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County of Lewis

Local Law No. 5 of the Year 2005

A Local Law entitled "**THE LEWIS COUNTY ETHICS LAW.**"
(Insert Title)

Be it enacted by the Lewis County Board of Legislators of the County of Lewis, as follows:

SECTION 1. TITLE.

This local law shall be known and may be cited as the "Lewis County Ethics Law".

SECTION 2. LEGISLATIVE FINDINGS.

The Board of Legislators finds that the vast majority of municipal officials serve their constituents honestly and zealously. Municipal officials must also recognize that in a democratic society, even the appearance of impropriety may significantly undermine the public's confidence in the officials who serve them.

The Board further finds that an effective ethics law for municipal officials should improve both the perception and the reality of integrity in local government and should also encourage, not discourage, citizens from participating in that government. This local ethics law seeks to fulfill those goals.

SECTION 3. PURPOSE.

The purposes of this local law are:

- (a) To establish high standards of ethical conduct for officers and employees of Lewis County;
- (b) To afford officers and employees of the County clear guidance on such standards;
- (c) To promote public confidence in the integrity of the governance and administration of the County and its agencies and administrative offices;
- (d) By requiring public disclosure of financial interests that may influence or be perceived to influence the actions of elected officials, to facilitate consideration of potential ethical problems before they arise, minimize unwarranted suspicion, and

- enhance the accountability of government to the people; and
- (e) To provide for the fair and effective administration of this local law.

SECTION 4. AUTHORITY.

-----This local law is enacted pursuant to section 806 of the General Municipal Law of the State of New York and section 10 of the Municipal Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law. This local law also supplements other provisions of law regulating ethics in local government, such as section 107 of the Civil Service Law of the State of New York.

SECTION 5. SUPERSESION OF GENERAL MUNICIPAL LAW §808; REPEAL OF EXISTING COUNTY CODE OF ETHICS.

1. To the extent this local law is inconsistent with the provisions of section 808 of the General Municipal Law, this local law shall supersede those provisions.
2. The Lewis County Code of Ethics found at Local Law No. 3 - 1970 is hereby repealed in its entirety being rendered obsolete by this Local Law.

SECTION 6. ADOPTION OF ETHICS LAW.

The Board of Legislators hereby enacts the following as the “Lewis County Ethics Law:”

ETHICS LAW

PART A: SUBSTANTIVE PROVISIONS

- § 100. Definitions.**
- § 101. Code of Ethics for County Officers and Employees.**
- § 102. Transactional Disclosure.**
- § 103. Exclusions from the Code of Ethics and from Transactional Disclosure.**
- § 104. Interests in Contracts with the County.**
- § 105. Appearances by Outside Employers and Businesses of County Officers and Employees.**
- § 106. Annual Disclosure.**
- § 107. Applicant Disclosure.**
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PART B: ADMINISTRATIVE PROVISIONS

- § 201. Ethics Board: Establishment; Qualifications of Members; Appointment of Members; Term of Office.**
- § 202. Ethics Board: Vacancies.**
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- § 204. Ethics Board: Meetings.**
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- § 209. Investigations; Hearings.**
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PART A: SUBSTANTIVE PROVISIONS

§ 100. Definitions.

Unless otherwise stated or unless the context otherwise requires, when used in this local law:

1. "Appear" and "appear before" mean communicating in any form, including, without limitation, personally, through another person, by letter, or by telephone.
2. "Confidential Information" means information acquired through written, verbal or electronic means, by a County officer or employee in the course of their official duties, which is not otherwise available to the public and which pertains to:
 - (a) Matters which will imperil the public safety if disclosed;
 - (b) Any matter which may disclose the identity of a law enforcement agent or informer;
 - (c) Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - (d) Discussions regarding proposed, pending or current litigation;
 - (e) Discussions regarding legal advice or strategy;

- (f) Discussions regarding negotiations with any collective bargaining unit pursuant to article fourteen of the civil service law;
 - (g) The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
 - (h) The preparation, grading or administration of examinations; and
 - (i) The proposed acquisition, sale or lease of real property or the proposed acquisition, sale or exchange of securities or any other investment held or to be held by the County.
3. "Customer or client" means (a) any person to whom a County officer or employee has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than \$1,000 or (b) any person to whom a County officer's or employee's outside employer or business has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than \$1,000 but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.
4. "Ethics Board" means the Ethics Board of the County of Lewis established pursuant to this local law.
5. "Gift" and "financial benefit" shall include any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, or any promise thereof, or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.
6. "Ministerial act" means an action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.
7. "County" means the County of Lewis but shall not include the County court.
8. "County officer or employee" means any officer, whether elected or appointed, or employee of the County, whether paid or unpaid, and includes, without limitation, all members of any board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the County. "County officer or employee" shall not include:
- (a) A judge, justice, officer, or employee of the unified court system;

- (b) A volunteer fire fighter or civil defense volunteer, except a fire chief or assistant fire chief; or
- (c) A member of an advisory board of the County if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the County or to restrict the authority of the County to act. No entity established pursuant to the General Municipal Law of the State of New York shall be deemed an advisory board for purposes of this paragraph.

9. "Outside employer or business" means:

- (a) Any activity, other than service to the County, from which the County officer or employee receives compensation for services rendered or goods sold or produced;
- (b) Any entity, other than the County, of which the County officer or employee is a member, officer, director, or employee and from which he or she receives compensation for services rendered or goods sold or produced; or
- (c) Any entity in which the County officer or employee has an ownership interest, except a corporation of which the County officer or employee owns less than five percent of the outstanding stock.

For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

- 10. "Person" shall include individuals, entities, partnerships, associations whether incorporated or unincorporated, corporations, and organizations of whatsoever nature or form.
- 11. "Relative" means a spouse, child, step-child, brother, sister, or parent of the County officer or employee, or a person claimed as a dependent on the County officer's or employee's latest individual state income tax return.
- 12. "Subordinate" of a County officer or employee shall mean another County officer or employee over whose activities he or she has direction, supervision, or control, except those who serve in positions that are in the exempt classification under section 41 of the Civil Service Law of the State of New York or in the unclassified service under subdivisions (a) through (f) of section 35 of that law.

§ 101. Code of Ethics for County Officers and Employees.

1. General prohibition.

A County officer or employee shall not use his or her official position or office, or take or

fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit for any of the following persons:

- (a) the County officer or employee;
- (b) his or her outside employer or business;
- (c) a member of his or her household;
- (d) a relative; or
- (e) a person from whom the officer or employee has received election campaign contributions of more than \$1000 in the aggregate during the past twelve months.

2. Recusal.

A County officer or employee shall promptly recuse himself or herself from acting on a matter before the County when acting on the matter, or failing to act on the matter, may financially benefit any of the persons listed in subdivision 1 of this section.

3. Gifts.

A County officer or employee shall not solicit anything of value from any person who has received or sought a financial benefit from the County, nor accept anything of value from any person who the County officer or employee knows or has reason to know has received or sought a financial benefit from the County within the previous twenty-four months.

4. Representation.

A County officer or employee shall not represent any other person in any matter that person has before the County nor represent any other person in any matter against the interests of the County except where such representation is fully disclosed and the County officer or employee is subject to a professional code of ethics and such representation may be authorized under such professional code of ethics.

5. Appearances.

A County officer or employee shall not appear before any agency of the County except on his or her own behalf or on behalf of the County.

6. Confidential information.

County officers and employees and former County officers and employees shall not disclose any confidential information or use it to further their personal or financial interests.

7. Political solicitation.

A County officer or employee shall not knowingly request or knowingly authorize anyone else to request any subordinate of the officer or employee to participate in an election campaign or

contribute to a political committee.

8. Revolving door.

A County officer or employee shall not appear or practice before the County, except on his or her own behalf, or receive compensation for working on any matter before the County, for a period of one year after the termination of his or her County service or employment; however, the bar shall be permanent as to particular matters on which the County officer or employee personally worked while in County service.

9. Avoidance of conflicts.

County officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would place them in violation of this Code of Ethics.

10. Inducement of others.

A County officer or employee shall not induce or aid another officer or employee of the County to violate any of the provisions of this Code of Ethics.

§ 102. Transactional Disclosure.

1. Whenever a County officer or employee is required to recuse himself or herself under the Code of Ethics set forth in section 101 of this local law, he or she
 - (i) shall immediately refrain from participating further in the matter;
 - (ii) shall promptly inform his or her superior, if any; and
 - (iii) shall promptly file with the Clerk of the Board of Legislators a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of the board.
2. An officer or employee shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed with the governing body of the County a disclosure statement complying with requirements of section 104 of this local law.

§ 103. Exclusions from the Code of Ethics and from Transactional Disclosure.

The provisions of sections 101 and 102 of this local law shall not prohibit, or require recusal or transactional disclosure as a result of:

1. An action specifically authorized by statute, rule, or regulation of the state of New York or of the United States.

2. A ministerial act.
3. Gifts:
 - (a) Received by the County officer or employee from his or her parent, spouse, or child; or
 - (b) Having an aggregate value of \$75 or less during any twelve-month period; or
 - (c) Accepted on behalf of the County and transferred to the County.
4. Gifts or benefits having a value of \$50 or less that are received by a County officer or employee listed in section 11 of the Domestic Relations Law of the State of New York for the solemnization of a marriage by that officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.
5. Awards from charitable organizations.
6. Receipt of County services or benefits, or use of County facilities, that are generally available on the same terms and conditions to residents or a class of residents in the County.
7. Representation of constituents by elected officials without compensation in matters of public advocacy.
8. County officers or employees appearing or practicing before the County or receiving compensation for working on a matter before the County after termination of their County service or employment where they performed only ministerial acts while working for the County.

§ 104. Interests in Contracts with the County.

1. Prohibited interests.

No County officer or employee shall have an interest in a contract with the County, or an interest in a bank or trust company, that is prohibited by section 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the County in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by section 804 of that law.

2. Discloseable interests.

Any County officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the County shall publicly disclose the nature and extent of that interest in accordance with section 803 of the General Municipal Law. The Clerk of the Board of Legislators shall cause a copy of that disclosure to be filed promptly with the Ethics Board.

3. Violations.

Any County officer or employee who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by section 805 of the General Municipal Law.

§ 105. Appearances by Outside Employers and Businesses of County Officers and Employees.

1. Except as provided in subdivision 3 of this section, the outside employer or business of a County officer or employee shall not appear before the particular agency in which the County officer or employee serves or by which he or she is employed.
2. Except as provided in subdivision 3 of this section, the outside employer or business of a County officer or employee shall not appear before any other County agency if the County officer or employee has the authority to appoint any officer, employee, or member of the agency or to review, approve, audit, or authorize any budget, bill, payment, or claim of the agency.
3. Nothing in this section shall be construed to prohibit the outside employer or business of a County officer or employee from:
 - (a) Appearing on its own behalf, or on behalf of the County, before a County agency;
 - (b) Seeking or obtaining a ministerial act; or
 - (c) Receiving a County service or benefit, or using a County facility, which is generally available to the public.

§106. Annual Disclosure.

1. Officers and employees who are required to file.

The following classes of officers and employees shall file a financial disclosure statement with the Clerk of the Board of Legislators, upon forms approved by the Board of Legislators, within 30 days after the effective date of this Local Law and on or before January 30 each year thereafter:

- (a) Elected officials;
- (b) Department heads and those authorized to act on their behalf (e.g., first deputies);
- (c) Officers and employees who hold policymaking positions, including members of municipal boards;
- (d) Officials whose job descriptions or whose actual duties involve the negotiation, authorization, or approval of:
 - (i) Contracts, leases, franchises, concessions, variances, special permits, or licenses;
 - (ii) The purchase, sale, rental, or lease of real property, personal property, or

- services, or a contract therefor;
- (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.

2. Contents of annual disclosure statement.

The annual disclosure statement shall disclose a description of any personal or financial interest which the individual knows or has reason to believe would create a conflict of interest in the performance of his or her official duties.

3. Place for filing.

All disclosure statements shall be filed, and maintained in the office of the Clerk of the Board of Legislators.

4. Changes in disclosed information.

In the event there is a change in the information contained in his or her most recently filed annual disclosure statement, an officer or employee shall file a signed amendment to the statement indicating the change within thirty (30) days thereof.

§ 107. Applicant Disclosure.

1. Whenever a person makes a request to a County agency or department or to a County officer or employee to take or refrain from taking any action (other than a ministerial act) and knows or has reason to know that such request may result in a financial benefit both to the requestor and to any officer or employee of the County or one of the other persons listed in subdivision 1 of Section 101 of this local law, the requestor shall disclose the names of any such persons.
2. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in a writing filed with the Clerk of the Board of Legislators.

§ 108. Void Contracts.

Any contract or agreement entered into by or with the County which results in or arises from a violation of any provision of sections 101, 102, or 104 of this local law shall be void unless ratified by the Board of Legislators. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this local law or any other provision of law.

§ 109. Penalties.

In addition to any other penalty provided under this local law or the General Municipal Law, a violation of this local law may result in the imposition of the following penalties.

1. Disciplinary action.

Any County officer or employee who engages in any action that violates any provision of this local law may be subject to sanction as authorized by law or collective bargaining agreement, which may include, without limitation, warning, reprimand, suspension with or without pay, or removal from office or employment. Such sanctions may be imposed only by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this local law or in any other provision of law.

2. Damages.

Any person, whether or not a County officer or employee, who violates any provision of this local law shall be liable in damages to the County for any losses or increased costs incurred by the County as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this local law, other than a civil penalty pursuant to subdivision 3 of this section.

3. Civil penalty.

Any person, whether or not a County officer or employee, who intentionally or knowingly violates any provision of this local law may be subject to a civil penalty to the County of up to three times the value of any financial benefit the person received as a result of the conduct that constituted the violation. A civil penalty may be imposed in addition to any other penalty contained in any other provision of law or in this local law, other than damages pursuant to subdivision 2 of this section. Civil penalty shall not be available for a violation of section 104 of this local law.

4. Misdemeanor.

Any person, whether or not a County officer or employee, who intentionally or knowingly violates any provision of this local law shall also be guilty of a class A misdemeanor. This subdivision shall not apply to a violation of section 104 of this local law.

§ 110. Debarment.

1. Any person, whether or not a County officer or employee, who intentionally or knowingly violates any provision of this local law shall be prohibited from entering into any contract with the County for a period not to exceed three years, as provided in subdivision 5 of section 210 of this local law. Debarment may not be imposed for a violation of section 104 of this local law.

2. No person, whether or not a County officer or employee, shall enter into a contract in violation of a bar imposed pursuant to subdivision 1 of this section.
3. Nothing in this section shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, which is generally available to the public.
4. Under this section, a corporation, partnership, or other entity shall not be held vicariously liable for the actions of an employee. A corporation, partnership, or other entity shall not be debarred because of the actions of an employee unless the employee acted in the execution of company policy or custom. A store, region, division, or other unit of an entity shall not be debarred because of the actions of an employee of that unit unless the employee acted at the direction, or with the actual knowledge or approval, of the manager of the unit.

§ 111. Injunctive Relief.

1. Any resident, officer, or employee of the County may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin an officer or employee of the County from violating this local law or to compel an officer or employee of the County to comply with the provisions of this local law. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.
2. No action or special proceeding shall be prosecuted or maintained pursuant to subdivision 1 of this section, unless (a) the plaintiff or petitioner shall have filed with the Ethics Board a sworn complaint alleging the violation by the officer or employee, (b) it shall appear by and as an allegation in the complaint or petition filed with the court that at least six months have elapsed since the filing of the complaint with the Ethics Board and that the Ethics Board has failed to file a determination in the matter, and (c) the action or special proceeding shall be commenced within ten months after the alleged violation occurred.

PART B: ADMINISTRATIVE PROVISIONS

§ 201. Ethics Board: Establishment; Qualifications of Members; Appointment of Members; Term of Office.

1. There is hereby established an Ethics Board consisting of three (3) members, each of whom shall be a County resident as of the date of his or her appointment.
2. No more than one member of the Ethics Board may be an appointed officer or employee of the County. Of the total membership of the Board, no two members shall be registered in the same political party.

3. No Ethics Board member shall hold office in a political party or be employed or act as a lobbyist or hold elective office in the County. An Ethics Board member may make campaign contributions but may not participate in any election campaign.
4. Each member of the Ethics Board shall, within fifteen (15) days of the date of his or her appointment, file with the Clerk of the Board of Legislators a financial disclosure statement as described in Section 106. No Ethics Board member shall have any "interest" [as that term is defined by Section 801 of the General Municipal Law] in any contract or transaction with the County.
5. Within thirty (30) days after the effective date of this local law, and no later than December 31 each year thereafter, the Chair of the Board of Legislators, with the advice and consent of the Board of Legislators shall appoint the members of the Ethics Board.
6. The term of office of Ethics Board members shall be three years and shall run from January 1 through December 31, except that of the members first appointed one member shall serve until December 31 of the year in which the Board is established, one shall serve until the second December 31, and one shall serve until the third December 31.
7. No member of the Ethics Board shall serve more than two terms consecutively.
8. An Ethics Board member shall serve until his or her successor has been appointed.
9. The members of the Ethics Board shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

§ 202. Ethics Board: Vacancies.

When a vacancy occurs in the membership of the Ethics Board, the vacancy shall be filled within thirty (30) days for the unexpired portion of the term in the same manner as the original appointment. Any person appointed to fill a vacancy on the Ethics Board shall meet the qualifications set forth in section 203 of this local law.

§ 203. Ethics Board: Removal of Members.

An Ethics Board member may be removed from office in the same manner in which he or she was appointed, after written notice and opportunity for reply. Grounds for removal shall be failure to meet the qualifications set forth in section 203 of this local law, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this local law.

§ 204. Ethics Board: Meetings.

At its first meeting each year, the Ethics Board shall elect a chair from among its members. A majority of the Board (quorum) shall be required to conduct a meeting. A meeting shall be required for the Board to take any action. The chair or a majority of the Board may call a meeting of the Board.

§ 205. Ethics Board: Jurisdiction, Powers, and Duties.

1. The Ethics Board may act only with respect to elected officials, officers and employees of the County as well as such persons who engage in transactions with the County. Provided however, that upon the written request of the governing board of any town or village within the County, the Ethics Board may provide advisory opinions regarding any transaction or activity involving any officer or employee of such town or village and the applicability of Article 18 of the General Municipal Law of the State of New York.
2. The termination of an officer's or employee's term of office or employment with the County shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed upon him or her by this local law.
3. The Ethics Board shall have the following powers and duties:
 - (a) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this local law;
 - (b) To receive, review, index, and maintain on file at the office of the Clerk of the Board of Legislators, disclosure statements filed pursuant to Section 208;
 - (c) To receive, review, index and maintain on file at the Clerk of the Board of Legislators sworn complaints of alleged violations filed pursuant to Section 209;
 - (d) To investigate, conduct hearings, and make recommendations to the Board of Legislators as the Board of Ethics may deem appropriate pursuant to section 210;
 - (e) To grant waivers pursuant to section 211;
 - (f) To render, index, and maintain on file advisory opinions pursuant to section 212;
 - (g) To provide for public inspection of certain records pursuant to section 216; and

- (h) To prepare an annual report and recommend changes to this local law pursuant to section 215.
4. The Ethics Board shall rely upon the County Attorney for legal advice, unless the County Attorney advises that there is a conflict of interest requiring outside counsel. In such event, the Ethics Board shall make a written request of the Board of Legislators who shall authorize the Ethics Board to engage outside legal counsel.

§ 206. Maintenance of Disclosure Statements.

The Clerk of the Board of Legislators shall index and maintain on file for use by the Ethics Board each disclosure statement filed pursuant to sections 102, 106, and 107 of this local law. Such files shall be maintained for at least seven years.

§ 207. Designation of Officers and Employees Required to File Annual Disclosure Statements.

Within 90 days after the effective date of this local law, and on or before February 1st of each year thereafter, the Chair the Board of Legislators of the County, shall:

1. Cause to be filed with the Ethics Board a list of the names and offices or positions of all County officers and employees required to file annual disclosure statements pursuant to section 106 of this local law; and
2. Notify all such officers and employees of their obligation to file an annual disclosure statement.

§ 208. Review of Lists and Disclosure Statements.

1. The Ethics Board shall review:
 - (a) The list of officers and employees who are required to file an annual disclosure statement, prepared pursuant to section 201 of this local law, to determine whether the list is complete and accurate. In the event that the Ethics Board determines that an officer or employee should be added to the list of officers and employees required to file annual disclosure statements pursuant to section 107, the Board shall recommend to the officer's or employee's department head or legislative committee, as appropriate, that such officer or employee should be added to the list and the reasons therefor.
 - (b) 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 local law.

- (c) All transactional disclosure statements.
- 2. If the Ethics Board determines that an annual disclosure statement or a transactional disclosure statement is deficient or reveals a potential violation of this local law, the Ethics Board shall notify the person in writing of the deficiency or potential violation and of the penalties for failure to comply with this local law. A copy of such notice shall be provided to the County Manager and County Attorney.

§ 209. Investigations; Hearings.

- 1. Upon receipt of a sworn complaint by any person alleging a violation of this local law, or upon determining on its own initiative that a violation of this local law may exist, the Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this local law. In conducting any such investigation, the Ethics Board may hold hearings, administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records which it may deem relevant and material.
- 2. The Ethics Board 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 statements and all sworn complaints shall be indexed and maintained on file by the Board with the Clerk of the Board of Legislators.
- 3. Any person filing a sworn complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.
- 4. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Board or any of its members or staff has violated any provision of this local law, or any other law, the Board shall promptly transmit to the Board of Legislators a copy of the complaint.
- 5. Any person who knowingly files a false complaint shall be subject to the same sanctions and penalties under this local law as are prescribed for violations hereof.

§ 210. Recommended actions.

1. Recommended actions.

Upon completion of its investigation(s), the Ethics Board shall make such decisions, findings and recommendations as it deems necessary to the Board of Legislators. The Board of Legislators shall act upon such written decisions, findings and recommendations in any fashion as it deems appropriate which may include, without limitation, implementing employee discipline, initiating civil action, seeking injunctive relief and/or in the appropriate case, referring the matter to the appropriate prosecutor for possible criminal violations of this local law. Nothing contained in this local law shall

be construed to restrict the authority of any prosecutor to prosecute any violation of this local law or of any other law.

2. Proceedings involving officers or employees of the County.

In any proceeding under this local law that involves allegations that an officer or employee of the County violated the terms hereof, the Ethics Board may recommend to the Board of Legislators that appropriate disciplinary action be taken pursuant to subdivision 1 of section 109 of this local law. Provided however, that no such action shall be taken by the Board of Legislators except after notice and a hearing, and subject to Article 75 of the Civil Service Law and any applicable collective bargaining agreements.

3. Limit on Board Investigations.

Nothing in this section shall be construed to permit the Ethics Board to take any action with respect to any alleged violation of this local law, or of any other law, by the Ethics Board or by any member or staff member thereof. Any such investigations involving allegations against the Ethics Board, or by any member or staff member thereof shall be handled by the County Attorney who shall forward any findings thereon to the Board of Legislators.

4. Remedies Non-exclusive.

Nothing in this local law shall be construed to limit the Board of Legislators in the pursuit of any legal or equitable remedy that is available to enforce the terms of this local law or any other applicable law, rule or regulation.

§ 211. Waivers.

1. Upon written application and upon a showing of compelling need by the applicant, the Ethics Board may in exceptional circumstances grant the applicant a waiver of any of the provisions of subdivisions 1 through 9 of section 101, paragraph (i) of subdivision 1 of section 102, section 106, section 107, or section 108 of this local law, provided, however, that no such waiver shall permit conduct otherwise prohibited by Article 18 of the General Municipal Law of the State of New York.
2. Waivers shall be in writing and shall state the grounds upon which they are granted. Within 10 days after granting a waiver, the Ethics Board shall publish a notice setting forth the name of the person requesting the waiver and a general description of the nature of the waiver in the official newspaper designated by the County for the publication of local laws, notices, and other matters required by law to be published. All applications, decisions, and other records and proceedings relating to waivers shall be indexed and maintained on file by the Ethics Board.

§ 212. Advisory Opinions.

1. Upon the written request of any County officer or employee, the Ethics Board may render a written advisory opinion with respect to the interpretation or application of this local law or of Article 18 of the General Municipal Law of the State of New York. Any other person may similarly request an advisory opinion but only with respect to whether his or her own action might violate a provision of this local law or Article 18.
2. Upon the written request of the governing board of any town or village within Lewis County, the Ethics Board may render a written advisory opinion with respect to any transaction or activity involving any officer or employee of such town or village and the application of Article 18 of the General Municipal Law of the State of New York.
3. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board.
4. Any person aggrieved by an advisory opinion of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.
5. Any person who has submitted to the Ethics Board a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Ethics Board to issue the advisory opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with section 3001 of the Civil Practice Law and Rules determining the question posed in the request for the advisory opinion. No action or special proceeding shall be prosecuted or maintained pursuant to this subdivision unless (a) it shall appear by and as an allegation in the petition or complaint that at least six months have elapsed since the filing of the request and that the Ethics Board has failed to file any determination in the matter and (b) the action or special proceeding shall be commenced within ten months after the submission of the request for the advisory opinion.

§ 213. Judicial Review.

Any person aggrieved by a decision of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 214. Annual Reports; Review of Ethics Laws.

1. The Ethics Board shall prepare and submit an annual report to the Chair and the Board of Legislators on or before December 15th summarizing the activities of the Board. The report may also recommend changes to the text or administration of this

local law. A copy of the report shall be maintained by the Clerk of the Board of Legislators.

2. The Ethics Board shall periodically review this local law and the Board's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in County government and whether they set forth clear and enforceable, common sense standards of conduct.

§ 215. Public Inspection of Records; Public Access to Meetings.

1. The only records of the Ethics Board which shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law of the State of New York or by some other State or Federal law or regulation.
2. No meeting or proceeding of the Ethics Board concerning misconduct, non-feasance, or neglect in office by a County officer or employee shall be open to the public, except upon the request of the officer or employee or as required by the provisions of Article 7 of the Public Officers Law or by some other State or Federal law or regulation.

§ 216. Miscellaneous provisions.

1. No existing right or remedy shall be lost, impaired, or affected by reason of this local law.
2. Nothing in this local law shall be deemed to bar or prevent a present or former County officer or employee from timely filing any claim, account, demand, or suit against the County on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.
3. If any provision of this local law 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 this local law.

§ 217. Distribution and posting.

1. Within 30 days after the effective date of this local law, the Chair of the Board of Legislators, shall cause a summary of the Code of Ethics and disclosure requirements set forth herein to be distributed to the officers and employees of the County. Thereafter, a copy of such summary shall be provided to each new officer or employee within ten (10) days of employment or assuming office as the case may be.
2. Within 30 days after the effective date of this local law, the Chair of the Board of Legislators, shall cause a summary of the Code of Ethics and disclosure requirements set forth herein to be posted conspicuously in every public building under the jurisdiction of the County.

3. Failure of the County to comply with the distribution or posting of the Ethics Law in accordance with the provisions of this section or failure of any County officer or employee to receive a copy of the provisions of this local law shall have no effect on the duty of compliance with this local law or on the enforcement of its provisions.

SECTION 7. EFFECTIVE DATE .

This local law shall take effect immediately upon filing in the office of the Secretary of State and in compliance with all applicable provisions of law.

(Complete the Certification in the Paragraph that applies to the filing of this Local Law and strike out that which is not applicable).

1. (Final Adoption by Local Legislative Body Only.)

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 5 of 2005, of the County of Lewis was duly passed by the Lewis County Board of Legislators on August 2, 2005, in accordance with the applicable provisions of law.

~~**2. (Passage by Local Legislative Body with Approval, No Disapproval or Repassage After Disapproval by the Elective Chief Executive Officer*).**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 19____, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 19____, and was approved, not disapproved, repassed after disapproval, by the _____, and was deemed duly adopted on _____, 19____, in accordance with the applicable provisions of law.~~

~~**3. (Final Adoption by Referendum.)**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 19____, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 19____, and was approved, not disapproved, repassed after disapproval, by the _____ on _____, 19____. Such Local Law was submitted to the people by reason of a mandatory/permissive referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general/special/annual election held on _____, 19____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to a Permissive Referendum and Final Adoption Because No Valid Petition was Filed Requesting Referendum.)**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of _____, of the County of Lewis was duly passed by the Lewis County Board of Legislators on _____. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto Local Laws or Ordinances.

5. (City Local Law Concerning Charter Revision Proposed by Petition.)

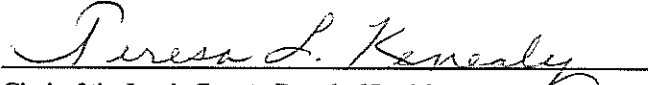
_____ Hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 19__, of the City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special/general election held on _____, 19__, became operative.

6. (County Local Law Concerning Adoption of Charter.)

_____ Hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 19__, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 19__, pursuant to the subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election; became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification).

I further certify that I have compared the preceding Local Law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original Local Law, and was finally adopted in the manner indicated in Paragraph 1, above.


Clerk of the Lewis County Board of Legislature
Clerk or officer designated by local legislative body
TERESA L. KENEALY, CLERK

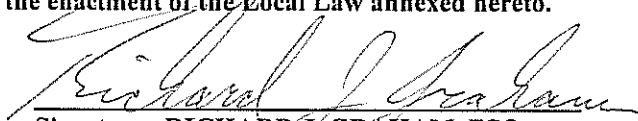
(Seal)

Date: August 10, 2005.

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)
COUNTY OF LEWIS) ss:

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.


Signature - RICHARD J. GRAHAM, ESQ.
LEWIS COUNTY ATTORNEY
County of Lewis
Date: August 9, 2005.