

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ ofChenango.....
~~Town~~
~~Village~~

Local Law No.9..... of the year 19 ..90

A local lawPROVIDING FOR A COUNTY CODE OF ETHICS, A BOARD OF ETHICS, AND FINANCIAL
(Insert Title) DISCLOSURE BY CERTAIN COUNTY OFFICERS AND EMPLOYEES.

Be it enacted by theChenango County Board of Supervisors.....of the
(Name of Legislative Body)

County
~~City~~ ofChenango..... as follows:
~~Town~~
~~Village~~
~~XXXX~~

The Safety and Rules Committee offered the following, and moved its adoption:

COUNTY OF CHENANGO
LOCAL LAW NO. 9 OF THE YEAR 1990

A LOCAL LAW PROVIDING FOR A COUNTY CODE OF ETHICS, A BOARD OF ETHICS, AND FINANCIAL
DISCLOSURE BY CERTAIN COUNTY OFFICERS AND EMPLOYEES.

Be it enacted by the Chenango County Board of Supervisors of the County of Chenango
as follows:

ARTICLE I - GENERAL PROVISIONS

SECTION 101. TITLE

This Local Law shall be known as the "CHENANGO COUNTY ETHICS AND DISCLOSURE LAW".

SECTION 102. LEGISLATIVE PURPOSE

The purpose of this law is to set forth minimum standards of ethical conduct for Chenango County Officers and employees, to provide for a local Board of Ethics, and to provide for financial disclosure in compliance with Article 18 of the General Municipal Law of the State of New York. The citizenry of Chenango County are entitled to the expectation of exemplary ethical behavior from their County Officers, employees and appointed officials, and this law is intended to create the minimum standards which constitute that behavior. At the same time, it is recognized that public service cannot require a complete divesting of all proprietary interests, nor impose overly burdensome disclosure requirements, if local governments are to attract and hold competent officials, administrators, and Board members, many of whom serve with little or no compensation. This legislation recognizes that varying degrees of professional and governmental responsibility warrant equitable requirements of disclosure in pursuit of official integrity, which must be balanced against individual constitutional rights. Any particulars not determined in this law shall be construed within the provisions of General Municipal Law Article 18.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 103. DEFINITIONS

When used in this local law and unless otherwise expressly stated or unless the context otherwise requires:

- (1) "County" means the County of Chenango or any department, board, executive division, institution, office, branch, bureau, commission, agency, Board of Supervisors or other division or part thereof.
- (2) "Interest" means a direct or indirect pecuniary or material benefit accruing to a County officer, employee or appointed official, his or her spouse, or child whether as the result of a contract with the County or otherwise. For the purpose of this chapter, a County officer, employee or appointed official shall be deemed to have an interest in the contract or (i) his/her spouse and children, except a contract of employment with the County; (ii) a firm, partnership or association of which such officer, employee or appointed official or his/her spouse or child is a member or employee; (iii) a corporation of which such officer, employee or appointed official, or his/her spouse or child is an officer, director or employee; and (iv) a corporation of which any stock is owned by an officer, employee or appointed official, or his/her spouse or child.
- (3) "Appropriate body" pursuant to Article 18 of General Municipal Law means the Board of Ethics of the County of Chenango.
- (4) "Dependent Child" means any son, daughter, stepson or stepdaughter of a County Officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee or appointed official as defined in the Internal Revenue Code Section 152 (a)(1) and (2) and any amendments thereto.
- (5) "Agency" means any of the divisions of County government, referred to in subdivision (1) of this section except the Board of Supervisors.
- (6) "Contract" means any claim, account or demand against or agreement with a municipality, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized.
- (7) "Chief Fiscal Officer" or "Treasurer" means the Chenango County Treasurer.
- (8) "Officer" or "employee" means any officer or employee of the County of Chenango and any elected officials, appointed officials and heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the County of Chenango whether paid or unpaid, and shall be deemed to include any officer or employee paid from County funds.
- (9) "County elected official" means each member of the Board of Supervisors, the County Clerk, the District Attorney, the County Treasurer and the Sheriff.
- (10) "Appointed official" means any individual who is appointed by the County Board of Supervisors and/or Chairman thereof or by any County officer or body authorized to make appointments, to any agency, institution, department, office, branch, division, council, commission, board or bureau, whether unpaid or paid.
- (11) "Reporting officer, employee or appointed official" means an officer, employee, appointed official, county elected official, or a candidate for a county elected office who is required to complete and file an annual statement of financial disclosure pursuant to this Local Law and/or Article 18 of the General Municipal Law,

including but not necessarily limited to (a) County elected officials and candidates for same, (b) County Department Heads, and their deputies and assistants (c) policy makers, and (d) those county officers and employees whose duties involve the negotiation, authorization or approval of (i) contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses as defined in Section 73 of the Public Officer's Law, (ii) the purchase, sale, rental or lease of real property, goods or services, or a contract therefore, (iii) the obtaining of grants of money or loans, or (iv) the adoption or repeal of any rule or regulation having the force and effect of law.

(12) "Spouse" means the husband or wife of an officer, employee or appointed official subject to the provision of this Local Law unless legally separated from such officer, employee or appointed official.

(13) "Relative" means 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.

(14) "Ministerial Matter" means an administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

(15) "Policy-making position" means an officer or employee whose duties are not of majority ministerial in nature, as so designated to be "policy making", by Article 18 of the General Municipal Law, or by the Chairman of the Board of Supervisors acting pursuant to this law, or by the Board of Ethics.

(16) "Local Political Party Official" means any person who meets the criteria specified in Section 810, subdivision 6 of the General Municipal Law and any amendments thereto, such criteria including the receipt of compensation or expenses or both from constituted or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more.

(17) "Reporting Category" for the purpose of completing the annual financial disclosure statements (promulgated under authority of Article 6 hereof) means the category of interest, income, value or worth of said reported items. No exact dollar amounts are to be included in the completion of the statements of financial disclosure; rather all amounts are to be indicated 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		

(18) "Chief Elected Official" means the Chairman of the County Board of Supervisors.

ARTICLE II - CONFLICTS OF INTEREST

SECTION 201. POLICY STATEMENT

It is the policy of Chenango County that all officers, officials and employees must avoid conflicts or potential conflicts of interest. A conflict exists whenever an officer or employee has an interest as defined in Section 103, subdivision 2, 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.

SECTION 202. PROHIBITED ACTS

No Chenango County officer or employee shall:

(1) directly or indirectly solicit, accept, or receive any gift of seventy-five dollars or more whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it reasonably might be inferred that such gift or gifts were intended to influence the officer or employee in the performance of his or her official duties or reward him or her for any official action.

(2) 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 Chenango or any agency thereof in which the official or employee has or will have a private interest, direct or indirect, in such contract or professional dealings.

(3) 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.

(4) disclose any confidential information acquired in the course of his or her official duties unless authorized by law and in furtherance of such official duties, or use any such information to advance the financial or other private interest of himself or herself or any other person.

(5) 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.

(6) nothing in this section shall be construed to prohibit an officer or employee or any other person from receiving a service or benefit from Chenango County or using a Chenango County facility, which is generally available to residents or a class of residents in the municipality nor from performing a ministerial act.

(7) Nothing in this Article shall preclude the payment of lawful compensation and necessary expenses of any County officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

SECTION 203. Except as authorized by Section 802 of the General Municipal Law, (1) no County officer or employee shall have an interest in any contract with the County when he or she, individually, or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has any of the powers or duties set forth above and (2) no treasurer or his deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the County.

SECTION 204. Nothing in this Local Law shall be construed to prohibit activity which is otherwise permitted under Section 802 of the General Municipal Law, nor shall public disclosure of such activity under Section 301 be necessary.

ARTICLE III - DISCLOSURE AND RECUSAL

SECTION 301. DISCLOSURE OF INTEREST

Whenever a Chenango County officer or employee has, will have or later acquires

an interest and is requested or required to take any non-ministerial action on a matter for Chenango County and, to his or her knowledge, either the performance or non-performance of that action would provide a pecuniary or material benefit to himself or herself or to any relative different from that which would be derived from action by reason of its general application to a broad class of persons deriving such benefit, the officer or employee shall not participate in that matter. The officer or employee also shall immediately file with his or her immediate superior, if any, and with the Clerk of the Board of Supervisors, a signed statement publicly disclosing the nature and extent of that interest which shall be made a part of the official records. The Clerk of the Board of Supervisors shall promptly file a copy of such statement with the Board of Ethics.

SECTION 302. DISCLOSURE OF INTEREST IN PLANNING AND ZONING APPLICATIONS

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of the County shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of the County in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to each applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the application when he, his spouse or their brothers, sisters, parents, children, grandchildren or the spouse of any of them

- (a) is the applicant, or
- (b) is an officer, director, partner or employee of the applicant, or
- (c) legally or beneficially owns or controls stock of a corporate applicant (other than less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges) or is a member of a partnership or association applicant, or
- (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

ARTICLE IV - ANNUAL DISCLOSURE

SECTION 401. LISTS OF POSITIONS

1. The Chairman of the Board of Supervisors shall cause an annual list to be published in the month of February of each year designating the reporting officers, employees or officials required to file an annual financial disclosure statement. A copy of said list shall be filed with the Board of Ethics. Each appointing official or board shall notify the Chairman of the Board of Supervisors in writing during January of each year as to the title (s) or position(s) under the jurisdiction of said appointing official or board which are believed by such official or board to be policy making.

2. Those officers or employees holding the positions set forth below shall complete and file an annual statement of financial disclosure in the form established under Article 6 hereof for the year 1991 and this list shall be deemed to satisfy the requirements of subdivision 1 above for the initial year 1991:

Board of Supervisors

All Members of the Board
Clerk of the Board and County Auditor
Deputy Clerk of the Board and County Auditor

County Clerk's Office

County Clerk
Deputy County Clerk
Motor Vehicle Deputy County Clerk

Treasurer's Office

County Treasurer
Deputy County Treasurer

Sheriff's Department

Sheriff
Undersheriff

District Attorney's Office

District Attorney

Public Defender's Office

Public Defender

County Attorney's Office

County Attorney

Social Services Department

Commissioner
Deputy Commissioner (three positions)

Highway Department

Superintendent of Highways
Deputy Highway Superintendent
Rights-of-Way Agent

Probation Department

Director

Personnel Department

Personnel Officer

Department of Planning and Economic Development

Director of Planning
Chief Planner
Director for Community Development
Members of the County Planning Board

Real Property Tax Services Department

Director

Data Processing Department

Director

County of Chenango Industrial Development Agency, Inc.

Members

Public Health Department

Director

Fire and Building Code Enforcement
Code Enforcement Officer

Medical Examiner's Office
Medical Examiner

Central Services Department
Director

Area Agency on Aging
Director

Board of Elections
Commissioner (2 Positions)

Building and Grounds
Superintendent

Community Services
Director of Community Services
Director of Alcohol and Drug Abuse Services
Members of the Community Services Board

Waste Management Department
Director

Private Industry Council
Director

Youth Bureau
Director
Members of the Youth Bureau Board

Boards
Board Members of Refuse District No.1
Chenango County Board Members of BAGS Solid Waste Management District
Board Members of Refuse District No.3
Board Members of Chenango County Soil and Water Conservation District

General
Airport Director
Risk Manager
STOP-DWI Program Coordinator
Director of Weights and Measures
Self-Insurance Administrator
Budget Officer
County Fire Coordinator
county Historian

402. Notwithstanding the provision of Section 401 above, the Board of Supervisors by resolution amend list of those positions subject to financial disclosure so long as compliance with General Municipal Law, Article 18 is maintained.

403. The Board shall have authority to recommend to the Board of Supervisors that exercise its authority to amend said list pursuant to Section 402 hereof.

404. A person who is subject to the filing requirements of this local law from more than one county may satisfy the requirements by filing only one annual statement of financial disclosure, and filing with the other(s) a notice that such filing has been made, inclusive of the date and place of the filing. A person need only file one form although he or she may hold more than one position subject to disclosure and an elected official need not file another form by reason of candidacy for county elected office.

405. Any person who is subject to the reporting requirements of this local law and who has or shall timely file with the Internal Revenue Service an application for automatic extension of time in which to file his/her individual income tax return for the immediately preceding calendar or fiscal year which would extend the filing with the IRS beyond May 15th shall be required to submit notice of that application on or before March 31 of the year in which the employment is in effect. Such person shall file a completed disclosure form, absent only the portions stated within the application for automatic extension, on or before May 15 of the year for which the employment is in effect, and a supplementary statement for any item as so noted on the annual statement of financial disclosure, without any liability under Article V of this local law, if said supplementary statement is filed within fifteen (15) days of the expiration of the Internal Revenue Service automatic extension.

406. Any person who is required to file an annual statement of financial disclosure may request, prior to March 31, of the year for which the employment is in effect, an extension of filing for an additional specific period of time. Such request shall be made in writing to the Board of Ethics, with approval of such request by said Board to be based upon substantiation of justifiable cause of undue hardship. The Board of Ethics may grant or deny the request, by vote of the membership, and extensions shall be for the specific period of additional time requested or such other time as the Board shall determine.

407. Any person other than a candidate for County elected office required to file an annual statement of financial disclosure who becomes so required after May 15th of the year for which the employment is in effect, shall file the appropriate annual statement within thirty (30) days of such event, provided, however, that candidates for county elected office who are required to file financial disclosure statements by virtue of General Municipal Law, Section 812, subdivision 1 (a) shall file within time limits therein set forth.

408. Candidates for County elected office shall, as provided in General Municipal Law Section 812, subdivision 1 (a), file an annual statement of financial disclosure according to the following, whichever date is earliest:

- a) filing designating petition for nominations at a primary election: within seven (7) days after the last day allowed by law for filing;
- b) filing independent nominating petition within seven (7) days after the last day allowed by law for filing;
- c) receiving nomination of a party other than at a primary election (whether or not for an uncontested office) within seven (7) days of the meeting of the party committee at which he or she is nominated.

409. The annual statements of financial disclosure shall be made available to the public provided, however, that the categories of amounts shall not be revealed to the public or any other official except to members of the Board of Ethics, or as otherwise required by law.

410. The annual statement of financial disclosure shall contain the relevant information for the calendar year immediately preceding the year in which the annual statement is due unless otherwise required in said form. Thus, the statement to be filed hereunder in the year 1991 shall relate to information for the calendar year 1990 except as otherwise directed in said form.

ARTICLE V - BOARD OF ETHICS

SECTION 501. ESTABLISHMENT OF THE CHENANGO COUNTY ETHICS

BOARD

The County Board of Supervisors, pursuant to Article 18 of the General Municipal Law, hereby establishes the Chenango County Board of Ethics consisting of three members.

SECTION 502. CHENANGO COUNTY ETHICS BOARD MEMBERSHIP

1. Two members of the Board shall consist of members who are not officials, officers or employees of the County of Chenango nor municipalities wholly or partially located within the County.

2. One member of the Board shall be an elected or appointed officer or employee of Chenango County or of a municipality located within the County.

3. All Board members shall reside within Chenango County.

4. Members of the Board shall receive no salary or compensation for their services on the Board but shall be reimbursed for reasonable and necessary expenses in connection with their services in accordance with Rules applicable to County officers and employees as established by the Board of Supervisors.

5. Members shall be appointed by the Chenango County Board of Supervisors.

6. Members shall be deemed policy-making officials under this law, and thus be subject to all the applicable ethics and disclosure requirements hereunder.

SECTION 503. TERMS OF APPOINTMENT

1. Members shall serve staggered three-year terms provided, however, that initial appointments to the Board shall be as follows:

one member to a term expiring on December 31, 1991

one member to a term expiring on December 31, 1992

one member to a term expiring on December 31, 1993

provided further that each member shall holdover and serve until his or her successor has been appointed.

2. The Board of Supervisors shall make initial appointments as soon as practicable after January 1, 1991, and subsequent appointments on or before January 30th of each calendar year thereafter.

3. When a vacancy occurs during a member's term it shall be filled as soon as practicable for the unexpired portion of the respective term in the same manner as the original appointment.

SECTION 504. REMOVAL OF ETHICS BOARD MEMBERS

1. An ethics board member may be removed by the County Board of Supervisors after

written notice and an opportunity to reply.

2. Grounds for removal of ethics board members will be substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, violation of this act, conviction of a crime, or similar acts or omissions.

3. Notwithstanding the provisions of subdivision 1 above, a member shall automatically forfeit his or her office upon conviction of a felony as of the date thereof.

SECTION 505. CHENANGO COUNTY ETHICS BOARD MEETINGS AND QUORUM REQUIREMENT

1. At its first meeting each year, the Board of Ethics shall elect a chair from among its membership. Two members of the board shall constitute a quorum. A vote of at least two board members on the same side of a question shall be required for the board to take any action. The chair or any two members may call a meeting of the board.

2. The board shall hold a meeting before March 10th of each year, at which the board shall review the list of public officials, and shall hold a meeting or meetings commencing on or about May 16th of each year, at which the board shall review the annual disclosure statements. The board may hold as many additional meetings per year as it shall deem necessary or as shall be called by the chair or any two members.

SECTION 506. GENERAL POWERS AND DUTIES OF THE CHENANGO COUNTY BOARD OF ETHICS

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

2. 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 Article IV herein and such written instruments, affidavits, and disclosures as required under this local law.

3. 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 including the completion and filing by, reporting officers, employees and appointed officials of the County, of annual statements of financial disclosure required by this act. The Board's powers shall include but are not limited to those conferred upon the Temporary State Commission on Local Government Ethics as set forth in subdivision nine (9) through eighteen (18) inclusive of Section 813 of the General Municipal Law.

4. The Board of Ethics shall have authority to promulgate rules and regulations in furtherance of its powers and duties enumerated herein including rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized.

5. The Board of Ethics shall render advisory opinions to officers and employees of municipalities wholly or partly within the county with respect to Article 18 of the General Municipal Law and any code of ethics adopted pursuant thereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board may prescribe and shall have the advice of counsel employed by the board, or if none, the county attorney. In addition, it may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon the request of the governing body of any municipality in the county.

6. Advisory opinions concerning particular officers, employees or officials shall not be made public or disclosed unless so required by the Freedom of Information Law (Public Officers Law Article 6) or required for use in a disciplinary proceeding, or proceeding under this Local Law involving the officer, employee or appointed official

who requested the advisory opinion. Whenever a request for access to an advisory opinion herein is received, the officer, employee or appointed official who requested the opinion shall be notified of the request within forty-eight (48) hours of the receipt of the request. Nothing contained herein shall prohibit the issuance of general advisory opinions for the guidance of reporting individuals.

7. The Chenango County Attorney shall serve as counsel to the Board of Ethics.

8. The Ethics Board shall be empowered to request support staff assistance from the Board of Supervisors to facilitate the performance of its duties and responsibilities.

9. No meeting or proceeding of the Board shall be open to the public except if expressly provided otherwise by the Board acting in conformity with applicable law. The Board shall, absent compelling reason, accommodate the request by a person whose affairs are the subject of such meeting or proceeding to open same to the public.

SECTION 507. REVIEW OF LISTS AND DISCLOSURE STATEMENTS: APPEALS OF DESIGNATION

1. The Board of Ethics shall review the list of reporting officers, employees and appointed officials subject to disclosure to determine whether the lists is complete and accurate. The board shall add to the appropriate list the name of any County officer, employee or official whom the board determines to be subject to financial disclosure under this law or the General Municipal Law, and shall so designate any elected or appointed official or employee as to whom such designation has not been made. The Board shall also exercise the authority conferred by Section 602 of this law.

2. The Board of Ethics shall review all annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this act.

3. Appeal may be taken by the filing of a written petition in opposition to designation as a policy making position of title within thirty (30) days from the date that designation is filed with the Board of Ethics. The Board shall make a determination upon the merits of the petition within thirty (30) days or soon thereafter as is practicable.

SECTION 508. INVESTIGATIONS OF ALLEGED VIOLATIONS

1. Upon receipt of a sworn complaint of any person alleging any violation of this act which the Board determines to show sufficient reason for further inquiry, or upon determining on its own initiative that a violation of this act may exist, the Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this act. In conducting any such investigation, the Board may administer oaths or affirmations, subpoena witness, compel their attendance, and require the production of any books or records which it may deem relevant and material. Any hearings conducted by the board shall be closed to the public except as otherwise provided by law or upon the request of the individual or individuals being investigated to open the same unless the Board determines that compelling reasons exist necessitating the closing of the proceedings.

2. The Board of Ethics shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such disposition statements shall be confidential and not subject to disclosure except on request of the person investigated, or if disclosure is necessary to effectuate the provisions and purpose of this law.

SECTION 509. RECOMMENDATION OF DISCIPLINARY ACTION; ENFORCEMENT EXCEPT WITH REGARD TO FINANCIAL DISCLOSURE

1. In its discretion, and after a hearing held in accordance with article three of the State Administrative Procedure Act, or such other procedures as are adopted by the Board of Ethics pursuant to this local law, and subject to any applicable provisions of state law and collective bargaining agreements, the ethics board may recommend appropriate disciplinary action to the appointing authority or person or body authorized by law to impose such sanctions. The board shall conduct and complete the hearings with reasonable promptness, unless in its discretion the board refers the matter to the authority or person or body authorized by law to impose disciplinary sanctions or to the appropriate prosecutor. If such a referral is made, the board may adjourn its hearing pending determination by such authority, person, body or prosecutor.

2. The Board of Ethics may sue in the Supreme Court of the State of New York for injunctive relief to enjoin a violation or to compel compliance with the provisions of this act.

3. The Board of Ethics may refer to the appropriate prosecutor possible violations of this act, except as otherwise provided in Section 510.

4. Nothing in this act shall be construed to restrict the authority of any prosecutor to prosecute any violation of this act or of any other law.

SECTION 510. PENALTIES WITH RESPECT TO FINANCIAL DISCLOSURE STATEMENTS AND FILING

A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false statement on such statement of financial disclosure filed pursuant to this section shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the Chenango County Board of Ethics. For a violation of this section, other than for conduct which constitutes a violation of subdivision twelve of section seventy-three of the Public Officers Law, the Chenango County Board of Ethics may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Upon an appropriate determination and vote, the Chenango county Board of Ethics may file a written recommendation with the Chief Elected Official or other disciplinary body or officer, establishing grounds for removal for cause or other discipline, in accordance with other provisions of the Chenango County Law, rules, regulations or policies pertaining to officers, officials and employees and rules governing conduct. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The Chenango County Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provided for due process procedural mechanisms substantially similar to those set forth in Article Three of the State Administrative Procedure Act but such mechanisms need not be identical in terms of scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Chenango County Board of Ethics pursuant to Article seventy-eight of the Civil Practice Law and Rules.

ARTICLE VI - ANNUAL STATEMENT OF FINANCIAL DISCLOSURE

SECTION 601. The Chenango County Board of Supervisors hereby designates the attached "Annual Statement of Financial Disclosure" form as the initial official annual statement of financial disclosure for the purposes of fulfilling the requirements of Article IV, of the Chenango county Ethics and Disclosure Law, and Article 18 of the General Municipal Law.

SECTION 602. The Board of Ethics may, subject to the approval of the Board of Supervisors by resolution, amend or replace the financial disclosure statement, provided that the same meets the minimum standards set forth in Article 18 of the General Municipal Law.

ARTICLE VII - MISCELLANEOUS PROVISION

SECTION 701. APPLICABILITY; OTHER REMEDIES; SEVERABILITY

1. This law shall be construed so as to comply with the applicable provisions of Article 18 of the General Municipal Law.

2. Nothing in this act shall be deemed to bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand, or suit against the municipality on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.

3. This local law is not intended to nor shall it be construed as requiring more onerous or stringent provisions than those essential to meet minimum standards set forth in Article 18 of the General Municipal Law.

4. If any provision of this act is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of the act.

5. Any prior Code of Ethics of Chenango County is hereby repealed.

SECTION 702. DISTRIBUTION AND POSTING

1. Within sixty days after the effective date of this act, the Chairman of the Board of Supervisors shall cause a copy of this act to be made available to every county elected official, county officer and employee, shall make it available to the public, and shall post a copy of this act. Every officer and employee elected or appointed thereafter shall be furnished a copy of this act within ten days after entering upon the duties of his or her position.

2. Every officer or employee shall file with the Personnel Officer a signed receipt acknowledging that he or she has received the act. Such receipts shall be maintained by the Personnel Officer.

3. Failure to distribute a copy, failure of any municipal officer or employee to receive a copy, failure to file a signed receipt, or failure to keep posted a copy of the act shall have no effect on the duty of compliance with this act nor the enforcement provisions hereof.

SECTION 28. EFFECTIVE DATE

This act shall take effect immediately.

(Included in the adoption of this Local Law is a Notice of Disclosure Statement filed as a part of the minutes of this Board.)

Seconded by Mrs. Adsit

Results of a roll call vote were: Yes-2138, No-78, Absent-72, Deceased-183

No: Supervisor Stevens

Absent: Supervisors Brown and Kelly

Deceased: Supervisor Maltzan

The Chairman Declared the Local Law duly adopted.

