

Local Law Filing

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County City Town Village
(Select one.)

of Cayuga

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STATE RECORDS
JUN 30 2021

DEPARTMENT OF STATE

Local Law No. 5 of the year 2021

A local law establishing the Cayuga County Ethics Code and Board of Ethics for the County of
(Insert Title)
Cayuga

Be it enacted by the Cayuga County Legislature of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Cayuga

as follows:

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

STATE OF NEW YORK
COUNTY OF CAYUGA COUNTY

LOCAL LAW 5 FOR THE YEAR 2021

**A LOCAL LAW ESTABLISHING THE CAYUGA COUNTY ETHICS CODE AND BOARD OF
ETHICS FOR THE COUNTY OF CAYUGA.**

BE IT ENACTED by the County Legislature of the County of Cayuga, as follows:

SECTION 1 – TITLE:

This Local Law shall be known and may be cited as the “Cayuga County Ethics Code”.

SECTION 2 – LEGISLATIVE INTENT:

The Legislature of the County of Cayuga finds that the vast majority of County officers and employees serve their constituents honestly and zealously. County officers and employees 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 Legislature further finds that an effective ethics code for County officers and employees 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 code seeks to fulfill those goals.

SECTION 3 – PURPOSE:

The purposes of this Local Law are:

- 1) To establish high standards of ethical conduct for officers and employees of Cayuga County;
- 2) To afford officers and employees of the County clear guidance on such standards;
- 3) To promote public confidence in the integrity of the governance and administration of the County and its agencies and administrative offices;
- 4) To facilitate consideration of potential ethical problems before they arise, minimize unwarranted suspicion, and enhance the accountability of government to the people by requiring a disclosure of financial interests that may influence or be perceived to influence the actions of County officers or employees; and
- 5) To provide for the fair and effective administration of the Ethics Code.

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 – SUPERSCEDING OF GENERAL MUNICIPAL LAW § 808; RESCINDING 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 Cayuga County Code of Ethics and Code of Board found in Resolution 122-18, 249-12, and 70-60 are hereby rescinded in its entirety by this Local Law.

SECTION 6 – ADOPTING OF THE CAYUGA COUNTY ETHICS CODE:

The Cayuga County Legislature hereby enacts the “Cayuga County Ethics Code” as provided in Appendix A.

SECTION 7 – SEVERABILITY CLAUSE:

If any clause, sentence, paragraph, section or part of this Local Law or Ethics Code shall be adjudged by any court of complete jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 8 – ADMINISTRATIVE:

- 1) Within thirty (30) business days of the effective date of this Local Law, the Chair of the Legislature, shall cause a copy of the Cayuga County Ethics Code and disclosure requirements set forth herein to be distributed to every officer and employee of the County. Thereafter, a copy of this Local Law and disclosure requirements shall be provided to each new officer or employee within ten (10) business days of employment or assuming office as the case may be.
 - a) Failure to distribute any such copy or failure to any County officer or employee to receive such copy shall have no effect on the duty of compliance with this Local Law, nor the enforcement of provisions hereof.
- 2) Within thirty (30) business days of the effective date of this Local Law, the Chair of the Legislature, shall cause a summary of the Cayuga County Ethics Code and disclosure requirements set forth herein to be posted conspicuously in every public building under the jurisdiction of the County.
 - a) Failure to so post this Local Law and Ethics Code shall have no effect on the duty of compliance herewith, nor the enforcement of provisions hereof.

SECTION 9 – 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.

CAYUGA COUNTY ETHICS CODE

ARTICLE I – DEFINITIONS:

Unless otherwise specifically indicated, for the purpose of this Ethics Code, specific terms will be defined as stated in Attachment A.

ARTICLE II – STANDARDS OF CONDUCT:

Section 1. General Prohibition.

- a) A County officer or employee shall not use his or her official position or office, to 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:
 - i) The County officer or employee;
 - ii) His or her outside employer or business;
 - iii) A member of his or her household;
 - iv) A relative; or
 - v) A person from whom the officer or employee has received election campaign contributions of more than \$1,000.00 in the aggregate during the past twelve (12) months.

Section 2. Interest in Contracts.

- a) No County officer or employee shall have an interest in any contract with the County of which he/she is an officer or employee when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, 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.
- b) No chief fiscal officer, 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 municipality of which he is an officer or employee.
- c) Any contract willfully entered into by or with the County in which there is an interest prohibited by that section 804-a of the General Municipal law shall be null, void, and wholly unenforceable.

Section 3. Disclosure of interest in legislation.

- a) In accordance with section 803 of the General Municipal Law, any County officer or employee who has, will have, or later acquire an interest in or whose spouse has, will have, or later acquire an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the County in which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the Clerk of the Cayuga County Legislature as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of the Legislature.
- b) Disclosure shall not be required in the case of an interest in a contract described in Section 802(2) of the General Municipal Law.

Section 4. Recusal and Abstention.

- a) No County officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on the matter, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
- b) In the event that this section prohibits a County officer or employee from exercising or performing a power or duty:

- i) The County officer or employee shall file a disclosure statement pursuant to Article III of this Ethics Code; and
- ii) If the power or duty is vested in a County officer or employee as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
- iii) If the power or duty that is vested in a County officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
- iv) If the power or duty is vested in a County employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Section 5. Investments in Conflict with Official Duties.

- a) No County officer or employee may acquire or retain the following investments:
 - i) Investments that can be reasonably expected to require more than sporadic Recusal and Abstention under section 4 of this Code; or
 - ii) Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

Section 6. Private Employment in Conflict with Official Duties.

- a) No County officer or employee, during his or her tenure as a County officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:
 - i) Can be reasonably expected to require more than sporadic recusal and abstention pursuant to Recusal and Abstention of this code;
 - ii) Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a County officer or employee;
 - iii) Violates section 805-a(1)(c) or (d) of the General Municipal Law; or
 - iv) Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Section 7. Future Employment.

- a) For a period of one year after the termination of service or employment with the County, no former officer or employee, on his or her own behalf, or as an employee, agent or representative of another may appear before the Cayuga County Legislature in relation to any action, proceeding, or application in which he/she personally obtained confidential information during the period of his/her service or employment or that was under his/her active consideration. Said one-year prohibition may be waived by the County Legislature for good cause upon written application by such officer or employee.

Section 8. Confidential Information.

- a) No County officer or employee who acquires confidential information in the course of exercising or performing their official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

Section 9. Solicitation, Acceptance, Receipt of Gifts.

- a) No County officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law, as interpreted by this section.
- b) No County officer or employee, for personal use or gain, may directly or indirectly solicit, accept or receive any gift (including cash, checks, gift cards/certificates, or any other item of value), or multiple gifts from the same donor, when:

- i) The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers and duties;
- ii) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers and duties; or
- iii) The gift is intended as a reward for any official action on the part of the officer or employee.

Section 10. Perceived Intent of Gifts.

- a) A gift to a County officer or employee is presumed to be intended to influence the exercise of performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
- b) A gift to a County officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

Section 11. Allowable Gifts.

- a) Section 9 of Article II does not prohibit any other gift, including:
 - i) Gifts made to the municipality;
 - ii) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a County officer or employee, is the primary motivating factor for the gift;
 - iii) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
 - iv) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
 - v) Awards and plaques having a value of seventy-five dollars (\$75.00) or less which are publicly presented in recognition of service as a County officer or employee, or other services to the community; or
 - vi) Meals and refreshments provided when a County officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 12. Appearances.

- a) A County officer or employee shall not appear before the Cayuga County Legislature, except on their own behalf or in their capacity as employee of the County in furtherance of their official duties.

Section 13. Appearances from Outside Employers and Businesses of County Officers and Employees.

- a) Except as provided in 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.
- b) Except as provided in 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.
- c) Nothing in this section shall be construed to prohibit the outside employer or business of a County officer or employee from:
 - i) Appearing on its own behalf, or on behalf of the County, before a County agency;
 - ii) Seeking or obtaining a ministerial act; or

- iii) Receiving a County service or benefit, or using a County facility, which is generally available to the public.

Section 14. Representation.

- a) A County officer or employee shall not represent any person or entity in any matter that person has before the County nor represent any person in any matter against the interest of the County except:
 - i) Legislators within their scope as representatives of their constituents and districts; and
 - ii) Attorney's employed by the County in performing their official duties.

Section 15. Political Solicitation.

- a) No County officer or employee shall directly or indirectly compel or induce a subordinate County officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- b) No County officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any County officer or employee, or an applicant for a position as a County officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

Section 16. Nepotism.

- a) Except as otherwise required by law:
 - i) No County officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
 - ii) No County officer or employee may directly or indirectly supervise a relative in the performance of the relative's official powers or duties unless such supervision is reported and approved by the Department of Human Resources and the appropriate Chair of the Legislative Oversight Committee.

Section 17. Avoidance of conflict.

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

Section 18. Inducement of others.

- a) 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 Ethics Code.

ARTICLE III – DISCLOSURE:

Section 1. Annual Disclosure.

- a) Elected officials, Department Heads, and those authorized to act on their behalf (e.g. deputies) shall file on or before January 30th of each year an annual disclosure statement. This statement shall be submitted to the Cayuga County Attorney's Office in the form prescribed by Attachment B. The County Attorney's Office shall retain the forms on behalf of the Board of Ethics and make them available for inspection as detailed below.
- b) The County Attorney's Office shall confirm filing by all required filers. Request for determination regarding conflicts shall be referred by the County Attorney's Office to the Board of Ethics. If the County Attorney's Office determines that any required filer has not filed a correctly completed disclosure statement the County Attorney's Office shall report this to the appropriate supervisor. If a member of the Cayuga County Legislature has not filed a correctly

completed disclosure statement, the County Attorney's Office shall report this to the Chair of the Legislature or to the Vice Chair if the Chair is in default of filing.

- c) The Cayuga County Legislature may at any time and in their sole discretion determine by resolution to require annual disclosures for certain positions in addition to those listed in this section due to the nature and characteristic of such positions.

Section 2. Applicant Disclosure.

- a) 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 to the requestor, a County officer or employee, or one of the other persons listed in Article II Section (1) of this Ethics Code, the requestor shall disclose the names of any such persons.
- b) 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 County Attorney's Office.

Section 3. Exclusions.

- a) The provisions of Article II and Article III Section (1) of this Ethics Code shall not prohibit, or require recusal or disclosure as a result of:
 - i) An action specifically authorized by statute, rule, or regulation of the state of New York or of the United States;
 - ii) A ministerial act;
 - iii) Gifts as allowed in Article II Section (11) of this Local Law;
 - iv) Awards from charitable organizations;
 - v) 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;
 - vi) Representation of constituents by elected officials without compensation in matters of public advocacy; or
 - vii) 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.

ARTICLE IV – BOARD OF ETHICS:

Section 1. Ethics Board: Establishment; Appointment of Members; Term of Office

- a) There is hereby established a Board of Ethics consisting of five (5) members, each of whom shall reside in the County of Cayuga as of the date of his or her appointment and who shall serve without compensation.
- b) The initial five (5) members to be appointed by the Cayuga County Legislature shall consist of two (2) recommendations made to the Chair by the Majority Leader of the Cayuga County Legislature, two (2) recommendations made to the Chair by the Minority Leader of the Cayuga County Legislature, and one (1) recommendations by the Chair who is not designated to either the Majority or Minority Party.
- c) The term of office for each Ethics Board member shall be five (5) years, running from January 1 through December 31 and the terms shall be staggered, so that one (1) member is appointed/reappointed each year as follows:
 - i) The first appointment to the Board of Ethics shall serve for a term of one (1) year;
 - ii) The second appointment to the Board of Ethics shall serve for a term of two (2) years;

- iii) The third appointment to the Board of Ethics shall serve for a term of three (3) years;
- iv) The fourth appointment to the Board of Ethics shall serve for a term of four (4) years;
- v) The fifth appointment to the Board of Ethics shall serve for a term of five (5) years.
- d) Thereafter each appointment or reappointment shall serve for five (5) years and shall be made according to Article IV, Section 1(a) and 1(b).
- e) The Board of Ethics shall have at least three (3) members who are persons other than a County officer or employee and at least one (1) member who is a County officer or employee.
- f) No more than two (2) members shall be registered in the same political party. No member of the Ethics Board shall hold a position on the executive board or committee of a political party but may be a member of such political party.
- g) Each member of the Ethics Board shall, within fifteen (15) days of the date of his or her appointment, file a disclosure statement as described in Article III and no member of the Board of Ethics shall have any interest in any contract or transaction with the County.
- h) No member of the Ethics Board shall serve more than three (3) full five (5) year terms.
- i) An Ethics Board member shall serve until his or her successor has been appointed.

Section 2. Vacancies.

- a) When a vacancy occurs in the Board of Ethics, the Board shall recommend to the appropriate county Legislator - the majority or minority party leader or the Chair of the County Legislature, depending on the party of the outgoing Board member – a candidate within thirty (30) days to fill the vacancy. The new appointment shall fill any unexpired portion of the outgoing Board member's term.
- b) If the Board does not recommend a replacement for the vacancy within the required time limit, the appropriate county Legislator, depending on the party of the outgoing Board member, shall make the recommendation. Should the Board member be registered as unaffiliated member, the Chair of the Legislature shall recommend a replacement.
- c) Any person recommended and appointed to fill a vacancy on the Board of Ethics shall meet the qualifications set forth in Article IV Section (1) of this Ethics Code.

Section 3. Removal of Members.

- a) An Ethics Board member may be removed from office by a majority vote of the Cayuga County Legislature, after written notice and opportunity for reply. Grounds for removal shall be a Board member no longer being a resident of Cayuga County, failure to meet the qualifications set for in Article IV Section (1) of this Ethics Code, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties, or violation of this Local Law.
- b) An Ethics Board Member must attend at least one (1) scheduled meeting per year, failure to meet this requirement will give cause for removal.

Section 4. Meetings.

- a) The Ethics Board shall meet at least two (2) meeting per year including, but not limited to, an organizational meeting held every January, and at such other times as the Chair or majority of the Ethics Board shall convene them and within thirty (30) days after receipt of a written request.
- b) At each year's organizational meeting, the Ethics Board shall vote to appoint a Chair, Vice-Chair and Secretary for the Board.
- c) A majority of the Ethics Board (quorum) shall be required to conduct any business at a meeting and take any action.
- d) The chair or a majority of the Board may call a meeting of the Board.
- e) Board of Ethics meetings may be conducted in person or virtually. If a member is unable to attend in-person or virtually, that member may attend telephonically and shall be counted towards the quorum.

Section 5. Powers and Duties.

- a) The Board of Ethics shall possess all powers and duties authorized by Section 808 of the General Municipal Law.
- b) The Board of Ethics shall render advisory opinions in writing, upon written request received from any County officer or employee with respect to this Local Law and Article Eighteen of the General Municipal Law of the State of New York. Such opinions shall be rendered only upon written request by the County officers or employees concerning only the subject of inquiry as it pertains to the requesting individual.
 - i) Whenever a request for an advisory opinion is received, the County officer or employee who requested the opinion shall be notified of the request within five (5) business days of the receipt of the request.
- c) The Board of Ethics may provide advisory opinions in writing, upon written request received from a governing board of any town or village within the County regarding this Ethics Code, any County officers or employee's involvement in any transaction or activity with the town or village, or the applicability of Article Eighteen of the General Municipal Law of the State of New York. Such opinions shall be rendered only upon written request.
 - i) Whenever a request for an advisory opinion is received, who requested the opinion shall be notified of the request within five (5) business days of the receipt of the request.
 - ii) The Board of Ethics shall not act with respect to the officers or employees of any municipality located within the County or agency thereof, where such a municipality has established its' own board of ethics.
 - iii) The Board of Ethics shall not render an opinion regarding the content or applicability of any ethics code, policy, or Local Law adopted by the requesting municipality.
- d) The Board of Ethics shall index and maintain on file at the office of the Cayuga County Attorney's Office all requests for advisory opinions or complaints.
- e) The Board of Ethics shall upon written request from any individual receive and review all signed complaints addressing any actual or potential violation of this Ethics Code. All such complaints and allegations are to be kept in confidential records of this Board. Any such complaint must be signed by the individual complainant, and must include his or her address, telephone number, and email address, if available.
 - i) Whenever a signed complaint is received, the individual who signed and filed the complaint shall be notified within five (5) business days of the receipt of the complaint.
 - ii) The Board of Ethics may notify the person who is subject of the complaint at its discretion, depending on the circumstances, giving due consideration to the principles of due process and also maintaining to the extent necessary, the need for confidentiality. Prior to any referral to the Cayuga County Legislature, the subject of the investigation shall be provided notice of such referral and shall be provided ten (10) days to respond.
- f) Upon the receipt of a complaint, the Board of Ethics shall first refer the same to the County Attorney's Office for their review and analysis whether such complaint presents legal issues that are actionable in other judicial, criminal, or administrative forums, and whether the County Attorney's Office recommends that the resolution of the ethics complaint should be held in abeyance until such judicial, criminal or administrative process is completed. After taking into consideration the County Attorney's Office recommendations, the Board shall determine whether or not to proceed with the complaint proceeding.
- g) The Board of Ethics shall administer and enforce this Code and conduct any investigations necessary to carry out the provisions hereof. The Board of Ethics may administer oaths, take testimony, and upon the counsel and issuance by the County Attorney's Office, subpoena

witnesses, compel their attendance and require the productions of any books or records that it deems relevant or material.

- h) The Board of Ethics, with advice and counsel from the Cayuga County Attorney's Office, upon its formation, shall promulgate rules and regulations as to its form and procedures in a manner consistent with this Local Law and shall maintain appropriate records of its opinions and proceedings.
- i) Such rules and regulations shall include rules governing advisory opinions, complaints, and the conduct of adjudicatory proceedings and appeals relating to the recommendation and assessment of civil penalties herein authorized in this Local Law.
- ii) Such rules and regulations shall provide for due process procedural protections.
- i) The Board of Ethics is a deliberative body and speaks only through its duly rendered opinions and decisions, individual members of the Board shall refrain from public statements unless authorized by Public Officers Law Article 7.
- j) The Board of Ethics shall prepare and submit an annual report summarizing the activities of the Board to the Cayuga County Legislature by February 15th of each year. 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 County Attorney's Office.

Section 6. Counsel.

- a) The Cayuga County Attorney's Office shall serve as counsel to the Board of Ethics unless the County Attorney's Office advises that there is a conflict of interest requiring outside counsel. In such event, the Board of Ethics shall make a written request to the Cayuga County Legislature who shall authorize the Board of Ethics to engage in outside legal counsel.

ARTICLE V – PENALTIES; VOID CONTRACT:

In addition to any penalty contained in any other provision of law or the General Municipal Law, a violation of this Ethics Code may result in the imposition of disciplinary action, damages, civil penalties, or referral for criminal prosecution after a determination by the Cayuga County Legislature following recommendations from the Board of Ethics.

Any contract or agreement entered into by or with the County which results in or arises from a violation of any provisions of this Local Law shall be void unless ratified by the Cayuga County Legislature. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this Local Law or any other provision of law.

ARTICLE VI – PUBLIC INSPECTION OF RECORD; PUBLIC ACCESS TO MEETINGS:

The only records or opinions of the Board of Ethics 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.

No meeting or proceeding of the Board of Ethics 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 who is the subject of the proceeding or as required by the provisions of Article 7 of the Public Officers Law or by some other State or Federal law or regulation.

ARTICLE VII – SUITS AGAINST THE COUNTY:

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Cayuga County officer or employee of a 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.

ATTACHMENT A

ARTICLE I – DEFINITIONS:

Unless otherwise specifically indicated, for purposes of the Cayuga County Ethics Code, the following terms shall be deemed to have the meanings set forth:

- 1) “Agency” means any of the divisions of County government, referred to in subdivision (5) and (6) of this Article except the legislature.
- 2) “Appear” and “appear before” means communicating in any form, including, without limitations, personally, through another person, by letter, or by telephone.
- 3) “Chair” means the Chair of the Cayuga County Legislature.
- 4) “Code” means the Cayuga County Ethics Code.
- 5) “Confidential information” includes any information in any form, including, written, verbal, or stored by electronic means, obtained 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) Information regarding negotiations with any collective bargaining unit pursuant to article fourteen of the civil service law;
 - 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 criminal offense which would imperil effective law enforcement if disclosed;
 - d) Any matter that would constitute an unwarranted invasion of privacy;
 - e) Any matter that will imperil the public safety if disclosed;
 - f) The preparation, grading, or administration of examination;
 - g) Reveal computer access codes;
 - h) Any information that is specified as non-disclosable by federal or state law;
 - i) Information regarding proposed, pending or current litigation;
 - j) Information regarding legal advice or strategy;
 - k) 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; or
 - l) 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.
- 6) “County” means the County of Cayuga or any board, commission, district, council or other agency, department or unit of the government of the County of Cayuga.
- 7) “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 officers 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.
- 8) “County resources” include, but are not limited to, County personnel and the County’s money, vehicles, equipment, material, supplies, or other property.

- 9) "Ethics Board" or "Board" shall mean the Board of Ethics for the County of Cayuga established pursuant to the Local Law.
- 10) "Interest" means a direct or indirect financial or material benefit accruing to a County officer or employee by reason of a contract or other transaction with the County, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the County or an area of the County, or a lawful class of such residents or taxpayers. A County officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock. This definition shall not apply to a County officer or employee serving as an unpaid member, director, or officer of a not-for-profit organization.
- 11) "Gifts" shall mean the value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.
 - a) "Gift" and "financial benefit" shall include anything of value, whether in the form of money, services, license, permit, contract, authorization, loan, travel, entertainment, hospitality, thing or promise, or in any other form. 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.
- 12) "Ministerial act" means an action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.
- 13) "Municipality" means County of Cayuga. The word "municipal" refers to the municipality.
- 14) "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 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.
- 15) "Person" shall include individual, entity, partnership, association whether incorporated or unincorporated, corporation and organization of whatsoever nature or form.
- 16) "Relative" shall mean a spouse, spouse equivalent/domestic partner, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, including in-laws and household member of a county officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.
- 17) "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.

Attachment B
ANNUAL STATEMENT OF FINANCIAL DISCLOSURE
FOR THE COUNTY OF CAYUGA

1. Name and Address.

Last Name	Middle Initial	First Name
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Title

Cayuga County Department, Board, or Agency

Residence Address	Telephone No.
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2. Financial Interests.

a. Business Positions. Do you now hold any office, trusteeship, directorship, partnership, or other position in any business, association, proprietary, or not-for-profit organization involved with the County in any manner?

Answer yes or no: _____

b. Outside Employment. Do you have any outside occupation, employment, trade, business, or profession providing more than \$1,000/year for you?

Answer yes or no: _____

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

Answer yes or no: _____

d. Past Employment. Are you receiving any income in excess of \$1,000/year from any prior employer, including deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement?

Answer yes or no: _____

e. Investments. Do you have any investments in excess of \$5,000 or five percent (5%) of the value in any business, corporation, partnership, or any real estate within the County, or within five (5) miles thereof?

Answer yes or no: _____

f. Other Income. Do you have income from any source not listed above?

Answer yes or no: _____

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

Answer yes or no: _____

4. Third Party Reimbursements. Have you, during the last year, received any third- party reimbursement for travel-related expenditures in excess of \$250.00 for any matter that relates to your official duties? The term "reimbursement" includes any travel-related expenses provided by anyone other than the County for speaking engagements, conferences, or fact-finding events that relate to your official duties.

Answer yes or no: _____

5. Debts. Do you have any debts over \$5,000 wherein the creditor does business with the County?

Answer yes or no: _____

I HEREBY REPRESENT THAT I AM FAMILIAR WITH THE CAYUGA COUNTY ETHICS CODE AND UNDERSTAND THAT I MUST ABIDE BY ALL THE PROVISIONS IN SAID CODE. IF, IN THE FUTURE, IT IS ALLEGED BY COMPLAINT THAT I MAY BE IN VIOLATION OF THE CODE OF ETHICS OR, IN THE EVENT THAT CONDITIONS COME ABOUT SO THAT A CONFLICT OF INTEREST SHOULD BE REPORTED TO THE COUNTY, I AGREE TO SO REPORT THE CONFLICT AND TO COMPLETE A TYPE II FINANCIAL DISCLOSURE FORM AND WILL INCLUDE THE MATTER CONSTITUTING A CONFLICT OF INTEREST WHETHER THAT INFORMATION IS REQUESTED IN THE FORM OR NOT, PROVIDED THE CONFLICT OF INTEREST IN QUESTION IS DEFINED AS SUCH IN THE CAYUGA COUNTY ETHICS CODE.

Signature

Date: _____

(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 2021 of the (County)(City)(Town)(Village) of County of Cayuga was duly passed by the Cayuga County Legislature on June 22 2021, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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 chairperson 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.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ 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 _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to 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 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.

Deputy Clerk, Amanela Morgan
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 6/23/21

(Seal)