

Section 8. This Local Law shall become effective immediately upon filing in accordance with the provisions of Sections 20, 21 and 27 of the Municipal Home Rule

Law of New York State.

ADOPTED. Ayes: 23 Noes: 0 Absent: 1 (Dunham)

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LOCAL LAW NO. 13, 1990

A LOCAL LAW OF THE COUNTY OF ONONDAGA ESTABLISHING A CODE OF ETHICS, CREATING A BOARD OF ETHICS, REQUIRING FINANCIAL DISCLOSURE BY CERTAIN OFFICERS, EMPLOYEES AND APPOINTED OFFICIALS AND REPEALING LOCAL LAW NO. 6 OF 1970

BE IT ENACTED BY THE ONONDAGA COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA, NEW YORK, AS FOLLOWS:

ARTICLE I. PURPOSE AND CONSTRUCTION

The citizens of Onondaga County are entitled to expect the highest degree of conduct on the part of County officers, employees and appointed officials. The Legislators of the County of Onondaga recognize that there must be rules of ethical conduct for its officers, employees and appointed officials to observe if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our County government. It is the purpose of this Law to promulgate these rules of ethical conduct for the officers, employees and appointed officials of the County of Onondaga. These rules shall serve as a guide for official conduct of such officers, employees and appointed officials. The rule of ethical conduct of this chapter is meant further to comply with Article Eighteen of the General Municipal Law.

ARTICLE II. DEFINITIONS

Section 2.1. Unless otherwise specifically indicated, for purposes of this Local Law, the following terms shall have the following meanings:

- (a) "Agency" means any of the divisions of County government, referred to in subdivision (d) of this section except the legislature.
- (b) "Appropriate body" pursuant to Article 18 of General Municipal Law means the Board of Ethics of the County of Onondaga.
- (c) "Child" means any son, daughter, step-son or step-daughter 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.
- (d) "County" means the County of Onondaga or any department, board, executive division, institution, office, branch, bureau, commission, agency, legislature or other division or part thereof.
- (e) "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 of (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 or director; and (iv) a corporation of which more than 5% of the outstanding capital stock is owned by an officer, employee or appointed official, or his/her spouse or child.
- (f) "Legislation" means a matter which appears upon the calendar or agenda of the County Legislature of Onondaga County or upon a committee thereof

upon which any official action has been taken and shall include adopted acts, local laws, ordinances or resolutions.

(g) "Officer" or "employee" means any officer or employee of the County of Onondaga 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 Onondaga whether paid or unpaid.

(h) "County elected official" means the County Executive, a County Legislator, the County Clerk, the District Attorney, the Comptroller or Sheriff.

(i) "Appointed official" means any individual who is appointed by the County Executive or the County Legislature to any agency, institution, department, office, branch, division, council, commission, board or bureau, whether unpaid or paid.

(j) "Relative" means a spouse or child of a County officer, employee or appointed official.

(k) "Reporting officer, employee or appointed official" means a Level I or Level II officer, employee or appointed official who is required to complete and file an annual statement of financial disclosure pursuant to this Local Law:

(1) "Level I reporting officer, employee or appointed official" includes elected officials, and heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the County of Onondaga whether paid or unpaid. It also means those appointed officials, deputies, assistants, officers and employees who hold policy making positions, as determined annually by the County Executive. The County Executive's determination of policy making positions shall be filed with the Board of Ethics before March 1 each year. No person shall be deemed to be a Level I reporting officer, employee or appointed official solely by reason of being a volunteer fireman or civil defense volunteer except a fire chief or coordinator or assistant. Any unpaid reporting officer, employee or appointed official, except the members of the Board of Ethics, may make application to the Board of Ethics for exemption from the financial reporting requirements of Article IX and Article X herein and shall be granted such exemption by the Board of Ethics upon a showing of good cause.

(2) "Level II reporting officer, employee or appointed official" includes unpaid or paid members of any commission, board or bureau who are not determined by the County Executive to be policy makers;

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

(m) "Jurisdiction" shall mean having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the county agency (as defined above at 2.1(a)) in which (s)he is an officer, employee or appointed official (as defined above at 2.1(h)).

ARTICLE III. CODE OF ETHICS

There is hereby established and adopted a code of ethics containing the following standards of conduct for officers, employees and appointed officials of Onondaga County.

Section 3.1. (a) Receipt of Benefit. They shall not directly or indirectly solicit, accept or agree to accept any benefit from another person upon an agreement that her/his vote, opinion, judgment, action, decision or exercise of discretion as a County officer, employee or appointed official will thereby be influenced. A donation to a person seeking public or party office or to a committee supporting the efforts of such person shall not be considered such a benefit hereunder.

(b) Confidential information. They shall not disclose information which is

lawfully confidential and acquired by them in the course of their official duties or use such information to further their personal interests.

(c) Representation before one's own agency. They shall not receive or enter into any agreement, express or implied, for compensation or benefit to themselves or a relative, directly or indirectly, for services to be rendered in relation to any matter before any County agency of which they are an officer, employee or appointed official or of any County agency over which they have jurisdiction or to which they have the power to appoint any officer, employee or appointed official.

(d) Representation before any agency for a contingent fee. They shall not receive nor enter into any agreement, express or implied, for compensation or benefit to themselves or a relative, directly or indirectly, for services to be rendered in relation to any matter before any agency of the County, whereby their compensation is to be dependent or contingent upon any action by such agency over which he/she has substantial involvement and policy-making authority with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

(e) Disclosure of interest in any legislation or County contract. To the extent that they know thereof, any officer, employee or appointed official of the County of Onondaga, whether paid or unpaid, who has any interest in any legislation before the County Legislature or a committee thereof and who gives any opinion to such body upon such legislation or who has an interest in any contract or agreement of the County or an agency in which he or she may make policy decisions or perform discretionary acts thereof, shall disclose to an immediate supervisor in writing the nature and extent of such interest. Such disclosure shall be made prior to rendering such opinion or engaging in said policy decisions and discretionary acts. A County Legislator who has any interest in any such legislation, contract or agreement shall make prior disclosure in writing to the Chairperson of the Legislature and to the County Attorney in lieu of a supervisor and shall withdraw from participation in any legislative process with respect thereto.

(f) Partnership, unincorporated association or corporation. No partnership or unincorporated association of which a County officer, employee or appointed official is a member or employee or in which he or she has a proprietary interest, nor any corporation of which a County officer, employee or appointed official is an officer or director or legally or beneficially owns or controls more than five percent of the outstanding stock, shall appear before the agency served by or which employs such County officer, employee or appointed official on behalf of any person other than the county without full disclosure to the Board of Ethics.

(g) Investments in conflict with official duties. An officer, employee or appointed official shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private endeavor or entity, which creates a conflict with his or her official County duties.

(h) Private employment or services. An officer, employee or appointed official shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict of interest with or impairs the proper discharge of official County duties. In the event such a conflict arises with respect to a legislator, (s)he shall notify the Chairperson of the Legislature of same and withdraw from participation in any legislative process with respect thereto.

(i) Future employment. For a period of one year after the termination of service or employment with the County, no former officer, employee or appointed official, on his or her own behalf, or as an employee, agent or representative of another may apply to or appear before or conduct business with respect to any County agency or legislative body in any matter concerning which he or she personally rendered substantial services and made policy decisions during the period of his or her term of office, service or

employment by such agency or body. Said one year prohibition may be waived by the Board of Ethics for good cause upon written application of such officer, employee or appointed official. At the expiration of the one year period and thereafter, the former officer, employee or appointed official shall make prior disclosure in writing to the Board of Ethics of the nature and extent of his/her county involvement with matters (s)he now seeks to address with such county agency or legislature.

(j) Offer of Employment. An officer, employee or appointed official shall disclose in writing to the Board of Ethics any offer of employment received from any person, firm or corporation which, to the knowledge of such officer, employee or appointed official, is furnishing or seeking to furnish goods or services to the County, if such officer, employee or appointed official has substantial involvement or responsibility for policy making in securing such goods or services and if such officer, employee or appointed official enters into negotiations for such employment. Such disclosure must be made whether or not such offer and negotiations are verbal or written and whether or not the offer is accepted.

Section 3.2. All persons, firms, or corporations rendering services to the County as contractors, consultants, or in any other professional capacity, whether paid or unpaid, shall file an instrument with the Onondaga County Attorney. Such instrument shall be in the form of a written affidavit and shall state that "the party agrees that it has no interest and will not acquire any interest, direct or indirect that would conflict in any manner or degree with the performance of the services to be rendered to the County." Such instrument shall further state that "the party further agrees that, in the rendering of services to the County, no person having any such interest shall knowingly be employed by it." Filing of all or part of such instrument may be waived by the Board of Ethics for good cause upon written application.

ARTICLE IV. BOARD OF ETHICS

- Section 4.1. There is hereby created and established a Board of Ethics consisting of at least three (3) members, all of whom shall reside in the County and who shall serve without compensation.
- Section 4.2. All members of such Board shall be appointed by the County Executive subject to confirmation by the County Legislature. Members shall be appointed for a term of three (3) years with no member serving more than two full three (3) year terms.
- Section 4.3. Each member shall serve until his or her successor has been appointed.
- Section 4.4. At least one member of such Board shall be an elected officer or employee of the County of Onondaga, but a majority of such members may not be officers or employees of the County.
- Section 4.5. The Board of Ethics shall render advisory opinions in writing to officers, employees and appointed officials of the County with respect to this Local Law and Article Eighteen of the General Municipal Law. Such opinions shall be rendered only upon written request by the officer, employee or appointed official concerned with the subject of the inquiry.
- Section 4.6. 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 or proceeding under Article XI of 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.
- Section 4.7. The Board of Ethics shall possess all powers and duties authorized by Section 808 of General Municipal Law.

Section 4.8. The Board of Ethics shall be the repository for completed annual statements of financial disclosure, pursuant to §808(5) of General Municipal Law and Article VIII herein and such written instruments, affidavits, and disclosures as set forth in Article III above.

Section 4.9. 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, employees and appointed officials of the County of annual statements of financial disclosure required by this act.

Section 4.10. 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 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 request from the County Legislature a subpoena for any individual, whether or not a County officer, employee or appointed official, and any document or thing which the Board of Ethics deems necessary to the resolution of any pending adjudicatory proceeding or matter.

Section 4.11. The County Attorney or his designated deputy shall serve as counsel to the Board of Ethics.

Section 4.12. Members of the Board of Ethics shall be indemnified and defended by Onondaga County in like manner and according to the provisions of Resolution #168 of 1990, "Defense and Indemnification of Public Officers and Employees of Onondaga County," and any amendments thereto.

ARTICLE V. SUITS AGAINST THE COUNTY

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Onondaga County officer, employee or appointed official of any claim, account, demand or suit against the County or any agency thereof on his or her own behalf or the behalf of a relative arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

ARTICLE VI. DISTRIBUTION OF THIS LOCAL LAW

Within thirty days of the effective date of this Local Law, and any amendments thereof, the County Executive shall cause a copy of this Local Law and any amendments of same to be distributed to every officer, employee and appointed official of the County, and shall further cause a copy of this Local Law to be conspicuously posted in all public buildings owned or controlled by the County. Each officer, employee and appointed official elected or appointed thereafter shall be furnished a copy before entering upon the duties of County employment.

ARTICLE VII. DISCLOSURE FORM; DISTRIBUTION

The County Executive shall, on or before the fifteenth day of March of each year, cause to be distributed, for completion and filing, to those officers, employees and appointed officials set forth in Article II Section 2.1 (k) of this Law, forms substantially similar to those set forth in Article VIII of this Law.

ARTICLE VIII. FORMS

The annual statement of financial disclosure shall be in substantially the following form: ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR ONONDAGA COUNTY. For calendar year _____.

(A) Level I Officers, Employees and Appointed Officials:

1. Name _____

2. (a) Title of Position _____

(b) Department, Agency or other Government Entity _____

(c) Address of Present Office _____

(d) Office Telephone Number _____

3. (a) Marital Status _____. If married, please give spouse's full name including maiden name where applicable.

(b) List the names of all children.

4. Answer each of the following questions completely.

(a) List the location of any real property within the County or within five miles of the County in which he or she, or his or her spouse or children, has an ownership or other financial interest;

(b) List the name of any partnership, unincorporated association, or other unincorporated business, of which he or she, or his or her spouse, is a member, officer or employee, or in which he or she, or his or her spouse, has a proprietary interest, and his or her position, and his or her spouse's position, if any, with the partnership, association, or business;

(c) List the name of any corporation of which he or she, or his or her spouse, is an officer, director, or employee, or of which he or she, or his or her spouse, legally or beneficially owns or controls more than five percent of the outstanding stock, and his or her position, and his or her spouse's position, if any, with the corporation; and

(d) List the name and description of any self-employment from which he or she, or his or her spouse, has derived, during the previous calendar year, gross income in excess of two thousand dollars.

(e) List each source of gifts, excluding campaign contributions, in excess of \$1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or child from the same donor, excluding gifts from a relative. Include the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item (f) herein. Indicate the value and nature of each such gift.

(f) Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures and expenditures in connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by non-governmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or fact-finding events. The term "reimbursements" does not

include gifts reported under item (e) herein.

5. If a reporting officer, employee or appointed official is not able, after reasonable efforts, to obtain some or all of the information required by paragraph four of this section which relates to his or her spouse or household member, he or she shall so state, as part of the annual disclosure statement.

6. If a reporting officer, employee or appointed official practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, his or her annual disclosure statement shall include a general description of the principal subject areas of matter undertaken by such officer, employee or appointed official in his or her licensed practice. If such officer, employee or appointed official practices with a partnership, unincorporated association or corporation and is a partner or shareholder of the firm or corporation his or her annual disclosure statement shall include a general description of the principal subject areas of matters undertaken by such firm or corporation. The disclosure required by this section shall not include the names of individual clients, customers or patients.

(B) Level II Officers, Employees and Appointed Officials:

1. Name _____

(a) Title of Position _____

(b) Department, Agency or other Government Entity _____

(c) Address of Present Office _____

(d) Office Telephone Number _____

2. Please verify the following statement:

I have received and read a copy of the Local Law No. __ of 1990 of the County of Onondaga establishing a Code of Ethics, creating a Board of Ethics, and requiring financial disclosure. As defined under that law, I know of no conflict which exists concerning my position with the County except for _____

As my circumstances change, I will duly notify the Board of Ethics for the County of Onondaga forthwith.

Name

Sworn to before me

this ___ day of _____.

Notary Public

ARTICLE IX. FILING

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

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

2. Any person required to file such statement who becomes so required after May fifteenth of any year shall file such statement within thirty days of becoming so required.

3. Any person who is subject to the reporting requirements of this chapter 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 but 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, which 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, provided that 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 law respecting annual statements of financial disclosure as if such supplementary statement were an annual statement.

4. 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.

5. No annual statements of financial disclosure, or the information contained therein, shall be made public or disclosed unless such is required by the Freedom of Information Law (Public Officers Law Article 6) or made necessary or permitted by the provisions of this Local Law; and whenever a request for access to the annual financial statement of a person required to file such statement as provided herein is received, such covered person shall be notified of the request within forty-eight (48) hours of the receipt of the request.

ARTICLE X. PENALTIES

In addition to any penalty contained in any other provision of law, any reporting officer, employee or appointed official who is required to complete and submit an annual statement and who knowingly and willfully fails to do so or who knowingly and willfully with intent to deceive makes a false statement or gives information on such statement which such individual knows to be false may be assessed a civil penalty in an amount not to exceed one thousand dollars and/or may be subjected to disciplinary action as otherwise provided by law. Assessment of a civil penalty hereunder shall be made by the Board of Ethics, subject to approval by the Onondaga County Legislature. Assessment of a civil penalty shall be subject to review at the instance of the affected individual in a proceeding commenced pursuant to article seventy-eight of the Civil Practice Law and Rules.

ARTICLE XI. REPEAL OF LOCAL LAW 6-1970

Local Law 6 of 1970 is hereby repealed and the Board of Ethics established therein is dissolved.

ARTICLE XII. SEVERABILITY

If any section, subdivision, clause, item or other part of this local law, 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 local law. Such remaining parts shall continue in full force and effect.

ARTICLE XIII. ENABLING LEGISLATION

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

ARTICLE XIV. EFFECTIVE DATE

This Local Law shall take effect immediately subject to the provisions of the Municipal Home Rule Law, except that the Financial Disclosure provisions shall not take effect until December 30, 1990. The first annual statements of financial disclosure shall relate to

calendar year 1990 and submission of such statements shall not be required until May 15, 1991.

ADOPTED. Ayes: 23 Noes: 0 Absent: 1 (Dunham)

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LOCAL LAW NO. 14, 1990

A LOCAL LAW AUTHORIZING THE LEASE OF PROPERTY FOR A TERM IN EXCESS OF FIVE YEARS FOR JUDICIAL OFFICES FOR THE HONORABLE THOMAS J. LOWERY, JR., ASSOCIATE JUSTICE OF THE SUPREME COURT, APPELLATE DIVISION, FOURTH JUDICIAL DEPARTMENT

BE IT ENACTED BY THE ONONDAGA COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA, NEW YORK, AS FOLLOWS:

Section 1. New York State Governor Mario M. Cuomo has appointed the Honorable Thomas J. Lowery, Jr. as an Associate Justice for the New York State Supreme Court, Appellate Division, Fourth Judicial Department.

Section 2. New York State law requires that Onondaga County, as the County of said Justice's residence, be responsible for certain expenses incurred for said Justice, including the expense of office space rental.

Section 3. The County Executive of Onondaga County is hereby authorized to lease approximately two thousand two hundred fifteen (2,215) square feet of office space for said Justice on the second floor of Building No. 314 at the Trolley Crossing Office Park in Manlius, New York for a term of ten (10) years with an optional renewal for an additional period of five (5) years.

Section 4. The base rental payments shall be thirty-three thousand two hundred twenty-five and 00/100 dollars (\$33,225.00) for the initial year with an annual escalation at the rate of two percent (2%) per lease year throughout the remaining term of the lease. The basic rent shall include utilities and one day per week janitorial services.

Section 5. Enhancements to the interior shall be made at a cost not to exceed thirteen thousand dollars (\$13,000). One-half of said cost shall be paid at the time of occupancy and one-half of said cost shall be paid on June 1, 1991.

Section 6. This Local Law supersedes New York State County Law Section 215(3).

Section 7. This Local Law shall become effective upon compliance with Sections 20, 21 and 27 of the Municipal Home Rule Law.

ADOPTED. Ayes: 16 (Colon, Meyer, Mitchell, Salanger, Lipe, Hayes, Walsh, Goike, Laguzza, Ryan, Rice, Roberts, Campolietta, Stanczyk, Mingolelli, Mr. Chairman) Noes: 6 (Kraft, St. Hilaire, Haley, Baker, Jones, Auffhammer) Absent: 2 (Pickard, Dunham)

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There being no further business to come before the County Legislature, Legislator Lipe moved to recess until Monday, June 18, 1990, at 9:30 a.m.

Respectfully submitted,
NANCY J. SKAHEN, Clerk
Onondaga County Legislature

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JUNE SESSION
MINUTES
(Second Day)

June 18, 1990

The County Legislature of Onondaga

County re-convened the June 4, 1990 session at 9:00 a.m. on the above date.

The Clerk called the roll and the following legislators were present: Mr. Lipe, Mr. Rice, Acting Chairman Haley.

Mr. Lipe made a motion to recess until June 19th at 1:30 p.m. There was no objection.

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