

AMENDED
RESOLUTION NO. 90-387

RESOLUTION ENACTING AN ETHICS POLICY RELATIVE TO THE FILING OF FINANCIAL DISCLOSURE STATEMENTS BY CERTAIN COUNTY OFFICIALS AND EMPLOYEES AND PROVIDING FOR A LOCAL CODE OF ETHICS

By:

Seconded by:

WHEREAS, the citizenry of Chemung County are entitled to the expectation of exemplary ethical behavior from elected and appointed officials as well as employees of the County, and

WHEREAS, the County has elected to adopt this ethics policy to comply with Article 18 of the General Municipal Law, and

WHEREAS, it is intended that this policy shall establish the minimum standards for that exemplary ethical behavior; now, therefore, be it

RESOLVED, that the following policy is enacted and shall henceforth be known as the Code of Ethics of the County of Chemung;

SECTION 1. The governing body of the County of Chemung does hereby adopt a Code of Ethics for the guidance of its officers and employees setting forth the standards of ethical conduct reasonably expected of them, and to provide for the filing of completed annual statements of financial disclosure containing the information asked for on the Form, entitled ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR CHEMUNG COUNTY.

SECTION 2. DEFINITIONS.

A. "Local officer or employee" shall mean the heads (other than local elected officials) of any agency, department, division, council, board, commission, or bureau of Chemung County and their deputies and assistants, and the officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils who hold policymaking positions, as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the appropriate body during the month of January; except that the term "local officer or employee" shall not mean a judge, justice, officer or employee of the unified court system. The term "local official" shall also include individuals involved in the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses as defined in Section 73 of the Public Officers Law; the purchase, sale, rental or lease of real property, goods or services, or contract therefore; the obtaining of grants of money or loans; or the adoption or repeal of any rule or regulation having the force and effect of law.

B. "Spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to: (a) a judicial order, decree or judgment, or (b) a legally binding separation agreement.

C. "Relative" shall mean such individual's spouse, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

D. "Unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the reporting individual.

E. "Interest" is a direct or indirect pecuniary or material benefit accruing to an official or employee as the result of a contract, business, professional transaction or other relationship with the County of Chemung. For the purpose of this article, an official or employee will be deemed to have an interest in the affairs of:

1. His or her spouse and unemancipated children;
2. A firm, partnership, corporation or association of which an official or employee is a member or employee;
3. A corporation of which such official or employee is a member, officer, director, employee or in which the official or employee owns five percent (5%) or more of any outstanding shares of any class of stock.

F. "Contract" shall mean any claim, account or demand against or agreement with the municipality, express or implied.

G. "Local Elected Official" shall mean an elected official of the political subdivision, to wit, the County of Chemung, except judges or justices of the Unified Court System.

H. "Reporting Category" - for the purpose of completing the financial disclosure statements provided herein, no exact dollar amounts need to be included; rather all amounts may be indicated by using the following categories:

"A"	\$0 - \$5,000
"B"	\$5,001 - \$10,000
"C"	\$10,001 - \$25,000
"D"	\$25,001 - \$50,000
"E"	\$50,001 - \$100,000
"F"	Over \$100,001

SECTION 3. CODE OF ETHICS.

A. Conflicts of Interest

It is the policy of the Chemung County Legislature that all local elected officials and local officers or employees must avoid conflicts or potential conflicts of interest. Subject to the exceptions contained in Section 802 of the General Municipal Law as may be amended, a conflict or a potential conflict exists whenever an official or employee has an interest, direct or indirect, as heretofore defined, which conflicts with their duty to the County or which could adversely affect an individual's judgment in the discharge of his or her responsibilities. No official or employee shall:

1. Take action or participate in any manner whatsoever in his or her official capacity in the discussion, negotiation or the awarding of

any contract or in any business or professional dealings with the County of Chemung or any agency thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or professional dealings.

2. Engage in, solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge of his or her official duties.
3. Solicit, directly or indirectly, any gift or receive or accept any gift having the value of Seventy-five Dollars (\$75.00), or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her, or could reasonably expect to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

4. After the termination of service or employment with the County of Chemung, appear before any Board or Agency of the County of Chemung in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration, unless the official or employee is requested specifically to appear by the Chemung County Legislature.
5. Disclose confidential information acquired in the course of his or her official duties or use such information to further his or her personal interest.
6. Accept employment or engage in any business or activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or authority.
7. Take action on a matter before the County or any instrumentality thereof when, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit to himself or herself.
8. Nothing in this section shall be construed to prohibit a county officer, elected official or

employee or any other person from receiving a county service or benefit or using a county facility which is generally available to residents or class of residents in the County.

9. Nothing in this section shall be construed to prohibit a county officer, or elected official or employee from performing any ministerial act.

B. Disclosure of Interest.

1. Any local elected official, local officer or employee who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the County of Chemung or by any other official, Board, Agency, officer or employee of the County of Chemung, and who participates in the discussion before or who gives an opinion or gives advice to any Board, Agency or individual considering the same, shall publicly disclose on the official record the nature and the extent of such interest.

2. Any local elected official, local officer or employee of the County of Chemung who has knowledge of any matter being considered by any Board, Agency, officer or employee of the County of Chemung in which he or she has or

will have or intends to acquire any direct or indirect interest, shall be required to disclose, in writing, his or her interest to such Board, Agency, officer or employee, and the nature and extent thereof. Such person after so advising of his interest therein, shall request permission to abstain from voting relative thereto.

3. The County Executive shall file with the County Clerk and the Ethics Board a list of all policymaking county officials who are subject to these disclosure requirements and shall notify such officials of the annual disclosure requirements of this Code of Ethics.

C. Annual Code of Ethics Review.

1. Every local elected official, local officer and employee is required to attest on an annual basis that he or she has reviewed the Code of Ethics of the County of Chemung, and such attestation shall be made on or before the first day of June each year.
2. The penalties for failing to comply with this subdivision will be the same as those provided for in Section 11. The Attestation Form shall provide as follows:

COUNTY OF CHEMUNG
CODE OF ETHICS REVIEW FORM

NAME: _____

ADDRESS: _____

TITLE: _____

DATE OF APPOINTMENT: _____

I, the undersigned, hereby attest that I have reviewed the resolution providing for the filing of Financial Disclosure Statements by certain County officials and employees and the Code of Ethics. I further attest that I understand the provisions of such Code of Ethics and, to the best of my knowledge, I am not in violation of any of its precepts or requirements.

Subscribed and sworn to before me
this day of 20 .

NOTARY PUBLIC

SECTION 4. DISCLOSURE.

A. All local elected officials, local officers and employees of the County of Chemung will file a Statement of Disclosure containing the information as required by the Annual Statement of Disclosure form which follows: The Statement shall be filed with the Board of Ethics no later than the 15th day of May each year, and shall cover the preceding calendar year, subject to the provisions of Section 10 (E) hereof. Newly appointed or elected officials or employees, whose duties commence after the first of January filing date, will be required to submit a Statement of Disclosure within thirty (30) days after the commencement of their duties. Such disclosure will cover the twelve (12) months' period prior to the date of filing. Within thirty (30) days of any material change in the information contained in his or her most recently filed Statement, the official or employee shall file a signed amendment to the Statement reflecting such change.

It shall be the duty of the Board of Ethics to verify that each official or employee subject to his law has filed his or her Statement.

B. Disclosure Statements shall be maintained for a three (3) years after superseded or termination of employment.

C. A Disclosure Statement shall be as set forth in Section 9 of this resolution.

SECTION 5. BOARD OF ETHICS.

A. There is hereby created and established a Board of Ethics consisting of three (3) members, all of whom shall reside in the County and who shall serve at the pleasure of the appointing authority.

B. All members of such Board shall be appointed by the County Executive subject to confirmation by the County Legislature.

C. Each member shall serve until his or her successor has been appointed.

D. No more than one (1) member of such Board shall be a County officer or employee, and none shall presently hold elected office.

E. The Board of Ethics shall render advisory opinions in writing to officers and employees of the County with respect to this resolution and Article Eighteen of the General Municipal Law. Such opinions shall be rendered only upon written request by the officer or employee concerned with the subject of the inquiry.

F. Such opinions shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law Article 6) or required for use in a disciplinary proceeding under this resolution involving the officer or employee who requested the advisory opinion. Whenever a request for access to an advisory opinion herein is received, the officer or employee who requested the opinion shall be notified within forty-eight (48) hours of the receipt of the request.

G. The Board of Ethics shall possess all powers and duties authorized by Section 808 of the General Municipal Law.

H. The Board of Ethics shall be the repository for completed annual statements of financial disclosure, pursuant to Section 808(5) of the General Municipal Law and Section 9 herein and such written instruments, affidavits, and disclosures as set forth in Section 3 above.

I. The Board of Ethics shall possess, exercise and enjoy all the rights, powers and privileges necessary and proper to the enforcement of the Code of Ethics and completion and filing by reporting officers and employees of the County of annual statements of financial disclosure required by this resolution. They shall also possess, exercise and enjoy such other powers as are conferred upon it by the Temporary State Commission on Local Government Ethics pursuant to General Municipal Law Section 813, as such Board of Ethics determines are warranted under the circumstances.

J. The Board of Ethics shall promulgate rules and regulations in furtherance of its powers and duties enumerated herein. Said rules and regulations shall include rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties and forfeiture herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in Article III of the State Administrative Procedure Act, but such mechanisms need not be identical in terms or scope. Such procedural

mechanisms shall include but not be limited to the power of the Board of Ethics to subpoena any individual, whether or not a County officer or employee, and any document or thing which the Board of Ethics deems necessary to the resolution of any pending adjudicatory proceeding or matter.

K. The Chemung County Attorney may provide counsel to the Board of Ethics upon request. In the event of a conflict involving the Office of the Chemung County Attorney, the Board of Ethics shall so advise the County Executive, who may authorize another attorney, admitted to practice in the State of New York, to serve as counsel to the Board of Ethics.

L. Members of the Board of Ethics shall be indemnified and defended by Chemung County in like manner and according to the provisions of Local Law No. 1 for the Year 1981, "A Local Law Providing for the Defense and Indemnification of County Officers and Employees."

SECTION 6. TESTIMONY.

No local elected official, local officer or employee of the County shall decline or refuse to answer questions specifically or directly relating to the performance of his or her official duties before any official, board or agency authorized or empowered to so inquire into the performance of such duties. This section shall not be construed as barring any County officer or employee from exercising the constitutional privilege against self-incrimination; provided, however, when the inquiry of such official, board or agency is wholly civil in nature, failure to

fully cooperate with and diligently answer the inquiries of such board or agency shall constitute grounds for dismissal or removal of said officer or employee.

SECTION 7. DISTRIBUTION OF THIS RESOLUTION.

Within thirty days of the effective date of this resolution, and any amendments thereof, the County Executive shall cause a copy of this resolution and any amendments of same to be distributed to every local elected official, local officer and employee of the County, and shall further cause a copy of this resolution to be conspicuously posted in all public buildings owned or controlled by the County. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of County employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on enforcement of the provisions thereof.

SECTION 8. DISCLOSURE FORM; DISTRIBUTION.

The County Executive shall, on or before the fifteenth day of November of each year, cause to be distributed, for completion and filing, to those persons filling the positions as set forth in Exhibit "A" attached hereto a form substantially similar to that set forth in Section 9 of this resolution.

SECTION 9. FORM.

The annual statement of financial disclosure shall be in substantially the following form:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE

FOR CHEMUNG COUNTY

For Calendar Year _____

1. Name and Address:

Name

Title

Department or Agency

County Address

County Telephone

2. Spouse and Children:

Provide the name of your spouse (if married) and the names of any dependent children:

<hr/> <p style="text-align: center;">Spouse</p>	<hr/> <p style="text-align: center;">Child/Age</p>
<hr/> <p style="text-align: center;">Child/Age</p>	<hr/> <p style="text-align: center;">Child/Age</p>

3. Financial Interest:

A. Business Positions. List any office, trusteeship, directorship, partnership or other position in any business, association, proprietary, or not-for-profit organization for you and your spouse and dependent children, if any, and indicate whether these businesses are involved with the County of Chemung in any manner.

Name of Family Member	Position	Organization	County Dept. or Agency & Nature of Involvement	Amount (A-F)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

B. Outside Employment. Describe any outside occupation, employment, trade, business or profession providing more than \$1,000 per year for you and your spouse and dependent children, if any, and indicate whether such activities are regulated by any State or local agency.

Name of Family Member	Position	Name, Address & Description of Organization	State or Local Agency	Amount (A-F)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

C. Future Employment. Describe any contract, promise or other agreement between you and anyone else, with respect to your employment after leaving your County office or position.

D. Past Employment. Identify the source and nature of any income in excess of \$1,000 per year from any prior employer, including deferred income, contributions to a pension or retirement funds, profit sharing plan, severance pay, or payments under a buy-out agreement.

Name and Address of Income Source	Description of Income (ie, pension, deferred, etc.)	Amount (A-F)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

E. Investments. Itemize and describe all investments in excess of \$5,000 or five percent (5%) of the value in any business, corporation, partnership, or other assets including stocks, bonds, loans, pledged collateral, and other investments, for you and your spouse and dependent children, if any. List the location of all real estate within the County or within five (5) miles of the County in which you, your spouse or dependent children, if any, have an interest, regardless of value.

Name of Family Member	Name and Address of Business	Description of Investment	Amount (A-F)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

F. Trusts. Identify each interest in a trust or estate or similar beneficial interest in any assets in excess of \$2,000, except for IRS eligible retirement plans or interests in an estate or trust of a relative, for you and your spouse and dependent children.

Name of Family Member	Trustee/Executor	Description of Trust/Estate	Amount (A-F)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

G. Other Income. Identify the source and nature of any other income in excess of \$1,000 per year from any source not described above, including teaching income, lecture fees, consultant fees, contractual income or other income of any nature, for you and your spouse and your dependent children, if any.

Name of Family Member	Name and Address of Income Source	Nature of Income	Amount (A-F)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Gifts and Honorariums. List the source of all gifts aggregating in excess of \$250.00 received during the last year by you, your spouse or dependent child, excluding gifts from a relative. The term "gifts includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honorariums and any other payments that are not reportable as income.

Name of Family Member	Name and Address of Donor	Amount (A-F)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Third-Party Reimbursements. Identify and describe the source of any third-party reimbursement for travel-related expenditures in excess of \$250.00 for any matter that relates to your official duties. The term "reimbursement" includes any travel-related expenses provided by anyone other than the County for speaking engagements, conferences, or factfinding events that relate to your official duties.

Source	Description	Amount (A-F)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Debts. Describe all debts of yours, your spouse and dependent children in excess of \$5,000.

Name of Family Member	Name and Address of Creditor	Amount (A-F)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Interest in Contracts. Describe any interest of you, your spouse or dependent children in any contract involving the County, or in any contract with a municipality within said County.

Name of Family Member	Contract Description	Amount (A-F)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

I hereby certify under penalty of perjury, that the information disclosed on this form is true and complete.

DATE: _____

_____ Signature

INSTRUCTIONS FOR THE ANNUAL STATEMENT
OF FINANCIAL DISCLOSURE FOR
CHEMUNG COUNTY

The requirements relating to the reporting of financial interests are in the public interest. No adverse inference of unethical or illegal conduct or behavior should be drawn from these requirements.

1. Name and Address. Specify your full name, including middle and/or maiden name.

2. Spouse and Children. Specify the full name of your children, including their middle names and the maiden name (if applicable) of your spouse.

3. A. Business Positions. Include every office or position in a corporation or association organized for profit or not-for-profit.

B. Outside Employment. If you practice law, are licensed by the Department of State as a real estate broker or agent, or practice any profession licensed by the Department of Education, provide a description of the principal subject areas or matters undertaken and your license to practice, including the nature of your clients' business. If you practice with a partnership, unincorporated association, or corporation, or are a partner or shareholder of a firm or corporation, include a general description of the principal subject areas or matter undertaken by your firm or corporation, including the nature of the firm's clients' businesses. You do not need to include the names of individual clients, customers or patients. This paragraph applies even if the income is deferred.

C. Future Employment. In describing any contract, promise or other agreement relating to your future employment, specify the name and address of the other party and describe the nature of the future employment.

D. Past Employment. Disclosure of income from past employment relates only to income currently received or received during the previous twelve (12) months.

E. Investments. Specify the name and address of all businesses (including corporations controlled by you, your spouse and dependent children, if any) in which your investment exceeds \$5,000 or 5%. Include any real estate, regardless of value, owned during the year even if subsequently sold.

F. Trusts. If you have a beneficial interest in a trust or estate worth more than \$2,000, except for IRS eligible retirement

plans or interests in the estate or trust of a relative, describe the nature of your interest and provide a brief description of the trust or estate. This also applies for your spouse and dependent children, if any.

G. Other Income. This should include any income for which you have received an IRS 1099 form involving income in excess of \$1,000 during the preceding year.

4. Gifts. Disclose in this category any gifts received from a relative if the relative was acting as an agent for a third-party. Gifts include any nonemployment related donations to a retirement plan. The term "gift" includes discounts where the amount of the discount exceeds \$250 and the discount was not available to other members of the public.

5. Third-Party Reimbursement. Report all reimbursements aggregating \$250 or more for travel related expenses, whether paid by one or more individuals.

6. Debts. Describe all debts to private individuals or corporations from you, your spouse and dependent children, if any, in excess of \$5,000.

7. Interest in Contracts. Describe any interest in any contract between the County and you, your spouse or dependent children, or in any contract with a municipality within said County.

8. Political Parties. List any position held as an officer of a political party, political committee or political organization within the last five (5) years.

SECTION 10. FILING.

Annual statement of financial disclosure; filing, exceptions and extensions.

A. Any person required to file an annual statement of financial disclosure pursuant to this chapter shall submit such completed form on or before the 15th day of May of each year with the Board of Ethics.

B. Any person required to file such statement who becomes so required after the first day of January of any year shall file such statement within thirty (30) days of becoming so required.

C. Any person who is subject to the reporting requirements of this section and who timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to submit such financial disclosure statement on or before May fifteenth. However, such person may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure. Such supplementary statement shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return. Failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary

statement of financial disclosure shall be subject to the notice and penalty provisions of this resolution respecting annual statements of financial disclosure as if such supplementary statement were an annual statement.

D. Any person who is required to file an annual financial disclosure statement may be granted by the County Board of Ethics an additional period of time within which to file such statement based upon justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted by the Board of Ethics pursuant to this law and shall file such statement within the additional period of time granted. Individuals may apply for exemptions from filing information or from filing a disclosure statement in its entirety where the information provided would have no material bearing on the discharge of the reporting person's official duties. The above application must be made in writing at least thirty (30) days prior to the established filing date and no extension shall be granted for a period exceeding ninety (90) days from the established filing date.

E. The annual statement of financial disclosure and the information contained therein shall be made public to the extent required by Section 813 (18) of the General Municipal Law, but in any event, the category of amounts shall remain confidential and not subject to disclosure. Further, any individual filing the disclosure statement may apply for deletion of one or more items of information from any copy to be made available for public inspection.

SECTION 11. PENALTIES.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this section may be fined an amount not to exceed \$10,000.00 or suspended or removed from office or employment, as the case may be, in the manner provided by law. Other disciplinary action may also be imposed as otherwise provided by law by the appropriate agency or individual.

SECTION 12. REPEAL OF RESOLUTION NO. 288-1970.

Resolution No. 288 for the year 1970 is hereby repealed.

SECTION 13. SEVERABILITY.

If any section, subdivision, clause, item or other part of this resolution, or the application thereof should be held by a court of competent jurisdiction to be invalid, void or violative of a constitution or controlling law, such holding or determination shall be restricted to such section, subdivision, clause, item or other part or the application thereof and shall not apply to the remaining parts of such resolution. Such remaining parts shall continue in full force and effect.

SECTION 14. ENABLING LEGISLATION.

The provisions of this resolution are enacted pursuant to the authority granted by Article Eighteen of the General Municipal Law.

SECTION 15. EFFECTIVE DATE.

This resolution shall take effect January 1, 1990, except that the financial disclosure provisions shall not take effect

until December 31, 1990. The first Annual Statement of Financial Disclosure shall relate to calendar year 1990 and submission of said statements shall not be required until May 15, 1991, and thereafter on the first day of January of each successive year.