of all advisory opinions and of those enforcement dispositions imposing sanctions.

#### **SECTION 22. TRANSPARENCY**

The Ethics Board shall be subject to the requirements of both the Freedom of Information Law (Public Officers Law, sections 84-90) and the Open Meetings Law (Public Officers Law, sections 100-111).