

ETHICS

Chapter 48

ETHICS

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[HISTORY: Adopted by the Columbia County Board of Supervisors: Art. I, 11-18-1970 as Res. No. 194; Art. II, 11-14-1990 as Res. No. 398-90; Art. III, 11-14-1990 as Res. No. 399-90. Amendments noted where applicable.]

ARTICLE I
Code of Ethics

[Adopted 11-18-1970 as Res. No. 194]

§ 48-1. Purpose.

The purpose of this Article is to promulgate the rules of ethical conduct as set forth herein, to be observed by all officers and employees of the County of Columbia. Said rules shall serve as a guide for official conduct of the officers and employees of the County of Columbia. Said rules of ethical conduct, as set forth herein, shall not conflict with but shall be interpreted to be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interests in contracts of municipal officers and employees.

§ 48-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

§ 48-2

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§ 48-4

COUNTY — Any board, commission, district, council or other agency, department or unit of the government of the County of Columbia.

COUNTY EMPLOYEE — Any officer or employee of the County of Columbia, whether paid or unpaid, serving in a full-time, part-time or advisory capacity.

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee or any pecuniary or material benefit accruing to:

- A. The municipal officer's or employee's spouse, minor children and dependents;
- B. A firm, partnership or association of which such officer or employee is a member or employee;
- C. A corporation of which such officer or employee is an officer, director or employee; or
- D. A corporation, any stock of which is controlled, directly or indirectly, by such officer or employee.

§ 48-3. Conflicts of interest.

No county employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

§ 48-4. Standards of conduct.

Every officer or employee of the County of Columbia shall be subject to and abide by the following standards of conduct:

- A. Gifts. He shall not directly or indirectly solicit any gift or accept or receive any gift having a value of twenty-five dollars (\$25.) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could

reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- C. Representation before one's own agency. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or before any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Board of Supervisors and any officer or employee of the County of Columbia, whether paid or unpaid, who participates in the discussion or gives an official opinion to the Board of Supervisors on any legislation before the Board of Supervisors shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- F. Investments in conflict with official duties. He shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.
- G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates

a conflict with or impairs the proper discharge of his official duties.

- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the County of Columbia in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 48-5. Claims against county.

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

§ 48-6. Distribution of Code of Ethics.

The Chairman of the Board of Supervisors of the County of Columbia shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the county within forty-five (45) days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§ 48-7. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

ARTICLE II
Financial Disclosure
[Adopted 11-14-1990 as Res. No. 398-90]

§ 48-8. Purpose.

The form of annual statement of financial disclosure contained in this Article provides for the disclosure of such information as the Board of Supervisors of the County of Columbia deems to be necessary.

§ 48-9. Definitions.

For the purposes of this Article, the following terms have the following meanings:

EMPLOYEE:

A. Includes:

- (1) Each elected official of the County of Columbia.
- (2) Each head of any agency, department, division, council, board, commission or bureau of the County of Columbia, and their deputies and assistants.
- (3) Each officer and employee of any agency, department, division, council, board, commission or bureau of the County of Columbia who holds a policy making position, as annually determined in writing by the appointing authority.

- B. Notwithstanding the inclusiveness of Subsection A above, the term "employee" shall not mean a Judge, Justice, officer or employee of the Unified Court System.

INTEREST — Any legal or equitable interest, whether or not subject to an incumbrance or condition which was owned or held in whole or in part, jointly or severally, directly or indirectly. It shall include, but not be limited to, any information required in the annual statement of financial disclosure.

STATEMENT — The annual statement of financial disclosure as set forth in § 48-12 of this Article.

BOARD OF ETHICS — The Board of Ethics of the County of Columbia.¹

§ 48-10. Persons required to file statements.

A. [Amended 6-12-1991 by Res. No. 213-91] The following persons are required to complete, sign and file an annual statement of financial disclosure as specified by name of office or title:

- (1) All members of the Board of Supervisors.
- (2) Clerk of the Board.
- (3) Deputy Clerk of the Board.
- (4) Assistant Deputy Clerk of the Board.
- (5) District Attorney.
- (6) All Assistant District Attorneys.
- (7) Public Defender.
- (8) All Assistant Public Defenders.
- (9) Two (2) Coroners.
- (10) Administrative Officer.
- (11) Deputy Administrative Officer.
- (12) County Treasurer.
- (13) Deputy County Treasurer.
- (14) Director of Real Property Tax Service.
- (15) Deputy Director of Real Property Tax Service.
- (16) County Clerk.

¹ Editor's Note: See Art. III of this chapter.

- (17) Deputy County Clerk.
- (18) County Attorney.
- (19) Deputy County Attorney.
- (20) All Assistant County Attorneys.
- (21) All Commissioners of Civil Service.
- (22) Chairman of the Civil Service Commission.
- (23) Election Commissioners.
- (24) Deputy Election Commissioners.
- (25) Director of Facilities.
- (26) Director of Central Services.
- (27) Sheriff.
- (28) Under Sheriff.
- (29) Director of Probation.
- (30) Chief Correction Officer.
- (31) Assistant Chief Correction Officer.
- (32) Stop DWI Coordinator.
- (33) Fire Coordinator.
- (34) Deputy Fire Coordinators.
- (35) Director of Emergency Management.
- (36) Deputy Director of Emergency Management.
- (37) Health Department - Director of Patient Services.
- (38) Health Department - Deputy Director of Patient Services.
- (39) Environmental Health Director.
- (40) Health Department - Administrative Assistant.
- (41) Director of the Department of Human Services - Mental Health Center.

- (42) Deputy Director of the Department of Human Services - Mental Health Center.
- (43) Director of the Department of Human Services - CSS.
- (44) Deputy Director of Administration - Department of Human Services - CSS.
- (45) Commissioner of Social Services.
- (46) Director of Administration, Department of Social Services.
- (47) Director of Social Services, Department of Social Services.
- (48) Director of Income Maintenance, Department of Social Services.
- (49) Director of Weights and Measures.
- (50) Executive Director of the Youth Program.
- (51) County Historian.
- (52) Administrator of the Office for the Aging.
- (53) Director of Planning and Economic Development.
- (54) Director of Solid Waste.
- (55) Deputy Director of Solid Waste.
- (56) Administrator of Pine Haven Home.
- (57) County Highway Superintendent.
- (58) Director of Engineering.
- (59) Budget Officer.
- (60) Chairman, Alternatives to Incarceration.
- (61) Chairman, County Planning Board.
- (62) Director of Veterans Service Bureau.
- (63) Members of the Board of Ethics.

- B. For purposes of this § 48-10, the filing requirement is intended to encompass the specific titles listed above as well as any title changes thereto which may occur subsequent to the date of adoption of this Article.
- C. As used in this § 48-10, the singular shall include the plural and the plural shall include the singular, whenever necessary or appropriate.

§ 48-11. Annual determination of positions.

The person or persons, as the case may be, who have authority to appoint persons to positions as officers or employees in any agency, department, division, council, board, commission or bureau of the County of Columbia shall annually, during the month of February, determine which of said positions are policy making positions and shall set forth such determination in a written instrument. Said written instrument shall be annually filed with the Board of Ethics during the month of February. Each employee of the County of Columbia who holds such a policy making position is required to complete, sign and file an annual statement of financial disclosure.

§ 48-12. Financial disclosure statement form.

The County of Columbia does hereby promulgate the following form of annual statement of financial disclosure:

**ANNUAL STATEMENT OF FINANCIAL DISCLOSURE
FOR THE COUNTY OF COLUMBIA FOR CALENDAR
YEAR _____**

NOTE: No adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with the requirement that an Annual Statement of Financial Disclosure be filed.

I hereby submit the following Annual Statement of Financial Disclosure, listing my assets, liabilities, positions and sources of income as set forth below.

- 1. Name _____
- 2. (a) Title of Position _____

(b) Department, Agency, or other Governmental Entity

(c) Address of Present Office

(d) Office Telephone Number

3. Date of Assuming Office

4. I hereby list below any office, trusteeship, directorship, or position of any nature, whether compensated or uncompensated, held by me with any firm, corporation, association, partnership, or other organization who or which is known by me to do or have any matter pending with, or to be in any contractual relationship with, or to be having contractual negotiations with, or to be licensed or regulated by, any agency or department of the County of Columbia or any municipality within the County of Columbia.

5. Statement of my assets and liabilities as of December 31, for calendar year _____ : I hereby list below the nature of all assets and liabilities with an individual value in excess of Five Thousand Dollars (\$5,000.00), in which a direct or indirect interest is held by me, either in whole or in part, jointly or severally, as of the date I took office or as of December 31 of the calendar year for which this Annual Statement of Financial Disclosure is filed, whichever is earlier. INSTRUCTIONS: IT IS ONLY NECESSARY TO DISCLOSE THE NATURE OF THE ASSET OR LIABILITY. DO NOT GIVE DOLLAR AMOUNTS. DO NOT LIST LIABILITIES INCURRED BY, OR GUARANTIES MADE BY, THE REPORTING INDIVIDUAL OR BY ANY PROPRIETORSHIP, PARTNERSHIP, OR CORPORATION IN WHICH THE REPORTING INDIVIDUAL HAS AN INTEREST, WHEN INCURRED OR MADE IN THE ORDINARY COURSE OF THE TRADE, BUSINESS, OR PROFESSIONAL PRACTICE OF THE REPORTING INDIVIDUAL. INCLUDE THE NAME OF THE CREDITOR AND ANY COLLATERAL PLEDGED BY YOU TO SECURE PAYMENT OF

AND ANY COLLATERAL PLEDGED BY YOU TO SECURE PAYMENT OF ANY SUCH LIABILITY. A REPORTING INDIVIDUAL SHALL NOT LIST ANY OBLIGATION TO PAY MAINTENANCE IN CONNECTION WITH A MATRIMONIAL ACTION, ALIMONY, OR CHILD SUPPORT PAYMENTS. REVOLVING CHARGE ACCOUNT INFORMATION SHALL ONLY BE SET FORTH IF LIABILITY THEREON IS IN EXCESS OF \$5,000.00 ON THE LAST DAY OF THE CALENDAR YEAR FOR WHICH THIS ANNUAL STATEMENT OF FINANCIAL DISCLOSURE IS FILED. ANY LOAN ISSUED IN THE ORDINARY COURSE OF BUSINESS BY A FINANCIAL INSTITUTION TO FINANCE EDUCATIONAL COSTS, THE COST OF HOME PURCHASE OR IMPROVEMENTS FOR A PRIMARY OR SECONDARY RESIDENCE, OR PURCHASE OF A PERSONALLY OWNED MOTOR VEHICLE, HOUSEHOLD FURNITURE, OR APPLIANCES, SHALL BE EXCLUDED.

ASSETS

LIABILITIES

6. I hereby list below all my sources of income, which, standing alone, were in excess of Five Thousand Dollars (\$5,000.00) during the taxable year which is the taxable year last occurring prior to the date of my filing this Annual Statement of Financial Disclosure. INSTRUCTIONS: IT IS ONLY NECESSARY TO IDENTIFY

THE PARTICULAR SOURCES OF INCOME. DO NOT GIVE DOLLAR AMOUNTS.

7. If additional space is needed to supply information, I have set forth the additional information on the attached pages.

(Signature of Reporting Individual)

Date (month/day/year)

§ 48-13. Receipt and maintenance of completed statements.

The Board of Ethics of the County of Columbia is hereby designated as the authorized repository for completed annual statements of financial disclosure. The Clerk of the Board of Supervisors of the County of Columbia is hereby designated as the agent of the Board of Ethics for purposes of receipt and maintenance of said statements.

§ 48-14. Powers of Board of Ethics.

The Board of Ethics of the County of Columbia shall have the authority to enforce the filing requirements with respect to annual statements of financial disclosure imposed by this Article, and said Board of Ethics shall also have authority to promulgate rules and regulations governing procedures of the said Board, said rules and regulations to have the same import as is enjoyed by the rules and regulations of the Temporary State Commission on Local Government Ethics, the scope of which rules and regulations shall include, but not be limited to, the establishment of:

- A. The procedure whereby a person who is required to file an annual statement of financial disclosure may request additional periods of time within which to file such statement, due to justifiable cause or undue hardship; and
- B. A limitation upon the granting of such additional periods.

§ 48-15. Requirements and time limits for filing statements.

- A. Each and every employee, as that term is defined in § 48-9 hereof, shall sign and file with the Board of Ethics a completed form of annual statement of financial disclosure as set forth in § 48-12 above.
- B. A completed form of annual statement of financial disclosure shall be filed every year commencing with the year 1991 and by no later than May 15, with respect to the preceding calendar year, by those persons required to file such a statement.
- C. In the event that a person shall become an employee, as defined in § 48-9 of this Article, or shall assume an office or title specified in § 48-10, such person must file a completed form of annual statement of financial disclosure for the calendar year prior to the year during which the person became such employee or assumed such office or title within one hundred twenty (120) days of becoming such employee or assuming said office or title. Thereafter, subsequent completed forms of annual statement of financial disclosure shall be filed in accordance with this § 48-15.
- D. Application may be made to the Board of Ethics for an extension of time to file due to justifiable cause or undue hardship in accordance with rules and regulations established therefor by said Board.
- E. Any person who may be required to file more than one (1) completed form of annual statement of financial disclosure for any calendar year pursuant to the terms of this resolution shall be deemed to have satisfied such requirement by filing one (1) such completed form of annual statement of financial disclosure.

§ 48-16. Penalties for offenses.

In addition to any penalty contained in any provision of law, an employee who knowingly and willfully fails to sign and file a

completed form of annual statement of financial disclosure or who knowingly and willfully, with intent to deceive, makes a false statement or who gives such information which the individual knows to be false on such annual statement of financial disclosure may be reprimanded, fined in an amount not to exceed one thousand dollars (\$1,000.) and/or suspended or removed from office or employment by the Board of Ethics. Assessment of the penalty hereunder shall be made by a majority of the members of the Board of Ethics. The Board of Ethics may adopt rules governing the conduct of adjudicatory proceedings relating to the assessment of such penalties.

§ 48-17. Public inspection of statements.

Each and every completed form of annual statement of financial disclosure filed hereunder shall be available for public inspection pursuant to the provisions of the Freedom of Information Law.²

§ 48-18. Filing of records with state.

On or after January 1, 1991, the Clerk of the Board of Supervisors shall file with the Temporary State Commission on Local Government Ethics, if such temporary state commission is in existence and, in all events, shall maintain as a record subject to public inspection:

- A. A copy of any Code of Ethics or any amendments to any Code of Ethics adopted within thirty (30) days after the adoption of such Code of such amendment.
- B. A statement that the County of Columbia has established a Board of Ethics in accordance with General Municipal Law § 808.³
- C. A statement of the composition of the Board of Ethics of the County of Columbia.
- D. A copy of the form of annual statement of financial disclosure promulgated by the County of Columbia and a statement of the date such form of annual statement of financial disclosure was promulgated by the County of Columbia.

² Editor's Note: See Art. 6 of the Public Officers Law.

³ Editor's Note: See Art. III of this is chapter.

ARTICLE III

Board of Ethics

[Adopted 11-14-1990 as Res. No. 399-90]

§ 48-19. Establishment; membership; terms. [Amended 6-12-1991 by Res. No. 214-91]

Pursuant to General Municipal Law § 808, the County of Columbia does hereby establish a Board of Ethics of the County of Columbia. The members of such Board of Ethics shall be nominated by the Chairman of the Board of Supervisors and appointed by the Board of Supervisors. Such Board of Ethics shall consist of four (4) members, a majority of whom shall not be officers or employees of the County of Columbia or of municipalities wholly or partially located within the County of Columbia and at least one (1) of whom shall be an elected or appointed officer or employee of the County of Columbia or of a municipality located within the County of Columbia. The members of the Board of Ethics shall receive no salary or compensation for their services as members of such Board and shall serve at the pleasure of the Board of Supervisors. A member's term of office on said Board shall be three (3) years, except that the members first appointed to such Board shall be appointed as follows: one (1) shall be appointed for a term of one (1) year commencing January 1, 1991, and ending December 31, 1991; one (1) shall be appointed for a term of two (2) years commencing January 1, 1991, and ending December 31, 1992; and two (2) shall be appointed for terms of three (3) years commencing January 1, 1991, and ending December 31, 1993. Upon the expiration of the term of office of any member, that member's successor shall be appointed to membership on such Board for a term of three (3) years.

§ 48-20. Advisory opinions.

The Board of Ethics of the County of Columbia shall render advisory opinions to officers and employees of the County of Columbia and of municipalities wholly or partly within the County of Columbia with respect to Article 18 of the General Municipal Law. The Board of Ethics shall render advisory opinions to officers and employees of the County of Columbia with respect to the Code of Ethics of the

County of Columbia adopted pursuant to Article 18 of the General Municipal Law and with respect to the filing of the annual statement of financial disclosure promulgated by the County of Columbia pursuant to Article 18 of the General Municipal Law.⁴ Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board of Ethics may prescribe, and the said Board of Ethics is hereby authorized and empowered to adopt such rules and regulations. The Board of Ethics shall have the advice of counsel employed by the Board of Ethics or, if none, the County Attorney. In addition, the Board of Ethics of Columbia County may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto by the governing body of any municipality in the county, upon the request of any such governing body.

§ 48-21. Relationship to municipal Board of Ethics.

The Board of Ethics of the County of Columbia shall not act with respect to the officers and employees of any municipality located within such county or an agency thereof where such municipality has established its own Board of Ethics, except that the local Board of Ethics may, at its option, refer matters to the Board of Ethics of the County of Columbia.

§ 48-22. Duties with respect to financial disclosure statements.

- A. A Board of Ethics for the County of Columbia be and hereby is designated to be the repository for completed forms of annual statement of financial disclosure and shall notify the Temporary State Commission on Local Government Ethics that the Board of Ethics of the County of Columbia is the authorized repository for completed forms of annual statement of financial disclosure, and that on account thereof, such completed statements will be filed with it and not with the Commission.⁵

⁴ Editor's Note: See Arts. I and II of this chapter.

⁵ Editor's Note: See also § 48-13 of this chapter.

- B. Members of the Board of Ethics of the County of Columbia be and hereby are determined to be policy making officials, who are thus required to annually file a completed form of annual statement of financial disclosure.

§ 48-23. Authority to decline requests.

The Board of Ethics of Columbia County may, in its discretion, limit its advisory opinions to opinions concerning the circumstances of the requester, and thus, the Board of Ethics may decline to entertain a request for an advisory opinion when:

- A. The request inquires about the propriety of conduct of a person other than the requester;
- B. The subject of the request is a person other than the requester;
or
- C. The request raises an abstract or hypothetical question.

§ 48-24. Confidentiality of advisory opinions.

The advisory opinions of the Board of Ethics of the County of Columbia shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law Article 6) or required for use in a disciplinary proceeding or an appeal of the designation of a policy making position pursuant to this Article and involving the officer, employee or other appointed official who requested the advisory opinion. Whenever a request for access to an advisory opinion is received, the officer, employee or appointed official who requested the rendering of the advisory opinion shall be notified of the access request by written notice to be mailed within seventy-two (72) hours of the receipt by the Board of Ethics of the request for access.

§ 48-25. Appeals.

When an appointing authority determines that a position under its authority is a policy making position thus requiring the holder of the

position to file an annual statement of financial disclosure, an appeal of said determination may be taken by an aggrieved party by the filing of a written petition in opposition to such designation within thirty (30) days from the date that the designation was filed with the Board of Ethics of the County of Columbia, and upon receipt of said petition, the Board of Ethics shall make a determination upon the merits of the petition within thirty (30) days.

