

# CHAUTAUQUA COUNTY ETHICS BOARD (CCEB)

## MEETING AGENDA

Second Meeting of CY2022

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Wednesday, May 18, 2022

3 p.m.

Rooms 331 & 333

Gerace Office Building

3 North Erie St.

Mayville, NY 14757

- I. Call to order: confirm proper public notification was completed.
- II. Review and approve March 16, 2022 minutes.
- III. Membership updates and voting for Board Chair/Co-Chair and Secretary.
- IV. Status of Annual Code of Ethics Training for County Employees and Board Members.
- V. Review correspondence.
- VI. Status of Financial Disclosure forms and annual filing.
- VII. Review submitted Statement of Financial Disclosures.
- VIII. Review and approve 2021 Annual Report.
- IX. Next meeting: September 21, 2022 at 3 p.m. in Rooms 331 & 333 of the Gerace Office Building, 3 N. Erie St., Mayville, N.Y.
- X. Meeting adjourned.

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# CHAUTAUQUA COUNTY ETHICS BOARD MEETING MINUTES

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DATE: March 16, 2022  
LOCATION: Rooms 331 & 333, Gerace Office Building, 3 North Erie Street,  
Mayville, New York 14757

TIME: 3:02 - 4:35 p.m.

MEMBERS PRESENT: John Hamels  
Diane Hannum  
John Marengo  
David Rowe

OTHERS PRESENT: Mark Perry  
Sharon Smead  
Stephanie Stevens  
Amanda Gallagher from the County Executive's Office  
Kristen Wright from the County Law Department  
Respondent for Case No. 2022-01  
Department Head of Respondent for Case No. 2022-01  
Scott Cummings from the North Chautauqua Lake Sewer District  
(NCLSD)

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## CALL TO ORDER & PUBLIC NOTIFICATION:

Dave called the meeting to order at 3:02 p.m.

Amanda confirmed proper public notification was completed as the notice of today's meeting was sent out to the local media and posted on the county website on March 8, 2022. The meeting agenda and materials were posted on the county website on March 8, 2022. She also confirmed that the meeting appeared in the Post-Journal's "Briefly" section on March 9, 2022.

## APPROVAL OF MINUTES:

John H. motioned to approve the minutes from the November 17, 2021 meeting, which was seconded by Diane. All in favor.

## PRIVILEGE OF THE FLOOR:

Mark Perry and Sharon Smead from the Village of Mayville Planning Board spoke to the Board about an intermunicipal agreement between the Village of Mayville and the Town

of Chautauqua concerning Code Enforcement Officer services. They sought the board's guidance on if this was ethical.

John M. arrived at the meeting at 3:11 p.m.

Perry and Smead were given a "Chautauqua County Ethics Board- Request for an Advisory Opinion for An Officer or Employee of a Municipality Located within Chautauqua County" form should they wish to receive an opinion on NYS General Municipal Law Article 18 or the municipality's code of ethics. Kristen also indicated that they could have the town and village attorneys reach out to her concerning this matter.

Perry and Smead left the meeting at 3:17 p.m.

REVIEW CORRESPONDENCE:

John M. reported that the Ethics Board did not receive any mail addressed to it in the Board's P.O. Box.

MEMBERSHIP UPDATES AND VOTING FOR BOARD CHAIR AND SECRETARY:

Amanda introduced Stephanie Stevens to the Ethics Board. Stephanie will be replacing Mary Kay Szwejbka on the Board and her appointment will go before the County Legislature on March 23 for its review and approval.

Dave requested that the Board hold off on voting for its Board and Secretary until its next meeting when it will have full membership.

REVIEW CORRESPONDENCE:

Amanda left the meeting at 3:26 p.m.

Amanda, Respondent for Case No. 2022-01, and Respondent's Department Head arrived at the meeting at 3:27 p.m.

The Board reviewed Case Number 2022-01 and the matter will be settled by having Respondent complete an Extension Request Form and update the previously submitted disclosure form within 10 days of today's meeting (by March 26, 2022).

This has been assigned ERF-D-01.

Respondent and Respondent's Department Head left the meeting at 3:38 p.m.

Scott Cummings arrived at the meeting at 3:58 p.m.

Cummings discussed actions taken by his Department and the NCLSD Board to ensure ethical conduct concerning the upcoming appointment of the new NCLSD Director and a family member that works with the department.

Cummings left the meeting at 4:09 p.m.

STATUS OF ANNUAL CODE OF ETHICS TRAINING FOR COUNTY EMPLOYEES  
AND BOARD MEMBERS:

Amanda provided an update on the 2021 Code of Ethics Training.

John M. motioned to give an employee who still needs to complete the 2021 Code of Ethics Training an extension through 3/31/22. The employee will need to complete the 2021 Code of Ethics Training and Extension Request Form, as well as the current 2022 Code of Ethics training by the 3/31/22 deadline, seconded by Dave. All in favor.

This has been assigned ERF-T-03.

Amanda provided an update on the 2022 Code of Ethics Training. In January, the annual training materials were assigned to employees in the NEOGOV LEARN training system. In January, the training was also administered to department liaisons for them to distribute to their board members. Reminder emails will go out to department heads next week to notify them of any employees or board members under their purview who have not completed the training yet so they can ensure they meet the annual training deadline of 3/31/22.

John H. motioned to approve the extension for ERF-T-01, which was seconded by John M. All in favor.

Dave motioned to approve the extension for ERF-T-02, which was seconded by John M. All in favor.

STATUS OF FINANCIAL DISCLOSURE FORMS AND ANNUAL FILING

Amanda reported that the Agreement to Settle and fine were received for Case No. 2021-03A, and fines were received for Case No. 2021-04 and 2021-14. All three cases were closed at the end of 2021.

She also reported that the Board reviewed and approved 370 disclosure forms with a 2021 deadline.

Amanda also reported that forms for the 2022 filing have also been coming in for the Board's review. The annual filing notice for the 2022 Statements of Financial Disclosure will go out by the end of the month and all forms are due by 4/30/2022.

The Board reviewed and approved one form during the meeting.

The Board reviewed Case No. 2022-02.

John H. motioned to approve a one-day extension for Respondent once an Extension Request Form is received.

This has been assigned ERF-D-02.

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NEXT MEETING:

The Board set its meeting dates for 2022. They will be held on May 18, September 21, and November 16. All meetings will be held at 3 p.m. in the Gerace Office Building in Mayville.

MEETING ADJOURNED:

Dave motioned to adjourn the meeting at 4:35 p.m., which was seconded by John H.

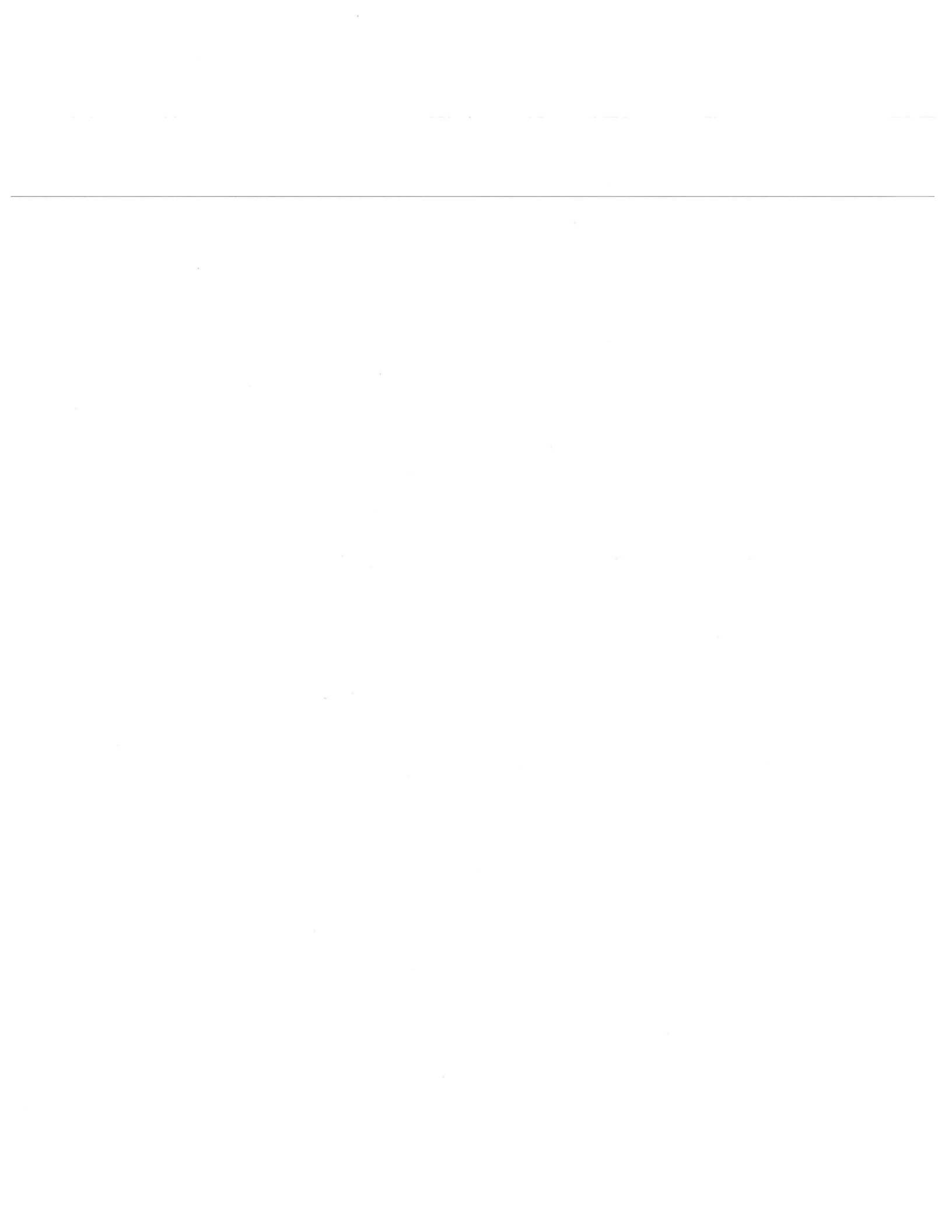
Minutes prepared by Amanda Gallagher and respectfully submitted to John Marengo.

DRAFT

## Village Mayor Responsibilities

Pursuant to New York State Village Law § 4-400, it is the responsibility of a village mayor to:

- a. preside at the meetings of the board of trustees. The mayor may have a vote upon all matters and questions coming before the board and s/he shall vote in case of a tie, however, on all matters and questions, s/he shall vote only in his/her capacity as mayor of the village and his vote shall be considered as one vote;
- b. provide for the enforcement of all laws, local laws, rules and regulations and to cause all violations thereof to be prosecuted;
- c. (i) appoint all department and non-elected officers and employees subject to the approval of the board of trustees, however, the mayor may delegate the power to appoint certain employees to other village officers or employees;  
(ii) appoint the clerk of the court of the village, if the village has a court, only upon the advice and consent of the village justice or justices, notwithstanding subparagraph (i) above.
- d. institute, at board of trustee direction, all civil actions in the corporate name of the village;
- e. exercise supervision over the conduct of the police and other subordinate village officers;
- f. intervene in any and all actions, at the direction of the board of trustees, where deemed necessary to protect the rights of the village and its inhabitants;
- g. serve as an ex-officio member of each separate board of commissioners;
- h. appoint one of the trustees as deputy mayor at the annual meeting;
- i. execute all contracts in the name of the village;
- j. sign orders to pay claims with the village clerk or deputy village clerk when authorized by the board of trustees when the same individual serves as both clerk and treasurer or deputy clerk and deputy treasurer;
- k. sign checks in the absence or inability of the treasurer or deputy treasurer, if any, when authorized by the board of trustees by resolution, or local law, and a certified copy of such resolution or local law shall be notice to the depository of such authorization;
- l. with certain exceptions, cause all claims to be thoroughly investigated and for such purpose s/he shall have the power to issue subpoenas to compel the attendance of the claimant or any other person or persons to appear, to be sworn or affirmed and to testify before him/her or the village clerk or the village counsel relative to such claim, and when so sworn or affirmed to answer as to any facts relative to the justness of such claim. The result of such examination shall be reported to the board of trustees.
- m. issue all licenses and for such purpose shall be the "licensing officer" unless s/he designates another village officer which designation shall be filed with the village clerk.





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CHAUTAUQUA COUNTY ETHICS BOARD

# 2021 ANNUAL REPORT

Ethics Board Activities and Supporting Documents for the period from 1/1/21 to 12/31/21

Submitted: 1111

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# CHAUTAUQUA COUNTY ETHICS BOARD

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## 2021 ANNUAL REPORT

### **Executive Summary**

The 2021 Annual Report of the Chautauqua County Ethics Board (CCEB) is submitted as required by the Chautauqua County Code of Ethics to record the activities undertaken by the Board during the 2021 calendar year, and to recommend changes or improvements to the Code of Ethics. The report also covers board membership and terms of service, the 2022 meeting schedule, training recommendations, and relevant supporting attachments.

During 2021 the CCEB met a total of six times and completed all required tasks. The approved agendas and minutes from each of these meetings are included in this report as well as a summary of all of the actions taken by the CCEB during 2021.

Please submit all questions regarding this report to the CCEB Co-Chair David Rowe in care of the County Executive's Office at 716-753-4211.

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## Section 1. Introduction

The Chautauqua County Code of Ethics (the Code) requires the formation of the Chautauqua County Ethics Board (CCEB) in order to maintain minimum standards of ethical conduct for County officers and employees, and to ensure that County government is free from improper influence as outlined in the Code. Section 13.4.g. requires that the Ethics Board prepare an Annual Report and make recommendations regarding changes or improvements to the Code. This document fulfills these requirements.

## Section 2. 2021 Ethics Board Members and Terms of Service

<u>Member</u>	<u>Date Current Term Began</u>	<u>Date Term Complete</u>
John Hamels	3/24/2021	1/31/2024
Diane Hannum	4/28/2021	1/31/2024
John Marengo	12/16/2020	1/31/2023
David Rowe	1/22/20	1/31/2023
Mary Kay Szwejbka	12/16/20	1/31/22 (did not seek re- appointment)

Section 13, Paragraph 3 of the Code requires that members of the CCEB serve three-year staggered terms: during 2021, Dr. John Hamels was appointed on 3/24/21. (**see Attachment A: RES. NO. 66-21**). Diane Hannum was appointed on 4/28/2021. (**see Attachment B: Res. NO. 82-21**).

### Section 3. 2021 Activities

- a. Meetings (Agendas and Minutes). Board meetings are held in the Gerace Office Building, Mayville, NY.

- Meeting #1, Wednesday, March 10, 2021  
Agenda and minutes **Attachment C**
- Meeting #2, Wednesday, June 30, 2021  
Agenda and minutes **Attachment D**
- Meeting #3, Wednesday, August 25, 2021  
Agenda and minutes **Attachment E**
- Meeting #4, Wednesday, September 15, 2021  
Agenda and minutes **Attachment F**
- Meeting #5, Tuesday, November 2, 2021  
Agenda and minutes **Attachment G**
- Meeting #6, Wednesday, November 17, 2021  
Agenda and minutes **Attachment H**

- b. Summary of Actions Taken During 2021

- Annual notification for the 2021 ethics training was emailed to department liaisons on December 30, 2020 so they could distribute the training to their board members.
- The CCEB welcomed the addition of two new members, Dr. John Hamels, who was appointed on March 24, 2021, and Diane Hannum, who was appointed on April 28, 2021 (Attachment A & B).
- Case number 2020-04 was closed during the 2021 calendar year after the CCEB completed its investigation into the complaint and found that there had not been any violation the Chautauqua County Code of Ethics.
- Following a recent audit by the New York State Comptroller's Office the CCEB implemented corrective action plan items that were identified that included:
  - o Additional training requirements for Ethic Board members;
  - o The use of a vendor list provided by the Chautauqua County Purchasing Department to be used by the Ethics Board to further help identify any conflicts of interest while reviewing Financial Disclosure Statements;
  - o Local Law 3-21 that amended the Chautauqua County Code of Ethics to include the following: (**Attachment L**)
    - Giving department heads the responsibility of ensuring that if an employee under their purview fails to file a timely statement

of disclosure that the person's ability to expend county funds is suspended until they file the form;

- Added a process for individuals to provide a written request for an extension to file a financial disclosure statement;
  - Changed the reference of "board members" to "non-employees;"
  - Added wording that making a report to the Ethics Board that is misleading is also a violation of the code; and
  - Deleted the reference to the Ethics Board having three members whose terms expire in odd years and two in even years.
- Due to the increased number of individuals that were either late filing a disclosure statement or late completing the required training the Ethics Board recommended that an informational "tip sheet" attachment be included in 2022 when the Code of Ethics Training and Statement of Disclosure requirements are sent out. The attachment would attempt to educate individuals on the NYS requirement for the creation of the CCEB, reinforce the importance of filing the disclosure statements and completing the training in a timely manner, and include the penalties for not complying so individuals will know to expect a fine or other discipline if they fail to timely complete the requirements. The Ethics Board also requested that training materials include Local Law 3-21 (Chautauqua County Code of Ethics) and the Code of Ethics training presentation.
- The revised Ethics Board Procedure EB-2021-01 was adopted and effective October 1, 2021 (**Attachment K**).
- The CCEB reviewed and approved a total of 370 Financial Disclosure Statements for 2021.
- There was a total of 12 case numbers for 2021
- Of the 12 case numbers 8 were related to the late filing of disclosure forms
    - Of the 8, 8 individuals were fined \$100. 5 individuals completed an Agreement to Settle and paid the fine without an informal conference or hearing, 1 individual completed an Agreement to Settle and paid the \$100 fine after an informal conference, 1 individual did not attend a scheduled informal conference and hearing and was fined \$100, and 1 individual was fined \$100 after the new procedure was adopted with Agreements to Settle no longer required.
  - Of the 12, 3 were related to late training confirmations
    - Of the 3, 1 individual resigned from employment and the remaining 2 individuals had their cases withdrawn after attending an informal settlement conference.

- Of the 12, 1 was a report of a potential Ethics Code violation
  - There was a total of 41 Extension Request forms reviewed by the Ethics Board
    - Of the 41, 36 Extension Request forms were for the training requirement (all requests were approved)
    - Of the 41, 5 Extension Request forms were for the disclosure requirement (of the 5, 4 were approved and 1 was denied)
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#### **Section 4. 2022 Meeting Schedule**

The Chautauqua County Code of Ethics requires that the Ethics Board meet four times per year. The CCEB has scheduled the following meeting dates to be held in the Gerace County Office Building, Mayville for calendar year 2022:

March 16 at 3 p.m.

May 18 at 3 p.m.

September 21 at 3 p.m.

November 16 at 3 p.m.

#### **Section 5. Conclusion**

The information contained in this 2021 annual report documents the significant activities of the CCEB during the year. 2021 was a challenging year and the board would like to acknowledge the invaluable contributions of Administrative Aide Amanda Gallagher. Ms. Gallagher is an integral part of the CCEB and the board would not function as efficiently without her efforts. The board would also like to express sincere thanks to First Assistant County Attorney Kristen Wright for her continued guidance and insight. Finally, we would thank all of the volunteer board members for their time and dedication throughout the year.

**Appendix A: RES. 66-21 Confirm Appointment**

RES. NO. 66-21

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Confirm Appointment - Chautauqua County Ethics Board

By Administrative Services Committee:

At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, County Executive Paul M. Wendel, Jr. has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Ethics Board.

Dr. John Hamels

5996 Welch Hill Road

Ripley, NY 14775

Term Expires 1/31/2024

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom (Voted "yes" by Video Conference)

Unanimously Adopted – March 24, 2021



**Appendix B: RES. NO. 82-21 Confirm Appointment**

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RES. NO. 82-21

Confirm Appointment - Chautauqua County Ethics Board

By Administrative Services Committee:

At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, County Executive Paul M. Wendel, Jr. has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Ethics Board.

Diane Hannum

10435 Bay Shore Dr.

Dunkirk, NY 14048

Term Expires 1/31/2024

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom (Voted "yes" by Video conference)

Unanimously Adopted – April 28, 2021

**Appendix C: March 10, 2021 Agenda and Minutes**

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**CHAUTAUQUA COUNTY ETHICS BOARD (CCEB)**

**MEETING AGENDA**

First Meeting of CY2021

Wednesday, March 10, 2021

4 p.m.

Rooms 331 & 333

Gerace Office Building

3 North Erie St.

Mayville, NY 14757

- I. Call to order: confirm proper public notification was completed.
- II. Review correspondence.
- III. Membership updates and voting for Board Chair/Co-Chair and Secretary
- IV. Review and approve November 12, 2020 minutes.
- V. Update on Corrective Action Plan for Audit.
- VI. Status of Annual Code of Ethics Training for County Board Members.
- VII. Status of Financial Disclosure forms and annual filing.
- VIII. Review submitted Statement of Financial Disclosure.
- IX. Discuss 2020 Annual Report Preparation
  - a. Set 2021 meeting dates.
- X. Next meeting TBD.
- XI. Meeting adjourned.

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# CHAUTAUQUA COUNTY ETHICS BOARD

## MEETING MINUTES

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DATE: March 10, 2021

LOCATION: Rooms 331 & 333, Gerace Office Building, 3 North Erie Street,  
Mayville, New York 14757

TIME: 4 – 5:34 p.m.

MEMBERS PRESENT: John Marengo  
David Rowe  
Mary Kay Szwejbka

OTHERS PRESENT: Amanda Gallagher from the County Executive's Office  
Kristen Wright from the County Law Department

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### CALL TO ORDER & PUBLIC NOTIFICATION:

Mary Kay called the meeting to order at 4:07 p.m. with her, John, David and Amanda present.

Amanda confirmed proper public notification was completed as the notice of today's meeting was sent out to the local media on March 4, 2021 and the meeting notice and materials were also posted on the county website that same day. She also confirmed that the meeting appeared in the Post-Journal's "Briefly" section on March 5, 2021.

### REVIEW CORRESPONDENCE:

Mary Kay motioned to enter into Executive Session at 4:10 p.m. to discuss matters leading to the demotion, discipline, suspension dismissal or removal of a particular person or corporation, which was seconded by Dave. All in favor.

Mary Kay motioned to leave Executive Session at 4:19 p.m., which was seconded by Dave. All in favor.

Kristen arrived at the meeting at 4:21 p.m.

John reported that he checked the board's P.O. Box and no mail was received.

#### MEMBERSHIP:

The board welcomed John to the Ethics Board, who was appointed on 12/16/21 to fill Rose's term, which will expire on 1/31/23.

The board still has two vacancies to fill. Amanda reported that the County Executive is in the process of appointment John Hamels to the board, which is awaiting the County Legislature's confirmation at the end of the month. She is also waiting to hear back from another potential member to see if the individual is interested in joining the board.

Dave and Mary Kay reported that they would be willing to serve as Co-Chairs until there is a full Ethics Board again. John motioned to appoint Dave and Mary Kay as Co-Chairs, which was seconded by Mary Kay. All in favor.

Mary Kay motioned to nominate John as the Secretary for the Board, which was seconded by Dave. All in favor.

#### APPROVAL OF MINUTES:

Dave motioned to approve the minutes from the November 12, 2020 meeting, which was seconded by Mary Kay. All in favor with John noting he wasn't a member at the last meeting.

#### UPDATE ON CORRECTIVE ACTION PLAN FOR AUDIT:

Kristen updated the Board on the status of the County's Corrective Action Plan for the recent audit that was conducted by the New York State Comptroller's Office. She mentioned additional training requirements for Ethics Board members and a vendor list that will further help the board check for conflicts of interest when reviewing the Statement of Financial Disclosure forms. In addition, she is in the process of amending the Code of Ethics for the County Legislature and County Executive's review and approval.

#### STATUS OF ANNUAL CODE OF ETHICS TRAINING FOR COUNTY BOARD MEMBERS:

Amanda reported that in December 2020, the County Executive sent Removal from Board letters to department liaisons for the two board members who failed to complete the 2020 Code of Ethics Training. These two individuals are no longer members of these boards.

She also reported the annual notification for the 2021 Training was emailed to Department liaisons on December 30, 2020 so they could distribute the training to their board members. All board member confirmations are due to the County Executive's Office by March 31, 2021. So far, 5 of the 26 boards have completed the 2021 Training and reminder emails will go out on March 22, 2021 to Department Liaisons for those board members we still need to turn in their confirmations.

Kristen left the meeting at 4:50 p.m.

STATUS OF FINANCIAL DISCLOSURE FORMS AND ANNUAL FILING:

Amanda reported that in 2020, the Ethics Board reviewed and approved a total of 347 Statements of Financial Disclosure.

For the 2021 annual filing, she reported that as of today, 327 forms are required for the annual filing. So far, 19 forms have been reviewed and approved by board members and 145 are pending the board's review. She also said the 2021 annual filing reminder was mailed or emailed to those required to file on March 5, 2021 and reminder notices will be emailed to department heads on April 20, 2021 for any of their employees or board members who have not completed and returned the form within 10 days of the April 30<sup>th</sup> deadline.

REVIEW OF SUBMITTED STATEMENT OF FINANCIAL DISCLOSURE:

The Board reviewed a 2020 Statement of Financial Disclosure where the individual had requested a time extension on the deadline for it and the 2020 Training Confirmation.

The board decided to give him a one-time extension and going forward will expect timely filing from the individual. The form was reviewed and approved for filing.

DISCUSS 2020 ANNUAL REPORT PREPARATION:

Mary Kay said she will work on putting together the 2020 Annual Report for the board's review and approval.

NEXT MEETING:

The Board's next meeting is TBD.

MEETING ADJOURNED:

Mary Kay motioned to adjourn the meeting at 5:34 p.m., which was seconded by John. All in favor.

Minutes prepared by Amanda Gallagher and respectfully submitted to John Marengo.

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**Appendix D: June 30, 2021 Agenda and Minutes**

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**CHAUTAUQUA COUNTY ETHICS BOARD (CCEB)**

**MEETING AGENDA**

Second Meeting of CY2021

Wednesday, June 30, 2021

3 p.m.

Rooms 331 & 333

Gerace Office Building

3 North Erie St.

Mayville, NY 14757

- I. Call to order: confirm proper public notification was completed.
- II. Introduction of new board members.
- III. Review correspondence and complaints.
- IV. Review and approve March 10, 2021 minutes.
- V. Code of Ethics Amendment update.
- VI. Report from County Attorney.
- VII. Status of Annual Code of Ethics Training for County Board Members and Employees.
- VIII. Status of Financial Disclosure forms and annual filing.
- IX. Review submitted Statements of Financial Disclosure.
- X. Set remaining meeting dates for 2021.
- XI. Review Draft 2020 Annual Report
- XII. Meeting adjourned.

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# CHAUTAUQUA COUNTY ETHICS BOARD

## MEETING MINUTES

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DATE: June 30, 2021

LOCATION: Rooms 331 & 333, Gerace Office Building, 3 North Erie Street,  
Mayville, New York 14757

TIME: 3 – 5:19 p.m.

MEMBERS PRESENT: John Hamels  
Diane Hannum  
John Marengo  
David Rowe  
Mary Kay Szejbka

OTHERS PRESENT: Amanda Gallagher from the County Executive's Office  
Kristen Wright from the County Law Department

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### CALL TO ORDER & PUBLIC NOTIFICATION:

Mary Kay called the meeting to order at 3:05 p.m. with her, John H., Diane, John M., David and Amanda present.

Amanda confirmed proper public notification was completed as the notice of today's meeting was sent out to the local media on June 22, 2021 and the meeting notice and materials were also posted on the county website that same day. She also confirmed that the meeting appeared in the Post-Journal's "Briefly" section on June 24, 2021 and the Observer's "Community Notebook" section on June 26, 2021.

### INTRODUCTION OF NEW BOARD MEMBERS:

John Hamels and Diane Hannum were welcomed to the board. Their terms will expire on January 31, 2024.

REVIEW CORRESPONDENCE:

Dave motioned to enter into Executive Session at 3:11 p.m. to discuss matters leading to the demotion, discipline, suspension dismissal or removal of a particular person or corporation, which was seconded by John M.

Diane motioned to leave Executive Session at 3:23 p.m., which was seconded by John H.

Dave motioned to send complainant a brief summary regarding Case No. 2020-04, which was seconded by John M. All in favor.

Amanda reported that the Board received a letter from the Chautauqua County Human Resources (HR) Department about the annual training that was issued to county employees. There was one department that did not submit any training forms yet to HR and seven other departments returned forms that either indicated they had some active employees and/or employees out on leave who didn't complete the training.

APPROVAL OF MINUTES:

Mary Kay motioned to approve the minutes from the March 10, 2021 meeting, which was seconded by Dave. All in favor with John H. and Diane noting they weren't members at the last meeting.

Amanda left the meeting at 3:27 p.m. and returned at 3:28 p.m.

Kristen arrived at the meeting at 3:30 p.m.

CODE OF ETHICS AMENDED:

Amanda reported that the Chautauqua County Code of Ethics was amended on May 26, 2021. Changes to the Code included giving department heads the responsibility of ensuring that if an employee under their purview doesn't file a timely statement that the person's ability to expend County funds is suspended until they file the form. Other changes included adding a process for someone to provide a written request for an extension to file, changing the reference of "board members" to "non-employees," adding wording that making a report that is misleading is also a violation of the Code, and deleting the reference to the Board having three members who terms expire in odd years and two in even years.

REPORT FROM ATTORNEY:

Kristen reviewed with Ethics Board members the powers and duties of the Ethics Board.

She also provided draft documentation on what individuals would use if they wanted to request an extension to complete the Code of Ethics Training or Financial Disclosure Statement.

Kristen also discussed a conflicts of interest question that came up from the County's Food Policy Council.



Mary Kay motioned to adopt the “Food Policy Council Conflicts of Interest Question,” which includes a question and response, and to include it in the “Questions Received about the Chautauqua County Code of Ethics and Financial Disclosure Statement” document, which was seconded by John M. All in favor with John H. and Diane noting they were not members when the initial inquiry came in.

STATUS OF ANNUAL CODE OF ETHICS TRAINING FOR COUNTY EMPLOYEES AND BOARD MEMBERS:

Amanda reported there are a total of 57 active employees who did not turn in their training confirmations to HR by the March 31, 2021 deadline. Of these missing training confirmations, as of today: 42 employees have still not completed the training confirmation, 4 employees completed the training prior to 3/31 but it wasn't received by HR until after the deadline, 7 employees completed it after the 3/31 deadline, 3 individuals are no longer employees, and 1 employee did not complete it by the deadline and is now out on leave. In addition, there are 18 employees who are out on leave and will be required to complete it upon their return to work.

For the employees who are out on leave, Amanda will send their Department Heads the “Request Form for An Extension of Time to Certify Completion of Ethics Training” so Department Heads can have their employees complete it within 2 weeks of their return to work.

In addition, of the employees who did not complete the training, one has received a Late Filing Notice in the past and will now receive a Failure to File letter and be assigned a Case number.

Amanda also provided an update on the annual training for the County Board members. As of the 3/31/21 deadline, 18 of the 26 boards had all of their members timely complete the training. As of today, of the 28 board members who didn't timely complete the training: 15 individuals completed the training prior to 3/31 but it was not received by the County Executive's Office until after the deadline, 7 individuals still have not completed the training, and 6 individuals completed the training after the deadline.

In addition, of the board members who did not complete the training, one has received a Late Filing Notice in the past and will now receive a Failure to File letter and be assigned a Case number.

Kristen had some questions for the board concerning its draft Code of Ethics Training Procedure and the process for late or missing training confirmations.

The board would like to first confirm that the individual was an active employee or board member during the 2 weeks the training was due. If the individual was out on leave then the training and an Extension of Time Request form would need to be completed within 2 weeks of the individual's return to work. If the employee or non-employee was not out on authorized leave, it would then need to be confirmed that the individual timely (at least 2 weeks before it was due) received the training materials. If not timely received, the individual would get a 2 week extension. If the materials were timely received, county employees would be sent a Late Filing Notice letter and board liaisons would be consulted for a recommended course of action for county board members. Some possible course of actions that board liaisons could recommend are having the board member be terminated, issuing a Late Filing Notice letter, or authorizing an extension of time to file.

Dave motioned to approve the discussed timeline for the training policy, to complete the procedure at a later date, and to approve the extension request forms, which was seconded by John H. All in favor.

Kristen also reported that the County Executive recently sent out a memo to all Department Heads about the financial disclosure statement and training requirements.

Mary Kay requested board members be sent a copy of the memo and when training materials are issued next year it might be helpful to have the County Executive resend this reminder to department heads.

#### REVIEW SUBMITTED STATEMENTS OF FINANCIAL DISCLOSURE:

The board reviewed and approved 5 Statements of Financial Disclosure for filing.

#### STATUS OF FINANCIAL DISCLOSURE FORMS AND ANNUAL FILING:

Amanda reported that so far for 2021, 304 forms have been reviewed, approved and filed.

There were 293 forms that were required by the April 30, 2021 annual filing deadline. Of those forms, 225 (or 76%) were timely received and 68 forms were not received by the deadline.

For the 68 late forms, as of today: 39 of the late forms have been received and filed, 19 are still missing from active employees or board members, 2 are missing from employees out on leave, 7 are pending corrections from the filer, and 1 is pending review.

In addition, two of the forms that have still not been received are filers who received a Late Filing Notice in the past. These individuals will receive a Failure to File letter and be assigned case numbers.

Amanda noted that the lateness of the reminder going out to Department Heads about the employees or board members under their purview who still hadn't filed, may have contributed to there being so many late forms this year as 32 of the missing forms were received within 10 days of the reminder going out to Department Heads.

Amanda requested some clarification on the Ethics Board Procedure for Financial Disclosure Statements in regards to the Late Filing Notices. If an individual receives a Late Filing Notice letter in the current year and is late with filing again in that same year, would the individual then move on to the next level of action by receiving a Failure to File letter?

John M. motioned to amend Ethics Board procedures to clarify that each violation constitutes a separate and distinct violation even if it occurs in the same year, which was seconded by Dave. All in Favor.

#### SETTING 2021 MEETING DATES:

If special meetings are needed for individuals who have not timely completed the financial disclosure form or training, the Board will call a special meeting for those hearings.

The board set September 15 and November-17 as its next meeting dates for 2021. Both meetings would be held at 3 p.m. at the Gerace Office Building in Mayville. Amanda will follow-up with board members as the meeting dates get closer to confirm we still have a quorum.

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REVIEW DRAFT 2020 ANNUAL REPORT:

The Board reviewed the draft 2020 annual report.

John H. motion to adopt the 2020 Annual Report, which was seconded by Diane. All in favor.

---

MEETING ADJOURNED:

Dave motioned to adjourn the meeting at 5:19 p.m., which was seconded by Mary Kay. All in favor.

Minutes prepared by Amanda Gallagher and respectfully submitted to John Marengo.

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**Appendix E: August 25, 2021 Agenda and Minutes**

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**CHAUTAUQUA COUNTY ETHICS BOARD (CCEB)**

**MEETING AGENDA**

Third Meeting of CY2021

Wednesday, August 25, 2021

3 p.m.

Room 149

Gerace Office Building

3 North Erie St.

Mayville, NY 14757

- I. Call to order: confirm proper public notification was completed.
- II. Review and approve June 30, 2021 minutes.
- III. Review correspondence and complaints.
- IV. Report from County Attorney.
- V. Status of Annual Code of Ethics Training for County Board Members and Employees.
- VI. Status of Financial Disclosure forms and annual filing.
- VII. Meeting adjourned.

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# CHAUTAUQUA COUNTY ETHICS BOARD

## MEETING MINUTES

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DATE: August 25, 2021

LOCATION: Room 149, Gerace Office Building, 3 North Erie Street,  
Mayville, New York 14757

TIME: 3 – 5:09 p.m.

MEMBERS PRESENT: John Hamels  
David Rowe  
Mary Kay Szwejbka

MEMBERS ABSENT: Diane Hannum  
John Marengo

OTHERS PRESENT: Amanda Gallagher from the County Executive's Office  
Kristen Wright from the County Law Department

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### CALL TO ORDER & PUBLIC NOTIFICATION:

Mary Kay called the meeting to order at 3 p.m.

Amanda confirmed proper public notification was completed as the notice of today's meeting was sent out to the local media on August 17, 2021 and the meeting notice and materials were also posted on the county website that same day. She also confirmed that the meeting appeared in the Post-Journal on August 18, 2021 and the Observer on August 21, 2021.

APPROVAL OF MINUTES:

Amanda requested a change to the minutes as there was a numerical error in the number of employees she reported that were out on leave and would need to complete the Code of Ethics Training Upon their return to work. Instead of 9 employees, the number should be 18. Under the “Status of Annual Code of Ethics Training for County Employees and Board members” section of the minutes, she requested the following change to the minutes:

In addition, there are ~~9~~<sup>18</sup> employees who were out on leave and will be required to complete it upon their return to work.

John Hamels motioned to approve the minutes as amended, which was seconded by Dave. All in favor.

REVIEW CORRESPONDENCE:

Amanda reported that John Marengo had checked the Board’s P.O. Box last week and there was no mail.

The Board also reviewed Case No. 2021-06.

John Hamels moved to also refer the first sentence of the Case Report to the supervisor, which was seconded by Dave. All in favor.

REPORT FROM ATTORNEY:

Kristen reviewed with Ethics Board members the possible penalties and actions that could be taken for an individual’s noncompliance with the Code of Ethics. She also hopes to have the Board’s updated policy available for review at the next meeting.

PROCEDURES DISCUSSION:

John Hamels recommended a tip sheet go out next year with the Code of Ethics Training and Statement of Financial disclosure so individuals know to expect a fine or other discipline if they do not timely comply with the training or filing requirements.

For individuals who have not timely returned their forms or completed their training, the Board set a fine of \$100. In the future, if the form and fine were not received within 10 business days, the amount will increase by \$100 for every 10 business days it is late.

STATUS OF ANNUAL CODE OF ETHICS TRAINING FOR COUNTY EMPLOYEES AND BOARD MEMBERS:

Amanda reported that 13 Annual Code of Ethics Training confirmations are still missing. This includes 4 active employees and 9 individuals who are still out on leave.

The Board reviewed and approved 33 Request Forms for an Extension of Time to Certify Completion of Ethics Training.

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STATUS OF FINANCIAL DISCLOSURE FORMS AND ANNUAL FILING:

Amanda reported that so far for 2021, a total of 340 Statements of Financial Disclosure have been reviewed, approved and filed.

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There are four annual forms that are still missing from active employees.

The Board reviewed and approved 2 Request Forms for an Extension of Time to File the Statement of Financial Disclosure Form and also approved their accompanied disclosure statements.

NEXT MEETING:

The next meeting is scheduled for September 15, 2021 at 3 p.m. in the Gerace Office Building, Room TBD.

MEETING ADJOURNED:

Mary Kay motioned to adjourn the meeting at 5:09 p.m., which was seconded by John Hamels. All in favor.

Minutes prepared by Amanda Gallagher and respectfully submitted to David Rowe and Mary Kay Szwejbka.

**Appendix F: September 15, 2021 Agenda and Minutes**

**CHAUTAUQUA COUNTY ETHICS BOARD (CCEB)**

**MEETING AGENDA**

Fourth Meeting of CY2021

Wednesday, September 15, 2021

3 p.m.

Room 149

Gerace Office Building

3 North Erie St.

Mayville, NY 14757

- I. Call to order: confirm proper public notification was completed.
- II. Review and approve August 25, 2021 minutes.
- III. Report from County Attorney.
- IV. Review correspondence and complaints.
- V. Status of Annual Code of Ethics Training for County Board Members and Employees.
- VI. Status of Financial Disclosure forms and annual filing.
- VII. Next Meeting: Wednesday, November 17, 2021 at 3 p.m. in Room 149 of the Gerace Office Building, 3 N. Erie St., Mayville, N.Y.
- VIII. Meeting adjourned.



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# CHAUTAUQUA COUNTY ETHICS BOARD

## MEETING MINUTES

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DATE: September 15, 2021

LOCATION: Room 149, Gerace Office Building, 3 North Erie Street,  
Mayville, New York 14757

TIME: 3:01 – 5:33 p.m.

MEMBERS PRESENT: John Hamels  
Diane Hannum  
John Marengo  
Mary Kay Szwejbka

MEMBERS ABSENT: David Rowe

OTHERS PRESENT: Nathaniel Barone from the Public Defender's Office  
Amanda Gallagher from the County Executive's Office  
Kristen Wright from the County Law Department

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### CALL TO ORDER & PUBLIC NOTIFICATION:

Mary Kay called the meeting to order at 3:01 p.m.

Amanda confirmed proper public notification was completed as the notice of today's meeting was sent out to the local media and posted on the county website on September 7, 2021. The meeting agenda and materials were posted on the county website on September 8, 2021. She also confirmed that the meeting appeared in the Observer's "Community Notebook" section on September 9, 2021 and in the Post-Journal's "Briefly" section on September 10, 2021.

Nathaniel entered the meeting at 3:04 p.m.

REVIEW OF CASE NUMBERS 2021-07 AND 2021-12:

Mary Kay motioned to enter into executive session at 3:05 p.m. to discuss matters leading to the discipline, suspension, dismissal or removal of a particular person or persons, which was seconded by John H. All in favor.

Amanda left the meeting at 3:05 p.m.

Nathaniel left the meeting at 3:40 p.m.

Mary Kay motioned to leave executive session at 3:45 p.m., which was seconded by John M. All in favor.

Amanda returned to the meeting at 3:46 p.m.

APPROVAL OF MINUTES:

Diane requested that the August 25, 2021 minutes reflect the specific change that was requested by Amanda to the June 30, 2021 minutes when they were approved. The change was requested under the “Status of Annual Code of Ethics Training for County Employees and Board Members” section of the minutes to update the sentence, “In addition, there are 9 employees who are out on leave and will be required to complete it upon their return to work” to now read 18 employees instead of 9, due to an error where 9 employees were missed.

The draft August 25, 2021 minutes were tabled for discussion until the next meeting as there was not a quorum of those present at the last meeting to vote on them.

REPORT FROM COUNTY ATTORNEY:

Kristen reviewed the revised “Ethics Board Procedure - Financial Disclosure Statements and Ethics Board Training” document with the Board. On page 2 under minimum penalties, she wondered if the board wanted to set a monetary amount for the third year someone untimely complies with the statement or training requirements. There was general agreement that if someone was in non-compliance for a third year that it would then be up for the Board’s further review and determination.

John M. motioned to adopt the new procedures effective October 1, 2021, which was seconded by Diane. All in favor.

REVIEW CORRESPONDENCE:

John Marengo reported that he checked the Board’s P.O. Box today and there was no mail.

STATUS OF ANNUAL CODE OF ETHICS TRAINING FOR COUNTY EMPLOYEES AND BOARD MEMBERS:

Amanda reported 10 Annual Code of Ethics Training confirmations are still missing. This includes 2 active employees and 8 individuals who are still out on leave.

Amanda also reported she received an email from the Sheriff's Office about an error on its end when the 2021 Code of Ethics Training was returned to the Human Resources Department. It provided documentation showing that two employees in the department that were previously thought to have not timely completed the annual training, did in fact complete the training by March 31, 2021 within the electronic training system the Sheriff's Office utilizes to track the trainings completed by its employees. If the board is satisfied with this documentation, then the Late Filing Notices letters that were previously sent to these individuals should be revoked.

There was general agreement from the Board that the Late Filing Notice letters be revoked as the training was timely completed by both parties.

The Board reviewed and approved 1 Request Form for an Extension of Time to Certify Completion of Ethics Training.

#### STATUS OF FINANCIAL DISCLOSURE FORMS AND ANNUAL FILING:

Amanda reported that so far for 2021, a total of 349 Statements of Financial Disclosure have been reviewed, approved and filed.

There are two annual forms that are still missing from active employees.

The Board has 3 Request Forms for an Extension of Time to File the Statement of Financial Disclosure Form to review at today's meeting.

#### REVIEW OF CASE NO. 2021-06:

Reporter for Case No. 2021-06 arrived at 4:08 p.m.

John H. motioned to enter into executive session at 4:09 p.m. to discuss matters leading to the discipline, suspension, dismissal or removal of a particular person or persons, which was seconded by Diane. All in favor.

Kristen left the meeting at 4:09 p.m.

Reporter left the meeting at 4:30 p.m.

Kristen returned to the meeting at 4:36 p.m.

John M. motioned to leave executive session at 5:05 p.m., which was seconded by Diane. All in favor.

John H. motioned to send a letter to reporter that the Board appreciates the report and will take it under advisement, which was seconded by John M. All in favor.

#### RETURN TO STATUS OF FINANCIAL DISCLOSURE FORMS AND ANNUAL FILING:

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The Board reviewed and approved 2 Request Forms for an Extension of Time to File the Statement of Financial Disclosure Form. With this approval, the Board will also send a letter to the individual revoking the Late Filing Notice letter previously sent to the individual.

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The Board reviewed and disapproved 1 Request Form for an Extension of Time to File the Statement of Financial Disclosure Form. A letter will be sent to the board member and department liaison requesting the board member timey comply in the future. The board also approved its accompanied disclosure statement.

NEXT MEETING:

The next meeting is scheduled for November 17, 2021 at 3 p.m. in the Gerace Office Building, Room 149.

MEETING ADJOURNED:

John H. motioned to adjourn the meeting at 5:33 p.m., which was seconded by Diane. All in favor.

Minutes prepared by Amanda Gallagher and respectfully submitted to John Marengo.

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**Appendix G: November 2, 2021 Agenda and Minutes**

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**CHAUTAUQUA COUNTY ETHICS BOARD (CCEB)**

**MEETING AGENDA**

Fifth Meeting of CY2021

Tuesday, November 2, 2021

9 a.m.

Legislative Chambers

Gerace Office Building

3 North Erie St.

Mayville, NY 14757

- I. Call to order: confirm proper public notification was completed.
- II. Review and approve August 25, 2021 and September 15, 2021 minutes.
- III. Review correspondence.
- IV. Next Meeting: Wednesday, November 17, 2021 at 3 p.m. in Room 149 of the Gerace Office Building, 3 N. Erie St., Mayville, N.Y.
- V. Meeting adjourned.

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# CHAUTAUQUA COUNTY ETHICS BOARD

## MEETING MINUTES

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DATE: November 2, 2021

LOCATION: Legislative Chambers, Gerace Office Building, 3 North Erie Street,  
Mayville, New York 14757

TIME: 9:09 a.m. – 12:10 p.m.

MEMBERS PRESENT: John Hamels  
Diane Hannum  
John Marengo  
David Rowe  
Mary Kay Szwejbka

OTHERS PRESENT: Respondent for Case No. 2021-09  
Respondent for Case No. 2021-10  
Respondent for Case No. 2021-03A  
Amanda Gallagher from the County Executive's Office  
Kristen Wright from the County Law Department

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### CALL TO ORDER & PUBLIC NOTIFICATION:

Mary Kay called the meeting to order at 9:09 a.m.

Amanda confirmed proper public notification was completed as the notice of today's meeting was sent out to the local media and posted on the county website on October 22, 2021. The meeting agenda and materials were posted on the county website on October 22, 2021. She also confirmed that the meeting appeared in the Observer's "Community Notebook" section on October 23, 2021 and in the Post-

Journal's "Briefly" section on October 25, 2021. Mary Kay and Diane also confirmed they saw the meeting notice in the Pennysaver.

Amanda left the meeting at 9:09 a.m.

Amanda and Respondents for Case Numbers 2021-09 and 2021-10 entered the meeting at 9:12 a.m.

REVIEW CORRESPONDENCE:

The Board reviewed Case Numbers 2021-09 and 2021-10.

John H. motioned to withdraw Case Numbers 2021-09 and 2021-10, which was seconded by Diane. All in Favor.

Respondents for Case Numbers 2021-09 and 2021-10 left the meeting at 9:28 a.m.

APPROVAL OF MINUTES:

John H. motioned to approve the minutes from the August 25, 2021 meeting, which was seconded by Mary Kay. All in favor with Diane and John M. not voting as they were not present at the August meeting.

Diane motioned to approve the minutes from the September 15, 2021 meeting, which was seconded by John M. All in favor with Dave not voting as he was not present at the September meeting.

REVIEW CORRESPONDENCE:

The Board reviewed and approved Agreements to Settle that were received for Case Numbers 2021-01, 2021-05, 2021-07, 2021-12, and 2021-13.

Amanda reported that Case No. 2021-08 has been resolved as the individual has resigned.

Amanda left the meeting at 9:40 a.m.

Amanda returned to the meeting at 9:42 a.m.

The Board reviewed and held a hearing for Case No. 2021-04.

John M. motioned to enter into executive session at 11:06 a.m. to discuss matters leading to the discipline, suspension, dismissal or removal of a particular person, which was seconded by Mary Kay. All in favor.

Diane motioned to leave executive session at 11:18 a.m., which was seconded by Dave. All in favor.

John M. motioned that the Board finds that respondent failed to comply with Section 8(1) of Chautauqua County Local Law 1-20, as amended by Local Law 3-21, and recommended a fine of \$100 be imposed, which was seconded by Diane. All in favor.

Amanda left the meeting at 11:22 a.m.

Amanda and Respondent for Case No. 2021-03A arrived at the meeting at 11:23 a.m.

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The Board reviewed Case No. 2021-03A and the matter will be settled.

Respondent for Case No. 2021-03A left the meeting at 11:48 a.m.

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The Board also discussed a new board member from the Chautauqua Lake Protection and Rehabilitation Agency who did not complete the Code of Ethics Training yet. A letter will be sent to the individual.

NEXT MEETING:

The next meeting is scheduled for November 17, 2021 at 3 p.m. in Room 149 of the Gerace Office Building, 3 N. Erie St. in Mayville, N.Y.

MEETING ADJOURNED:

Dave motioned to adjourn the meeting at 12:10 p.m., which was seconded by John H. All present were also in favor.

Minutes prepared by Amanda Gallagher and respectfully submitted to John Marengo.



CHAUTAUQUA COUNTY ETHICS BOARD (CCEB)

MEETING AGENDA

Sixth Meeting of CY2021

Wednesday, November 17, 2021

3 p.m.

Room 149

Gerace Office Building

3 North Erie St.

Mayville, NY 14757

- I. Call to order: confirm proper public notification was completed.
- II. Review and approve November 2, 2021 minutes.
- III. Review correspondence.
- IV. Report from County Attorney.
- V. Status of Annual Code of Ethics Training for County Board Members and Employees.
- VI. Status of Financial Disclosure Forms and annual filing.
- VII. Discuss 2022 Code of Ethics Trainings.
- VIII. Discuss 2021 Annual Report Preparation
  - a. Membership-- Mary Kay's term expires 1/31/22.
  - b. Set 2022 meeting dates.
- IX. Next Meeting: TBD
- X. Meeting adjourned.

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# CHAUTAUQUA COUNTY ETHICS BOARD

## MEETING MINUTES

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DATE: November 17, 2021

LOCATION: Room 149, Gerace Office Building, 3 North Erie Street,  
Mayville, New York 14757

TIME: 3:04 - 5:17 p.m.

MEMBERS PRESENT: John Hamels  
Diane Hannum  
John Marengo  
David Rowe  
Mary Kay Szwejbka

OTHERS PRESENT: Mary Ann Spanos from the Office for Aging Services  
PJ Wendel from the County Executive's Office  
James Feldmann from the County Executive's Office  
Amanda Gallagher from the County Executive's Office  
Kristen Wright from the County Law Department

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### CALL TO ORDER:

Mary Kay called the meeting to order at 3:04 p.m.

### DISCUSSION

Board discussed Code of Ethics Training with Mary Ann Spanos.

Diane entered the meeting at 3:09 p.m.

Mary Ann left the meeting at 3:19 p.m.

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RECOGNITION:

The Board recognized and thanked its board liaison, Amanda Gallagher, for her hard work in assisting the Ethics Board.

PUBLIC NOTIFICATION:

Amanda confirmed proper public notification was completed as the notice of today's meeting was sent out to the local media and posted on the county website on November 8, 2021. She also confirmed that the meeting appeared in the Observer's "Community Notebook" section on November 10, 2021 and in the Post-Journal's "Briefly" section on November 12, 2021.

APPROVAL OF MINUTES:

Dave motioned to approve the minutes from November 2, 2021 meeting, which was seconded by John M. All in favor.

REVIEW CORRESPONDENCE:

John M. reported that there was no mail in the Board's P.O. Box.

Amanda reported the Board received correspondence from the Department of Public Facilities, which was reviewed with the Board.

RECOGNITION:

PJ Wendel and James Feldmann arrived at the meeting at 3:30 p.m.

PJ and the Ethics Board members recognized Mary Kay for her 23 years of service to the Board.

PJ and James left the meeting at 3:40 p.m.

REPORT FROM COUNTY ATTORNEY:

The Board reviewed updates to the Ethics Board Procedure: Financial Disclosure Statements and Ethics Board Training.

John motioned to approve the updated Ethics Board Procedure, which was seconded by Dave. All in favor.

STATUS OF ANNUAL CODE OF ETHICS TRAINING:

Amanda reported that 4 Annual Training confirmations are still missing. They are all employees who are still out in leave. The training confirmation has also been received for the Chautauqua Lake Protection and Rehabilitation Agency.

Two Training Extension Request Forms and 1 Disclosure Extension Request Form were received for the Board's review.

Dave motioned to approve the Extension Request Form for the Sherriff employee, which was seconded by John H. All in favor.

The training extension request form, disclosure extension request form and financial disclosure form from the same board member were then reviewed. The financial disclosure form was reviewed and approved.

John M. motioned to deny both extension request forms for the individual. Motion failed.

John M. motioned to request a copy of the return envelope from the individual who requested the extensions and if the envelope is supplied and has been timely mailed then the extensions will be granted, otherwise the extensions will be denied, which was seconded by Diane. All in favor.

Mary Kay left the meeting at 4:30 p.m.

STATUS OF FINANCIAL DISCLOSURE FORMS AND ANNUAL FILING:

Amanda reported that so far for 2021, the Board has reviewed, approved and filed 364 Statements of Financial Disclosure. In addition, all annual filing forms that were due by April 30<sup>th</sup> have now been received and filed as of October 27, 2021.

The Board also reviewed and approved one amended form during the meeting.

John M. motioned to enter into executive session at 4:35 pm. to discuss matters leading to the discipline, suspension, dismissal or removal of a particular person, which was seconded by Dave. All present were in favor.

John H. motioned to approve the Findings of Fact and Decision and Order for Case No. 2021-04, which was seconded by Diane. All present were in favor.

Diane motioned to leave executive session at 5:04 p.m., which was seconded by John M. All present were in favor.

DISCUSS 2022 CODE OF ETHICS TRAINING:

The Ethics Board reviewed the trainings for 2021 for potential updates that they would like implemented for the 2022 training. The Board requested that 2022 training materials include Local Law 3-21 (Chautauqua County Code of Ethics) and the Code of Ethics Training presentation. Individuals who are required to complete the statement of financial disclosure form will also be need to take/receive the Disclosure Form Training presentation.

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DISCUSS 2021 ANNUAL REPORT PREPARATIONS:

Mary Kay will not be seeking re-appointment when her term expires on 1/31/22. The County Executive will work on finding a replacement. Amanda said if the Board has a woman to recommend for the position to please let her know.

---

Dave and Amanda will work on putting together the 2021 Annual Report.

NEXT MEETING:

The next meeting is scheduled for March 16, 2022 at 3 p.m. in the Gerace Office Building in Mayville. Room TBD.

MEETING ADJOURNED:

John H. motioned to adjourn the meeting at 5:17 p.m., which was seconded by Dave. All present were also in favor.

Minutes prepared by Amanda Gallagher and respectfully submitted to John Marengo.

## Appendix I: Verification Letter from Human Resources for Employee Training



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### CHAUTAUQUE COUNTY DEPARTMENT OF HUMAN RESOURCES

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3 N. Erie Street • Room 144 • Gerace Office Building, Mayville, NY 14757-1007 • Email [cchrs@co.chautauque.ny.us](mailto:cchrs@co.chautauque.ny.us)  
Phone (716) 753-4237 • Fax (716) 753-4686 • Website [www.co.chautauque.ny.us](http://www.co.chautauque.ny.us)

**PAUL M. WENDEL, JR.**  
County Executive

**JEAN RILEY**  
Director

**KENNETH WESTPHAL**  
Sr. Personnel Technician  
Deputy Director

**FRANCINE EMLEY**  
Sr. Personnel  
Technician

**JENNIFER RISSEL**  
Personnel Technician

**ERIC BENS**  
Insurance  
Administrator

April 30, 2021

David Rowe and Mary Kay Szwejbka, Co-Chairs  
Chautauque County Ethics Board  
c/o Chautauque County Executive's Office  
3 North Erie Street  
Mayville, New York 14757

Re: Annual Training

Dear Mr. Rowe and Ms. Szwejbka:

In January of 2021, the Chautauque County Human Resources Department issued the training tools to all county departments enabling employees to comply with the County's Ethics Policy.

Verification of employee participation is on record in the Human Resources office.

Exceptions by the following departments were provided to the County Executive's office:

- District Attorney
- Public Facilities
- Emergency Services
- Finance
- Health & Human Services
- Mental Hygiene
- Sheriff

No forms were received from the following department:

- Office for the Aging

Respectfully submitted,

*Jean Riley*

Jean Riley  
Director of Human Resources

JR/jm

Cc: County Executive

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## Appendix J: Questions Received about the Chautauqua County Code of Ethics and Financial Disclosure Statement

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### Questions Received about the Chautauqua County Code of Ethics and the Financial Disclosure Statement

#### What is the Chautauqua County Code of Ethics?

The Chautauqua County Code of Ethics is a Local Law that establishes standards of ethical conduct for County officers and employees to ensure that County Government is free from improper influence.

#### What is the Financial Disclosure Statement?

The Financial Disclosure Statement is a public disclosure of interests that is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people. It is a form that is completed by required filers who indicate any financial interests they may have including investments, trusts, loans, and gifts and any interest in contracts they may have with the county.

#### The Code of Ethics mentions discretionary acts, what is the definition of a discretionary act and a ministerial act?

According to Merriam-Webster, discretionary means left to discretion and the right to choose what should be done in a particular situation. Ministerial is defined as being or having the characteristics of an act or duty prescribed by law as part of the duties of an administrative office; or relating to or being an act done after ascertaining the existence of a specified state of facts in obedience to a legal order without exercise of personal judgment or discretion; or acting or active as an agent.

For example, when a business sells tobacco products to a minor twice in one year, the Board of Health sets a penalty. The amount of the monetary penalty is within its *discretion*, within the minimum and maximum bounds allowed by law. However, the assignment of points to the business (which leads to license revocation) is a *ministerial* act, as the State mandates that two points be assigned in these circumstances.

#### What is Penal Law 200.10 and how does it relate to County Employees?

New York State Penal Law makes it a felony for a "public servant" to solicit, accept or agree to accept any benefit from another person upon an agreement or understanding that such public servant's "vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced." The term "public servant" includes County officers and employees.

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**I am the head of a local organization/business that is entering into a contract with the County, but I am also a County employee. Can I sign the contract on behalf of my organization/business?**

**Example 1:** A local fire department is entering into a contract with the County to conduct a practice drill and training program.

**Example 2:** A local, *volunteer* fire department is entering into a contract with the County pursuant to which the County will administer training and recertification programs for the firefighters.

In the examples above the County employee, whether or not s/he is paid by the fire department, may not sign the contract on behalf of the fire department. Section 4 of the Code of Ethics, concerning conflicts of interest, provides that a County officer or employee may not act or appear as a representative for a third party (in this case the fire department) in connection with any transaction which involves discretionary acts on the part of the County.

**The County's Food Policy Council is meant to function as a network to improve connectivity in our local food system. One Council member is a farmer who produces fruit and sells it to schools, while another is the operations manager for a local produce market and supplies many of our local schools with produce. Council members have recently been discussing improving farm to school initiatives and both of these Council members are concerned that their efforts with the Council could be seen as a conflict of interest. Both would stand to benefit through their respective businesses if we made progress on these initiatives. Does a conflict of interest exist for these Council members? The benefits to be derived from Food Policy Council initiatives would apply equally to all local food producers and purveyors.**

**Background Information:**

The Chautauqua County Food Policy Council (FPC) was established in April of 2019 by the Chautauqua County Legislature (Resolution 119-19), and its members are appointed by the County Executive. The thirteen to fifteen member board is comprised of seven reserved seats as well as community seats. The reserved seats are to be held by:

- (i) Cornell Cooperative Extension of Chautauqua County;
- (ii) County Legislator or other County government representative;
- (iii) Chautauqua County Health Network;
- (iv) a farmer or food producer;
- (v) a wholesale or commercial consumer;
- (vi) a food distributor or transporter; and
- (vii) a governmental or non-governmental organization working in the area of health, social services, and/or nutrition assistance.

FPC's mission is to educate, support, and connect producers, processors, distributors, transporters, agencies, and consumers to work towards an efficient, effective, and sustainable food system that is economically viable, accessible, and enhances community food security. Its focus areas are networking among food system stakeholders, policy recommendations (identifying regulations that benefit or inhibit the food system and making recommended suggestions or alternatives), and support for local



organizations via education and connections. By bringing together stakeholders from all sectors of the local food system, the Council envisions that all residents will have access to affordable, culturally appropriate, and nutritious food through sustainable agricultural and food business systems to promote the local economy.

The FPC is an advisory body with no power to expend, or recommend expenditures of, County funds or resources, and Council members are not paid for their services.

The County of Chautauqua regularly makes food purchases for jail inmates and as part of the OFA "Nutrition for the Elderly Congregate and Home Delivered Meals" program. In addition, County funds may be applied toward JCC food purchases or toward DSS SNAP food purchases. Other County food purchases may be made in connection with meetings, programs or events.

**ANSWER:** FPC members do not, by virtue of FPC efforts to improve farm to school initiatives, have a statutory conflict of interest. The very tasks with which FPC members are charged will, if successful, be expected to increase purchases of local produce; however FPC members do not have the power to effect such purchases, to indirectly cause such purchases to take place, or to direct which vendors will benefit.

It is significant that, in their capacity as unpaid FPC advisory body members, members do not have the power to:

- (i) negotiate, prepare, authorize or approve contracts;
- (ii) authorize or approve payments under contracts;
- (iii) audit bills or claims under a contract; or
- (iv) appoint an officer or employee having any of these functions.

Any time a situation which does not directly violate an ethics law might have bad optics from an ethical standpoint, individuals may choose to recuse themselves from votes and/or refrain from participating in discussions or activities. Recusal or refraining may be advisable when participation might (i) result in violation of the spirit and intent of an ethics statute, (ii) be inconsistent with public policy, or (iii) suggest self-interest, partiality or economic impropriety.

Council members must disclose interests in contracts they enter into with the County when required by state law or the County's Code of Ethics.

**As the Chief Executive Officer of a local business (Business), I have secured County funding assistance and signed contracts with the County. I was recently appointed as an unpaid, volunteer member of a County's Food Policy Council advisory board. Does the County's Code of Ethics now prohibit me, by virtue of my County board membership, from signing (on Business's behalf) contracts with the County?**

No, in this case it would not be a violation of the Code of Ethics for you to sign the Business's contracts with the County.

Section 4 of the Code of Ethics delineates prohibited conflicts of interest. As a County board member, this Section applies to you. Within that Section, Paragraph 6 sets forth exceptions to the Conflict of Interest Provisions of the Code. Paragraph 6 states:

*6. Nothing in this Local Law shall be construed to prohibit an unpaid member of an advisory County board, bureau, council, committee, or commission from acting or appearing for a third party regarding a contract with the County when such member has no power or duty to:*

- a. negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;*
- b. audit bills or claims under the contract; or*
- c. appoint an officer or employee who has any of the powers or duties set forth above.*

In your capacity as a member of the County's Food Policy Council advisory board, you do not have the power or duty to perform any of the actions in a through c, above. Therefore, you are not prohibited from acting on behalf of, or appearing for, Business, regarding a contract with the County, including signing contracts with the County.

**However, you may be required to disclose the contract(s) pursuant to Section 803 of New York State General Municipal Law. To view guidance from the New York State Comptroller's Office on Conflicts of Interest of Municipal Officers and Employees, visit <https://www.osc.state.ny.us/sites/default/files/local-government/documents/pdf/2019-01/conflictinterest.pdf>.**

**Some friends of mine work for Company Parfour, which has purchased tickets for participation in a golf tournament fundraiser. The total cost for four golfers is \$400, which covers the cost of golfing, refreshments, and a donation to a charity (which will be attributed to Parfour). Though my friends initially had a team of four Parfour players, one is no longer able to play. My friends asked my boss, who they also know, if he wanted to be their "fourth," and upon learning that he is unavailable they invited me. The County does business with Parfour, and I have some discretionary authority in connection with County-Parfour interactions. Can I accept their golfing invitation?**

Section 4 of Chautauqua County's Code of Ethics prohibits acceptance of any gift having a value of \$75.00 or more per year from any donor. If you are able to determine the actual value of the gift (the refreshments and the opportunity to golf), and you are under the \$75.00 threshold, you could properly accept the gift.

*Note that the purpose of the Code of Ethics is to establish "minimum standards" of ethical conduct, and that sometimes the "optics" of a situation may look unfavorable even if it is not a technical violation of the Code of Ethics. If you decide to participate in the tournament it would be advisable to keep written*

documentation of the value of the tournament so that you can defend yourself in the event of an accusation of violation of the Code.

**I recently attended an event which was open to the public, with an estimated 200 to 300 attendees. Advertisements for the event were included in the newspaper and the County Executive's Monday Morning Memo, issued to Chamber of Commerce members, and possibly included elsewhere. In the advertisement I saw, it was noted that those attending the event would be eligible to win a prize consisting of a round trip flight to Las Vegas, with hotel accommodations. I attended the event, and filled out a prize entry form with my name, address, phone number, and e-mail address. A random drawing was held, and my name was drawn to win the prize. Would accepting the prize constitute acceptance of a gift, as prohibited by Section 4 of the Chautauqua County Code of Ethics?**

No, acceptance of the prize would not constitute acceptance of a gift in violation of the Ethics Code. This was a random chance drawing at an event which was open to, and well-attended by, the general public. The opportunity to win the trip was given equally to members of the public, in exchange for attendance at the event and providing personal contact information.

**An employee of Company T has offered to give me airfare and hotel accommodations to Las Vegas, to attend a trade show where Company T and at least 100 other companies will be exhibiting their products. I have come to know the Company T employee through our common attendance at work-related functions. Company T's products are used by our Sewer District; however there is never an opportunity for the District to decide or influence whether company T's products will be used by the District. This is because the County issues bids for maintenance and repair services, and the County's contractor, in its sole discretion and with no input from the District, determines which product(s) are needed to effectuate the maintenance and repairs.**

**Is it okay for me to accept the airfare and hotel accommodations?**

Yes. The prohibition on acceptance of gifts (Local Law 2-17, Section 4(b)) applies when the County Officer or employee knows the gift giver is considering, or has had, any transactions with the County that involve any discretionary act by the County officer or employee.

**As a County employee I have developed expertise on the subject of widgets. A conference is being held at Chautauqua Institution, and I have been asked by conference sponsors to speak about widgets in my capacity as a County employee. I have agreed to do so, and will be identified in conference publicity as a County employee with expertise in widgets. Conference sponsors have offered to pay me a \$400.00 speaker honorarium for my presentation. May I accept the money on behalf of the County, turning payment over to the County?**

Yes.

Though not directly pertinent to the question, it is worth noting that New York State Penal Law §200.35 makes it a Class A misdemeanor for a public servant to receive unlawful gratuities.

*"A public servant is guilty of receiving unlawful gratuities when he solicits, accepts or agrees to accept any benefit for having engaged in official conduct which he was required or authorized to perform, and for which he was not entitled to any special or additional compensation."*

I retired from County employment six months ago. While I was a County employee, I participated in the decision to award a contract to PCH, Inc. for the provision of engineering services for Project Q. I did not have final authority with respect to the contract award. When PCH was hired, I was named in the contract as the County's "primary contact" with PCH. In accordance with my job duties, I reviewed PCH's Project invoices and recommended payment on them, and assisted the engineers during the construction phase of the Project. I also recommended an expansion to the scope of services to be provided by PCH, beyond those included in the initial Project Q contract, but did not have authority to sign the contract amendment. Now that I am retired, PCH has offered me a job providing engineering inspection services for Project Q. May I accept the job?

No. That would be a violation of the County's Ethics Code. Section 4(1)(f) of the Law prohibits a former County employee from receiving compensation for services rendered on behalf of a third party in relation to any particular matter upon which such employee took any discretionary act during his/her County employment. Your recommendation of payment on PCH Project invoices involved discretionary acts, and your assistance to Project engineers involved discretionary acts. In addition, your participation in the decisions to hire PCH, and to later expand the scope of contracted services, involved discretion. Since the prohibition against third party employment is triggered by your exercise of discretion in connection with Project Q, the fact that you were not to the exclusive or final authority on Project-related decisions does not negate the prohibition.

Note that even if you had no involvement as a County employee with the Project, if the Project involved your former County agency Section 4(1)(g) of the Law would prohibit your acceptance of the job. Pursuant to that section no paid County Officer or Employee shall for two years after the termination of employment provide professional or managerial services for a third-party on any matter involving his or her former County Agency.

I would like to serve on the County Ethics Board, but note that ethics board members are prohibited by Section 13(2) (the Code of Ethics) from holding office in a political party. I am a Village Trustee for the Village of Z, and Board Chair for the Republican Party for the Town of Z. Does this mean that I cannot serve as a member of the Ethics Board?

Yes. Though your position as a Village Trustee does not disqualify you, your service as Board Chair for the Town Republican Party does disqualify you.

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## **Individuals Required to File.**

### **Who needs to complete a Financial Disclosure Statement?**

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County officers are required to complete a financial disclosure statement if they: 1) hold a position mandated to file by title, 2) are authorized to approve vouchers, 3) are authorized to approve purchase orders, 4) are authorized to approve contracts, 5) are authorized to approve payroll, or 6) are authorized to use a County-issued credit card.

Information about those required to file can be found in Sections 8 and 9 of the Code.

### **Employees are required to file a form if they are authorized to approve vouchers, purchase orders, contracts or payroll. What is meant by the term “approve” in these cases? Is it approval at any level or only at the highest level?**

Generally speaking, the annual disclosure requirement applies to individuals identified as having the potential for a conflict of interest. The form is a public disclosure of interests which may influence, or be perceived to influence, actions of County officials. The form may also help employees identify their potential conflicts of interest. As shown in the following examples, the term “approval” is not limited to those who approve at the highest level:

- **Contracts.** Notwithstanding the fact that New World requires employees who enter contracts in New World to “approve” contracts in the New World system in order to process them, such “approval,” in and of itself, does not trigger the filing requirement. Employees who:
  - 1) negotiate contract terms;
  - 2) approve contract content; or
  - 3) render department approval for entry into contracts

are subject to the disclosure requirement.

**Example:** Pat negotiates a contract between the County and Company Z for engineering services, then gives the contract information to Chris, for entry in New World. Kennedy, the department head, approves entry into the contract on behalf of the department.

*Both Pat and Kennedy must file a financial disclosure form.*

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- **Vouchers.** Those who exercise discretion in the review of vouchers and/or those who approve vouchers for payment are subject to the disclosure requirement.

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*Example:* Company Z sends a voucher to Alex, who reviews it then gives it to Morgan for entry in New World. Once it has been entered the bill is reviewed by Avery, then paid without further review.

*Alex and Avery have approved the voucher and must file a financial disclosure form.*

- **Payroll.** An employee who approves another employee's hours worked is subject to the filing requirement. An employee who processes payroll is not subject to the filing requirement.

*Example:* Finley approves hours worked for all employees of the County's Finance Department, and sends the approved hours to Landry. Landry then processes payroll. In the event of an apparent error in hours worked, Landry returns the approved hours to Finley for correction.

*Finley must file a financial disclosure form.*

**I have a credit card that is issued by my department to pay for traveling expenses while I am away for training. Do I need to complete a Financial Disclosure Statement?**

If you are authorized to use a County credit card, you are required to complete a Financial Disclosure Statement.

**I have a gas card. Do I need to complete a Financial Disclosure Statement?**

Individuals who are issued a gas card are not required to complete a Financial Disclosure Statement, by virtue of having a gas card.

**I handle petty cash for my department. Do I need to complete a form?**

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Individuals who are responsible for petty cash are not required to complete a financial disclosure form. However, they are required to complete paperwork through the Finance Department. Please contact the Finance Department at (716) 753-4223 to ask about its requirements.

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**I am a temporary employee. Do I still need to complete a form?**

Any employee, whether full-time, part-time, or temporary, who has the authorization to approve vouchers, purchase orders, contracts, or payroll or use a department credit card is required to file regardless of how long they will be working for county government.

**When to Complete the Form.**

**How often do I need to complete a Financial Disclosure Statement?**

New employees are required to file a Financial Disclosure Statement within 30 days of their appointment. They, along with current employees, are also required to submit an Annual Financial Disclosure Statement by April 30<sup>th</sup> of each year. Required filers are also responsible for updating their financial information within thirty days of any material change.

**I was hired in the beginning of the year and I already filed a Financial Disclosure Statement within 30 days of my appointment. Do I need to file another form again this year during the annual filing in April?**

A new employee who has filed a financial disclosure statement between January and March of the current year, doesn't need to complete the form again during the annual filing in April.

**I was recently re-elected as a County Legislator. My current financial disclosure statement is on file. Do I need to file a new statement within thirty days of starting my new term, or do I continue with my annual filings?**

When a County Officer or Employee is re-elected or re-appointed to his/her position, with no gap in service and no change in title or duties, he/she may continue with annual filings.

**I already submitted my Financial Disclosure Statement but some of my information has changed. What do I do?**

You are required to update your information within thirty days of any material change to your previously submitted form (e.g. change in title, marital status, dependents, business positions, investments, etc.). To make a change to your form you can either:

- 1) Submit a copy of your previous Statement of Financial Disclosure with updated information, sign and date below their previous signature on the last page, and write "Amended" at the top of the first page of the form; or
- 2) Complete and submit a new disclosure form.

### **Filling Out the Financial Disclosure Statement Form.**

*Question 4c: Employment: Past Employment.*

- 1.) **I have withdrawn an investment from a past employer. Do I need to list this as income received?**

If after leaving a past employment you withdraw a post-tax investment, such withdrawal does not constitute income for purposes of question 4c. If however, you withdraw pre-tax money from a former employer and the full amount of the withdrawal is considered to be taxable income for Federal income tax purposes, it would be considered income for the purpose of Question 4c and would need to be listed. Tax-reportable income on the investment also falls within the purview of Question 4.c.

*Question 6a.: Investments*

- 1.) **I own stocks and bonds of numerous publicly-traded companies. Sometimes I use a broker, who changes investments according to a general plan without notifying me in advance. Do I need to list each stock and bond owned by me which has a value of \$5,000 or more at the time I file my form? Do I need to amend my form if a particular stock investment which was not previously reported increases in value to \$5,000 or more? Do I need to report bonds issued by government entities?**

You can list all such stocks and bonds and update the form as needed or, if you prefer, you can respond in the spaces provided on the form as follows:

**Name and Address of Business:**

Multiple, varying businesses or Governmental entity / entities

**Description of Investment:**

Stocks / Bonds of publicly traded companies or  
Bonds issued by a governmental entity



For *Question 7.: Other Income*, you could list all such stocks and bonds, and also federal and state retirement programs such as social security, in the same manner.

For purposes of Question 6a, a “publicly traded company” is a company whose stock is freely traded on a stock exchange (e.g. the New York Stock Exchange (NYSE), the NASDAQ and the American Stock Exchange (AMEX)). You are required to list qualifying investments which are not publicly traded stocks or bonds, or which are not government entity bonds. In addition, you may be required to disclose a specific investment in response to another question in this form.

*Question 6b.: Assets and Investments: Real Estate*

**1) Do I need to list the section, block, and lots for all real estate I own?**

No, but filers must list the address of the property and the municipality it is in.

*Question 7.: Other Income:*

**1.) Does an employee need to list their child's RA position at an out-of-state college?**

Yes, if the child is claimed as a Dependent for tax purposes.

**2.) The directions say to “include any income from which you have received an IRS form 1099 showing income in excess of \$1,000 during the preceding year.” Does this include a 1099-R form?**

Yes, any of the 1099 series forms involving income in excess of \$1,000 should be reported under this section.

**3.) Do I need to list Child Support I received under “Other Income?”**

No. Child Support would not need to be listed on the form as it is non-taxable income.

*Question 10.: Loans*

**1.) I have student loans through the United States government. Do these need to be listed in response to Question 10?**

No. Loans issued by a federal or state government are not required to be disclosed.

*Certification:*

**What does the certification part of the Statement of Financial Disclosure mean?**

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When you sign the Statement of Financial Disclosure you are certifying “under penalty of perjury, that the information disclosed on this form is true and complete to the best of your knowledge.”

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In the event that the Chautauqua County Ethics Board finds an omission on a form or requires further clarification about an item listed on the form, they will follow up with the individual and may contact either the County Executive or the Chairman of the Legislature, depending on which branch oversees the employee’s department.

### **Submitting A Financial Disclosure Statement.**

#### **Where do I send my completed Financial Disclosure Statement?**

The completed Financial Disclosure Statement should be mailed to the County Executive’s Office, Gerace Office Building, 3 North Erie St., Mayville, NY 14757.

#### **Can I fax or email my Financial Disclosure Statement to the County Executive’s Office?**

The Financial Disclosure Statement cannot be faxed or emailed as an original signature is required. Please mail your form or drop it off in person at the County Executive’s Office.

#### **What happens to my Financial Disclosure Statement once I turn it in?**

Your Financial Disclosure Statement will be reviewed by the Chautauqua County Ethics Board for completeness and will be filed for at least 7 years as a public record in the County Clerk’s Office. A copy of your form is also sent to the Clerk of the Legislature.

### **Additional Questions.**

#### **Who do I contact if I still have questions?**

Any concerns or questions about the Chautauqua County Code of Ethics or the Chautauqua County Ethics Board can be addressed by mailing the Ethics Board at:

Chautauqua County Ethics Board  
P.O. Box 13  
Jamestown, NY 14702-0013

General questions may also be answered by calling the County Executive’s Office at (716) 753-4211.

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**Appendix K: Ethics Board Procedure EB-2021-01: Financial Disclosure Statements and Ethics Board Training**

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Ethics Board Procedure  
EB 2021-01

**FINANCIAL DISCLOSURE STATEMENTS  
and  
ETHICS BOARD TRAINING**

This document outlines general procedures to be followed in connection with Code of Ethics financial disclosure statement and Code of Ethics training requirements. The Board may deviate from these procedures, as deemed appropriate by the Board.

**Chautauqua County Code of Ethics Requirements**

All County Officers and Employees subject to the requirements of the Chautauqua County Code of Ethics are required to undergo annual Ethics Board training to inform and educate them as to the requirements of the Code, and to timely confirm in writing completion of such training requirements. New officers and employees receive the training materials upon hiring/appointment. Annual training must be completed by March 31<sup>st</sup>.

Annual filings of the Statement of Financial Disclosure are due by April 30th of each year, or within thirty (30) days of return from an authorized leave (excluding vacation time). New employees must file within thirty (30) days of taking office, and new board members must file within thirty (30) days of appointment. Amended statements are due within thirty (30) days of any material change in information.

**Initial Notification of Disclosure Statement and Training Requirements.**

County Human Resources staff issue training materials to County Officers and Employees, either directly to such individuals or via issuance to Department Heads for distribution to those under their purview. County Executive Staff issue training materials to County board members, either directly to such individuals or via issuance to board liaisons for distribution to those under their purview.

County Executive staff send a notification to all County officers and employees, including board members, subject to the disclosure requirement, attaching the Statement form and including the Statement due date. This notification may be issued by mail and/or e-mail. E-mails may be sent using the electronic confirmation of receipt feature and/or with a “read receipt” request.

These initial communications will include notification that penalties should be expected upon failure to timely comply. The Statement communications will also include tips for proper completion of the form (Attachments 1A,1B).

**Reminder E-mail.**

Approximately five (5) to ten (10) calendar days before annual training confirmation is due, County Executive Staff will issue a reminder e-mail (Attachment 2A) to those who supervise or oversee individuals or board members whose training confirmation has not been received.

Approximately five (5) to ten (10) calendar days before annual statements are due, County Executive Staff will issue a reminder e-mail (Attachment 2B) to those who supervise or oversee individuals or board members whose Statements have not been received.

**Request for an Extension of Time.**

When an individual requests an extension of time, the individual will be provided a form for that purpose (Attachment 3). The Ethics Board may grant the request, deny the request, or seek additional information prior to granting or denying a request.

**Training Confirmation or Statement Not Received or Postmarked by the Due Date.**

Incorrect or incomplete Statements will be rejected, and returned to the filer (Attachment 4). When County Executive staff notice an error on a Statement which has not yet been remitted to the Board for review, they may, prior to the Statement due date / extended due date, contact the filer and offer the filer the opportunity to submit a revised Statement (this will not be deemed to be an “amended” statement). In that event, the defective statement shall be retained by the County Executive’s office until a replacement statement is timely received, at which point it will be discarded or returned to the filer. If a replacement statement is untimely received, it should be marked as an amended statement and remitted to the Ethics Board for review along with the original statement.

If an employee’s training confirmation or Statement (or amended/corrected Statement) is untimely received, County Executive staff will issue a Chautauqua County Ethics Board Notice (Attachments 5A and 5B).

If the Board does not receive a response to the Notice, or if the Ethics Board has not received confirmation of training / a Statement from a County employee, the Ethics Board will discuss next steps with the Department Head or the Department Head’s appointing authority, involving the County Law Department as needed.

**Penalties for Untimely Compliance with Statement or Training Requirements.**

Penalties imposed by the Ethics Board will be consistent with the Code of Ethics.

In general, minimum penalties will be \$100 per violation for the first year of non-compliance and \$300 per violation in the next year of non-compliance.

The amount of the penalty will correspond with the amount of delay in complying with the law. For every ten (10) full County business days that a violation continues, the penalty will increase by \$100.

Each violation of the law will be treated as a separate violation.

### **Volunteer Board Members.**

Notwithstanding language in other sections of these Procedures, if the County Executive's office has not received a timely Statement, or has not timely received a corrected/completed Statement, from a volunteer County board member, or if a volunteer board member has not timely confirmed receipt of training material, the Ethics Board will contact the County Board liaison for input as to an appropriate means of proceeding.

When deciding how to proceed, the Ethics Board may take into consideration, among other factors:

- the Legislature Chairs' support for removal of board members, via legislative resolution, until such time as compliance has been attained;
- the date on which the training / statement documents were issued to the individual;
- efforts by the board liaison to secure compliance;
- the board liaison's recommendation;
- the individual's history of compliance, or lack thereof, with the Code of Ethics;
- the difficulty in securing and retaining volunteer board members; and
- whether the board has met since the statement was due.

When a board member complies in an untimely manner, the Ethics Board will issue communications to the board member and the board member liaison (Attachment 6).

### **Department Head Failure to Administer Code of Ethics Requirements.**

Department heads set the tone for those under their purview. A Department Head's violation of the law is, therefore, of paramount concern. A Department Head's failure to comply with Code of Ethics administrative requirements, as established in the law or as delegated by the County Executive, may be met with some or all of the following responses:

- Request a meeting with the Department Head;
- Recommend that the Appointing Authority take action;
- Schedule a Hearing;
- Send a warning Notice;
- Impose a sanction, penalty or fine consistent with the Code of Ethics.

<p>Ethics Board Procedure No. <b>EB-2021-01</b></p>	<p>Attachments:</p> <ul style="list-style-type: none"> <li>1- A- Initial Notification – Employee Training Initial Notification – Board Member Training</li> <li>B- Initial Notification – Employee Disclosure Statement Initial Notification – Board Member Disclosure Statement</li> </ul>
<p>Financial Disclosure Statements  and  Ethics Board Training</p>	<ul style="list-style-type: none"> <li>2- A- Department Head e-mail: Training Confirmation Outstanding B- Department Head e-mail: Disclosure Statements Outstanding</li> <li>3- Request for an Extension Form</li> <li>4- Letter Template: Corrections/Completion Required</li> <li>5- A- Notice to Employees who Failed to Timely File Statement B- Notice to Employees who Failed to Timely Comply with Training</li> <li>6- Notice to Board Liaisons and Board Member upon Board Member Non-compliance</li> </ul>
<p>Approval Date:</p>	<p>Effective Date: October 1, 2021 and Amended November 17, 2021. This Policy replaces any former policy(ies) on these subjects, as of the effective date.</p>

ATTACHMENT 1A TO ETHICS BOARD PROCEDURE EB-2021-01

**This statement is to accompany County *employee* training materials only.**

IMPORTANT NOTICE FROM THE COUNTY EXECUTIVE AND  
LEGISLATURE

County Officers and Employees are the public face of County government. To continue confidence and trust in our government, County activities must be performed in an ethical manner, consistent with State and County ethics laws. The enclosed training materials provide information about those laws.

Ethics laws, including the legal requirement that County officers and employees undergo annual ethics training, are important and must be respected. County employees should expect that if they do not timely comply with Chautauqua County Code of Ethics training requirements, the Ethics Board will impose a minimum penalty of \$100, with the fine increasing by \$100 for every ten (10) business days between the date training compliance was due and the date training compliance is received by the Department Head or the County Department of Human Resources.

Thank you for your timely cooperation.

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**This statement is to accompany County *board member* training materials only.**

County board, commission and committee members play an important role in County government. To continue public confidence and trust in our government, all County activities, including board, commission and committee activities, must be performed in an ethical manner, consistent with State and County ethics laws. The enclosed training materials provide information about those laws.

Ethics laws, including the legal requirement that officers and employees undergo annual ethics training, are important. Your timely confirmation of receipt of Ethics Board training materials will relieve County staff and Ethics Board members from having to follow up with you and your board liaison, foster County compliance with the law, and further ethical County operations.

Thank you for your timely cooperation. We invite you to contact the Chautauqua County Ethics Board with questions, upon taking the training or at any time throughout the year.

ATTACHMENT 1B TO ETHICS BOARD PROCEDURE EB-2021-01

**This statement is to be provided to *County Employees* subject to the *Statement of Financial Disclosure* filing requirement.**

IMPORTANT NOTICE FROM THE COUNTY EXECUTIVE AND  
LEGISLATURE

County Officers and Employees serve as representatives of the County. To continue public confidence and trust in County government, County activities must be performed in an ethical manner, free from conflicts of interest. The enclosed Statement of Financial Disclosure form is designed to identify and disclose items and interests which could cause, or could be perceived to be cause, a conflict of interest.

Ethics laws, including the legal requirement that certain individuals disclose financial interests, are important. County employees should expect that, if they do not timely file a properly completed Statement of Financial Disclosure, the Ethics Board will impose a minimum fine of \$100, with the fine increasing by \$100 for every ten (10) business days that expire between the filing deadline and the date the Statement is received by the County Executive's office.

Tips for Completion of the Form:

- ✓ Please be sure to include a mailing address in response to Question 1.
- ✓ Each question must be completed. If a question is not relevant, check "no" or "none."
- ✓ Your name must be at the top of each page.
- ✓ An original signature is required.

Thank you for your timely cooperation.

Name of County Executive  
County Executive

Name of Legislature Chair  
Chairman, Chautauqua County Legislature

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**This statement is to be provided to *Board Members* subject to the *Statement of Financial Disclosure* filing requirement.**

County board, commission and committee members play an important role in County government. To continue public confidence and trust in County government, all County activities, including those of board, commission and committee members, must be performed in an ethical manner, free from conflicts of interest. The enclosed Statement of Financial



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Disclosure form is designed to identify and disclose items and interests which could cause, or could be perceived to be cause, a conflict of interest.

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Ethics laws, including the legal requirement that certain individuals disclose financial interests, are important. Your timely submission of your statement will relieve County staff and Ethics Board members from having to follow up with you and your board liaison, foster County compliance with the law, and further ethical County operations.

Tips for Completion of the Form:

- ✓ Please be sure to include a mailing address in response to Question 1.
- ✓ Each question must be completed. If a question is not relevant, check “no” or “none.”
- ✓ Your name must be at the top of each page.
- ✓ An original signature is required.

Thank you for your timely cooperation.

Name of County Executive  
County Executive

Name of Legislature Chair  
Chairman, Chautauqua County Legislature

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ATTACHMENT 2A TO ETHICS BOARD PROCEDURE EB-2020-01

**This e-mail is sent, using “confirmation of delivery” and “read” options, 5-10 days prior to the Training confirmation due date. It is sent to Department Heads who have not remitted training confirmation for those under their purview.**

Dear Department Head:

Chautauqua County Local Law \_\_\_\_ <insert most recent Local Law number>, a Code of Ethics adopted in satisfaction of New York State General Municipal Law §806, requires County Officers and Employees to undergo annual Ethics Board training to inform and educate them as to the requirements of the Code. The law charges Department Heads with administering the training.

We have been advised that the County Department of Human Resources has not yet received training confirmation for those under your purview. Please be reminded that securing training confirmation is your responsibility, and that training confirmations are to be received by the Department of Human Resources no later than **March 31st**.

We thank you in advance for your timely attention to this important legal requirement.

Name of County Executive  
County Executive

Name of Chair  
Chair, Chautauqua County Ethics Board

ATTACHMENT 2B TO ETHICS BOARD PROCEDURE EB-2021-01

**This e-mail is sent, using “confirmation of delivery” and “read” options, 5-10 days prior to the Statement due date. It is sent to Department Heads with individuals under their purview who have not remitted their Statements.**

Dear Department Head:

Chautauqua County Local Law \_\_\_\_ <insert most recent Local Law number>, a Code of Ethics adopted in satisfaction of New York State General Municipal Law §806, requires certain County officers and employees to file financial disclosure statements. The County Ethics Board has not yet received the most recently required statement from the following officer(s) or employee(s) under your purview:

Officer(s), Employee(s) and Board Member(s) name(s) will appear here.

Please remind the named individual(s) of the filing requirement and, as needed, assist such individual(s) in identifying work time during which the statement can be completed. Statements must be received by the Ethics Board no later than \_\_\_\_\_.

As a Department Head, the law charges you with responsibility for suspending an Officer or Employee’s ability to directly or indirectly expend County funds between the date a Statement is due, and the date it is actually received. Please add a reminder to your calendar to confirm with County Executive staff that the above named individual(s) has/have timely filed their statement(s), in furtherance of your compliance with the law.

If an individual named above no longer works for the County, no longer falls within the category of those required to file, advises you that the statement has already been filed, or is currently out on an authorized leave, please so advise us by replying to this e-mail at your earliest convenience.

We thank you in advance for your timely attention to this important legal requirement.

Name of County Executive  
County Executive

Name of Chair  
Chair, Chautauqua County Ethics Board

**CHAUTAUQUA COUNTY ETHICS BOARD  
REQUEST FOR AN EXTENSION OF TIME  
TO COMPLETE TRAINING AND/OR FILE A DISCLOSURE  
STATEMENT**

*Extensions of time are generally intended for circumstances in which an individual has an extended inability to perform services for the County, spanning all or the majority of the duration of the filing/training period. As stated in the law, "the prioritization of other County matters over the filing of the disclosure statement is not grounds for an extension of time to file."*

I, \_\_\_\_\_, in my capacity as an employee or board/committee/commission member of \_\_\_\_\_

\_\_\_\_\_, hereby request an extension of time to

- file my disclosure statement;
- file my corrected/completed/amended disclosure statement; and/or
- complete my training requirement,

for the following reason:

I will be, am, or was on approved leave from County employment through \_\_\_\_\_, 20 \_\_, and request

an extension of time through the thirtieth (30th) business day after I return to County work/service.

I have ceased County work/service for an indeterminate period of time, and am requesting an extension of

time through the thirtieth (30<sup>th</sup>) business day after I return to County work/service.

I am requesting an extension of time through \_\_\_\_\_ for the following reason(s) (attach additional pages as needed): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that the Board's approval of this request applies only to the current filing and reporting period.

**Please use the following address to mail or e-mail me the Ethics Board's approval or denial of this request:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Department Head\* Approval:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Pursuant to Local Law 3-21 or its successor, the Department Head shall ensure suspension of the requesting individual's ability to directly or indirectly expend County funds

until such time as the disclosure statement has been filed. This includes without limitation suspension of use of County-issued credit cards and suspension of the ability to approve vouchers, purchase orders, contracts and payroll.

\*Department Head’s requests should be signed by their supervisor.

Please mail or hand deliver this form with an original department head signature to:

**Chautauqua County Ethics Board \* c/o Office of the County Executive  
Gerace Office Building, Room 341 \* 3 N. Erie Street, Mayville, NY 14757**

*For Ethics Board Use Only:*

\_\_\_\_\_ Approved OR \_\_\_\_\_ Not Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

Determination communicated to requestor on: \_\_\_\_\_.

**ATTACHMENT 4 - TO ETHICS BOARD PROCEDURE EB-2021-01**

Letter: Corrections Required

Sent on Board Letterhead, using “delivery” and “read receipt” options if sent via e-mail, and sent by certified mail if sent via standard mail. A corrected form will be required within 10 business days from the date on the letter.

**SAMPLE TEMPLATE – INCOMPLETE/INCORRECT FORM**

(DATE)

(Name & Address)

Re: Incomplete (YEAR) Financial Disclosure Statement

Dear (NAME):

Thank you for submitting your (YEAR) Financial Disclosure Statement.

Upon review of your submission, enclosed with this letter, the Ethics Board noted the following incomplete / incorrect items:

Question (# AND TITLE) and Question (# AND TITLE).

**Please fully complete the above section(s) of the form, checking “No” or “None” as applicable. Your corrected/completed Statement must be signed and dated on page 8 under “For Corrected or Amended Forms Only.**

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The Ethics Board will accept your corrected/completed statement, without penalty, if an **originally signed** form is **received** by the County Executive's office, Gerace Office Building Room 341, 3 N. Erie Street, Mayville, NY 14757 by **(DATE)**. E-mailed, faxed, scanned, or copied statements will not be accepted.

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If you have questions, please contact Amanda Gallagher in the County Executive's Office at (716) 753-4211.

Thank you for your cooperation,

Name of Chair  
Chair of the Chautauqua County Ethics Board

DR:alg

enclosure

**ATTACHMENT 5A TO ETHICS BOARD PROCEDURE EB-2021-01**

Sent on Board Letterhead, using "delivery" and "read receipt" options if sent via e-mail, and by certified mail if sent via standard mail. This letter is for employees who filed their SFD, but were untimely in their compliance. A response will be required within 10 business days from the date on the letter.

Date \_\_\_\_\_

via e-mail (as applicable): \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

**CHAUTAUQUA COUNTY ETHICS BOARD NOTICE – RESPONSE REQUIRED**

Re: Chautauqua County Ethics Board Case No. \_\_\_\_\_  
Failure to Timely File Statement of Financial Disclosure

Dear \_\_\_\_\_:

Pursuant to Section 8 of Chautauqua County Local Law No. 1-20, the Chautauqua County Code of Ethics (the Law), County employees subject to the annual financial disclosure requirement must file a disclosure statement within thirty days of taking office, annually no later than April 30<sup>th</sup>, and within thirty days of any material change.

According to our records you are subject to this filing requirement, and did not comply with the Law. The Ethics Board received your 20\_\_\_\_ disclosure statement or your completed/corrected disclosure statement on \_\_\_\_\_ 20\_\_, which was \_\_\_\_\_ business days after the due date (including any extension granted by the Ethics Board due to an authorized leave of absence or otherwise). If you believe our records are in error, please immediately contact County Executive staff, who will verify your status, at (716) 753-4211.

**Please check a box below, and ensure this completed Notice is received by \_\_\_\_\_  
\_\_\_\_\_ at:**

Chautauqua County Ethics Board  
c/o Office of the County Executive  
Gerace Office Building, Room 341,  
3 North Erie Street  
Mayville, New York 14757

Enclosed is a check in the amount of \$\_\_\_\_\_ payable to "Director of Finance, Chautauqua County," in resolution of my alleged violation of the Law known as the Chautauqua County Code of Ethics.

I request an informal settlement conference. I understand that I may hire an attorney to represent me, at my own expense. I understand that the settlement amount offered herein may not be available at the settlement conference.

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I request a hearing. I understand that I may hire an attorney to represent me, at my own expense. I understand that if I am found after a hearing to be guilty of violating the Law, I am subject to any and all penalties available under the law.

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**IF THE ETHICS BOARD DOES NOT RECEIVE YOUR RESPONSE BY THE DATE SPECIFIED ABOVE, YOU WILL BE SUBJECT TO ADDITIONAL ENFORCEMENT ACTION UP TO AND INCLUDING TERMINATION FROM EMPLOYMENT.**

Yours very truly,

Name

Chair of the Chautauqua County Ethics Board

DR:alg

Cc: Department Head of the employee



**ATTACHMENT 5B TO ETHICS BOARD PROCEDURE EB-2021-01**

Sent on Board Letterhead, using “delivery” and “read receipt” options if sent via e-mail, and by certified mail if sent via standard mail. This letter is for employees who completed training, but were untimely in their compliance. A response will be required within 10 business days from the date on the letter.

Date \_\_\_\_\_

via e-mail (as applicable): \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

**CHAUTAUQUA COUNTY ETHICS BOARD NOTICE – RESPONSE REQUIRED**

Re: Chautauqua County Ethics Board Case No. \_\_\_\_\_  
Failure to Timely Complete Code of Ethics Training

Dear \_\_\_\_\_:

Pursuant to Section 9 of Chautauqua County Local Law No. \_\_\_\_\_, the Chautauqua County Code of Ethics (the Law), County employees and board members must undergo Ethics Board training within thirty days of taking office, and annually no later than March 31<sup>st</sup>.

According to our records you are subject to this training requirement, and did not comply with the Law. The Ethics Board received your 20\_\_\_\_ training confirmation on \_\_\_\_\_  
\_\_\_\_20\_\_\_\_, which was \_\_\_\_\_ business days after the due date (including any extension granted by the Ethics Board due to an authorized leave of absence or otherwise). If you believe our records are in error, please immediately contact County Executive staff, who will verify your status, at (716) 753-4211.

**Please check a box below, and ensure this completed Notice is received by \_\_\_\_\_  
\_\_\_\_\_ at:**

Chautauqua County Ethics Board  
c/o Office of the County Executive  
Gerace Office Building, Room 341,  
3 North Erie Street  
Mayville, New York 14757

Enclosed is a check in the amount of \$\_\_\_\_\_ payable to “Director of Finance, Chautauqua County,” in resolution of my alleged violation of the Law known as the Chautauqua County Code of Ethics.

I request an informal settlement conference. I understand that I may hire an attorney to represent me, at my own expense. I understand that the settlement amount offered herein may not be available at the settlement conference.

I request a hearing. I understand that I may hire an attorney to represent me, at my own expense. I understand that if I am found after a hearing to be guilty of violating the Law, I am subject to any and all penalties available under the law.

---

**IF THE ETHICS BOARD DOES NOT RECEIVE YOUR RESPONSE BY THE DATE SPECIFIED ABOVE, YOU WILL BE SUBJECT TO ADDITIONAL ENFORCEMENT ACTION UP TO AND INCLUDING TERMINATION FROM EMPLOYMENT.**

Yours very truly,  
Name  
Chair of the Chautauqua County Ethics Board

DR:alg  
Cc: Department Head of the employee

**ATTACHMENT 6 TO ETHICS BOARD PROCEDURE EB-2021-01**

Ethics Board letter to liaisons to volunteer board members, for use when a volunteer board member failed to timely comply with training or disclosure statement requirements. The letter should be sent on Board Letterhead, using “delivery” and “read receipt” options if sent via e-mail, and by certified mail if sent via standard mail.

Dear County Board Liaison:

The following board member(s) under your purview failed to timely comply with this year’s

- Code of Ethics training requirements
- Statement of Financial Disclosure filing requirement.

Name of Board: \_\_\_\_\_ Name of Board Member: \_\_\_\_\_  
\_\_\_\_\_

*(add additional lines as needed)*

Board members make important contributions to County government. We hope that in the future, your efforts to ensure timely compliance by this individual / these individuals will be successful. It should be expected that a board member’s future violation of the law may result in suspension or termination of their board membership.

Thank you for your efforts toward ethical County government operations.

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Ethics Board letter to volunteer board members, for use when a volunteer board member failed to timely comply with training or disclosure statement requirements. The letter should be sent on Board Letterhead, using “delivery” and

“read receipt” options if sent via e-mail, and an affidavit of mailing or post office confirmation of mailing/delivery if sent via standard mail.

Dear County Board Member:

Board members make important contributions to County government. Your service on the \_\_\_\_\_ board is very much appreciated.

According to our records, you did not timely comply with this year’s

- Code of Ethics training requirements
- Statement of Financial Disclosure filing requirement.

We respectfully request that these important requirements be timely complied with in the future. This will relieve County staff, the County Ethics Board, and appointing authorities from expending time following up with you. It will also foster County compliance with the law and further ethical County government operations.

Thank you.

## Appendix L: Revisions to Local Law Amending Chautauqua County Code of Ethics

LOCAL LAW  
INTRODUCTORY NO. ~~8-19~~ -21  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

I. Local Law ~~1-201-19~~ of the County of Chautauqua, entitled "A Local Law Amending the Chautauqua County Code of Ethics, is hereby amended by substitution to state as follows:

Section 1. Short Title

This code of ethics shall be known as the "Chautauqua County Code of Ethics."

Section 2. Legislative Purpose.

The purpose of this Code is to establish minimum standards of ethical conduct for County officers and employees to ensure that County government is free from improper influence. Ethical conduct ultimately depends on the personal integrity of County officers and employees and on the vigilance of their communities. The establishment of the standards and guidelines set forth in this code is a step toward providing the highest caliber of public administration for County government and increased confidence in its officials, while recognizing that public service cannot require a complete divesting of all proprietary interests nor impose overly burdensome disclosure requirements if County government is to attract and hold competent administrators.

By requiring public disclosure of interests that may influence or be perceived to influence the actions of County officials, this code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people.

The disclosure requirements of this Code of Ethics are in addition to any other requirements imposed by law. Additional disclosure to the public is available pursuant to the New York State Freedom of Information Law and Election Law requirements. Copies of all contracts with the County are also available for public inspection at the Office of the Clerk of the County Legislature.

Section 3. Definitions

When used in this Code and unless otherwise expressly stated:

1. "Agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the County.

2. "Appear" and "Appear Before" mean communicating in whatever form, whether personally or through another person.

3. "County Officer or Employee" means any officer or employee of the County, whether paid or unpaid, including Public Officials and all other members of any Agency of the County, but does not include a judge, justice, officer, or employee of the Unified Court System.

4. "Dependent" means an individual who will be claimed by the County Officer or Employee as a dependent on the current year's State or Federal tax return.

5. "Family Member" means a spouse, child, step-child, parent, step-parent, sibling, step-sibling, half-sibling, Dependent, and household member of a County Officer or Employee.

6. "Person" means an individual, corporation, partnership, unincorporated association, and all other entities.

7. "Related Person" means a spouse, fiancé(e), parent, child, or sibling, including step and half relations, a grandparent, parent-in-law, sibling-in-law, Dependent, member of the County Officer or Employee's household, first cousin, aunt, uncle, niece, or nephew.

8. "Public Official" means any official who has discretionary authority, either alone or as a member of an Agency, but does not include a judge, justice, officer, or employee of the Unified Court System.

#### Section 4. Conflicts of Interest of County Officers and Employees

1. No County Officer or Employee shall directly or indirectly do or take any act prescribed below, or agree to do such acts, or attempt such acts, or induce another Person to do such acts:

- a. act or Appear as agent, broker, employee, consultant, or representative for any third party in connection with any transaction that involves discretionary acts of any County Officer or Employee or act or Appear in any matter in which the County is a party or a complainant except on behalf of the County or himself or herself.
- b. solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75.00) or more per year from any Person, other than a Family Member, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, who the County Officer or Employee knows is considering or has had any transactions with the County that involves any discretionary act by the County Officer or Employee.
- c. take or refrain from taking any action on any matter before the County in order to obtain a pecuniary or material benefit different from that to be derived by the general public for:

- (i) himself or herself;
- (ii) a Family Member;
- (iii) any partnership or unincorporated association of which the County Officer or Employee is a member or employee or in which he or she has a proprietary interest;
- (iv) any corporation of which the County Officer or Employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
- (v) any Person with whom the County Officer or Employee or his or her Family Member has an employment, professional, business, or financial relationship, provided, however, that relationships which are available to and entered into by the general public on the same terms and conditions as those applicable to the County Officer or Employee, such as relationships in the nature of bank accounts, credit cards, bank loans, and mortgages, shall not be deemed to be financial relationships for purposes of this section; or
- (vi) any Person from whom the County Officer or Employee or his or her spouse has received a pecuniary or material benefit having an aggregate value greater than two thousand dollars (\$2,000.00) per calendar year.

Examples of material or pecuniary benefits include, but are not limited to, hiring, promoting, authorizing a pay increase, providing a performance review, a job assignment or job description change, work schedule change, approving a voucher or expense claim, awarding a contract, extension of time to perform a contract, a contract dollar amount increase, and purchasing goods. Nothing in this section shall be construed as prohibiting a County Officer or Employee from performing a purely ministerial act.

Notwithstanding the above, a County Officer or Employee may respond to questions asked by an individual who will be taking or refraining from taking an action.

- d. solicit directly or indirectly any non-elected County Officer or Employee or any entity that is not subject to competitive bidding, to participate in an election campaign, or pay any assessment, subscription, or contribution to a political party, political party organization or election campaign. This paragraph shall not prohibit a general solicitation of a class of persons, other than those expressly prohibited, of which such solicited County Officer or Employee happens to be a member.
- e. except where authorized by law, disclose any confidential information acquired in the course of official duties or use any such information for personal gain or to advance the financial interests of any other Person.

- f. after termination of his or her term of office or employment with the County, Appear Before the County or receive compensation for any services rendered on behalf of any Person other than the County in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the County.
- g. no paid County Officer or Employee shall for two years after the termination of employment provide professional or managerial services for a third party on any matter involving his or her former County Agency.

This subsection shall not apply to any elected official, member, or employee of a federal, state, or local government or one of their agencies or instrumentalities, or to any action by a licensed attorney that is permitted by the New York State Rules of Professional Conduct. Retired County Officers or Employees who were working for a third party on a matter involving their former County Agency at the time of enactment of this Law may continue to perform such work as long as their actions do not violate the terms of this paragraph "g" as it was written on their date of retirement.

- h. act or Appear as an attorney in: (1) any litigation in which the County is a party or complainant that involves torts, civil rights, contracts, or eminent domain, except on behalf of the County or himself or herself; or (2) any other matter in which the County is a party or complainant that would constitute a violation of the New York State Rules of Professional Conduct.

2. No partnership, unincorporated association, corporation or any other entity owned or controlled by a County Officer or Employee shall Appear Before any County department or Agency which employs such County Officer or Employee except on behalf of the County or itself.

3. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee or any other Person from receiving a County service or benefit or using a County facility which is generally available to residents or to a class of residents in the County.

4. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee from performing any ministerial act.

5. Nothing in this Local Law shall be construed to prohibit an unpaid member of a County Agency from acting or appearing for a third party regarding a matter unrelated to the business of their County Agency, nor prohibit a County Officer or Employee who is an elected Public Official of another governmental entity from acting or appearing in their official capacity on behalf of such other governmental entity.

6. Nothing in this Local Law shall be construed to prohibit an unpaid member of an advisory County board, bureau, council, committee, or commission from acting or appearing for a third party regarding a contract with the County when such member has no power or duty to:

- a. negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
- b. audit bills or claims under the contract; or
- c. appoint a County Officer or Employee who has any of the powers or duties set forth above.

7. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee from serving in an unpaid capacity as an officer or director of a non-profit or governmental entity, when such service is in furtherance of the official duties of the County Officer or Employee.

Section 5. Interests in Contracts Pursuant to General Municipal Law

1. No County Officer or Employee may have an interest in a contract that is prohibited by section 801 of New York General Municipal Law.

2. Every County Officer and Employee shall disclose interests in contracts with the County at the time and in the manner required by section 803 of New York General Municipal Law.

Section 6. Use of County Resources

The use of County resources by County Officers and Employees shall be in compliance with County policies and procedures.

Section 7. Procurement Integrity

1. While procuring property or services of more than fifty thousand dollars (\$50,000.00) in value, no County Officer or Employee shall solicit, discuss, or accept, directly or indirectly, any promise of future employment or business opportunity from any contractor competing for such procurement.

2. While competing for award of a County procurement of property or services of more than fifty thousand dollars (\$50,000.00) in value, no contractor shall discuss or make, directly or indirectly, any offer or promise of future employment or business opportunity to any official of the County involved in such procurement.

Section 8. Annual Disclosure

1. All Public Officials who are elected or paid, and all County Officers or Employees who are authorized to use County-issued credit cards or to approve vouchers, purchase orders,



contracts and payroll such as purchasing clerks and purchasing agents, shall file with the Ethics Board, by depositing with the Office of the County Executive, a signed annual disclosure statement using a form approved by the Ethics Board which shall be substantially in conformance with the 2019 disclosure statement form filed with the Clerk of the County Legislature.

- a. within thirty (30) days of taking office; and
- b. no later than April 30 of each year thereafter.

Within thirty (30) days of any material change in the information contained in his or her most recently filed statement, the County Officer or Employee shall file a signed amendment to the statement indicating the change. The Ethics Board shall have free and unlimited access to all forms at all times.

County department heads shall ensure that if an Officer or Employee under the department head's purview who is required to file a statement does not timely file a statement, such Officer or Employee's ability to directly or indirectly expend County funds is suspended until such time as the statement has been filed. This will include without limitation suspension of use of County-issued credit cards and suspension of the ability to approve vouchers, purchase orders, contracts and payroll. If a County Officer or Employee subject to the filing requirement is unable to timely file the statement or amended statement due to approved leave-time, illness, injury, lack of County engagement, or other justifiable circumstances, such individual must submit for Ethics Board approval a written request for an extension of time to file, approved by such Officer or Employee's department head or by the County Executive or Legislative Chair. The request shall be supported by such documentation as may be reasonably requested by the Ethics Board. The prioritization of other County matters over the filing of the disclosure statement is not grounds for an extension of time to file.

2. If a County Officer or Employee who is elected or paid is not able, after reasonable efforts, to obtain some or all of the information required by paragraph two of this section which relates to his or her spouse or household member, he or she shall so state, as part of the annual disclosure statement.

3. The Ethics Board shall review all disclosure statements. Upon being satisfied as to the content and completeness of a statement, the Ethics Board shall return the statement to the Office of the County Executive, which will in turn file the original statement with the County Clerk and an electronic copy with the Clerk of the Legislature. All such statements are public records and shall be kept on file for at least seven (7) years.

Section 9. Lists of Titles Required to File: Notice of Filing Requirements: Verification of Filing: Training and Distribution of Code

1. A list of those titles which are subject to County disclosure requirements, as the same may be amended from time to time by the Ethics Board, is on file with the Clerk of the Legislature and in the office of the County Executive.

2. Before May 15th of each year, the County Executive shall verify that every affected County Officer or Employee has filed his or her annual disclosure statement.

3. Failure of the County Executive or of an individual subject to disclosure statement filing requirements to comply with such requirements shall not relieve any individual from his or her duty to file a disclosure statement pursuant to this Code of Ethics.

4. All County Officers and Employees subject to the requirements of the Chautauqua County Code of Ethics are required to undergo annual Ethics Board training to inform and educate them as to the requirements of this Code, and to timely confirm in writing completion of such training requirements. The training will include either a paper copy of the Code or information about where the Code can be found online. Training will be administered as follows:

- a. The County Department of Human Resources will provide a paper copy of the training materials to new employees as part of the new employee orientation process, and will secure written confirmation of receipt, or will send the training materials to new employees via e-mail and secure written confirmation of receipt.
- b. The County Department of Human Resources will issue training materials to Department Heads, who shall administer annual training for all County employees under their purview between January 1<sup>st</sup> and March 31<sup>st</sup>. Department Heads must ensure that each employee under their purview signs off on a paper or electronic form confirming review of the training, and shall certify completion of departmental training to the Human Resources Director.
- c. For those subject to the training requirement who are not County employees, County boards and commissions, the appointing authorities or their designees will provide a copy of the training materials to each such individual board member upon first appointing such individual board member, and will within thirty days of appointment secure written or electronic confirmation of receipt.
- d. For those subject to the training requirement who are not County employees, County boards and commissions, the appointing authorities or their designees will administer annual training for all such individuals under their purview existing board members between January 1<sup>st</sup> and March 31<sup>st</sup>. Appointing authorities or their designees must ensure that each such individual board member under their purview acknowledges receipt of the training materials, either electronically or by signing off on a form confirming receipt of the training materials.
- e. The Director of the Department of Human Resources will notify the County Ethics Board when Department Heads have certified employee completion of the annual training, and appointing authorities or their designees will notify the County Ethics Board when all non-employees who are under their purview and subject to the training requirement board members have acknowledged receipt of the annual training materials.

Section 10. Reporting Violations.

All County Officers and Employees are encouraged to report any instances of suspected or known violations of this Code. Reports may be made to a supervisor, or to the Chautauqua County Ethics Board, PO Box 13, Jamestown, New York 14702-0013. Making a report with knowledge that all or part of the information in the report is false or misleading is a violation of this Code and may result in penalties as provided herein.

Section 11. Inducement of Violations

Any Person, whether or not a County Officer or Employee, who intentionally induces any County Officer or Employee to take any action or to refrain from taking any action in violation of any provision of this Code, violates this Code.

Section 12. Civil and Administrative Penalties

1. Any County Officer or Employee who engages in any action that violates any provision of this Code may be warned or reprimanded or suspended or removed from office or employment or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or Person or body authorized by law to impose such sanctions.

2. Any County Officer or Employee who violates any provisions of this Code may be subject to a civil fine of up to ten thousand dollars (\$10,000) for each violation, as may be determined by the Ethics Board. A civil fine may be imposed in addition to any other penalty contained in any other provisions of law or in this Code.

3. Any County Officer or Employee who violates any provision of this Code 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 Code.

Section 13. County Ethics Board

1. Establishment. The County Legislature hereby establishes an Ethics Board consisting of five (5) members. The Ethics Board shall be responsible for ensuring full compliance with the Code of Ethics. All actions of the Ethics Board shall be by a vote of at least three (3) members. Members of the Ethics Board shall serve without compensation.

2. Appointment. Members of the Ethics Board shall be appointed by the County Executive and confirmed by a two-thirds vote of the County Legislature. No Ethics Board members shall hold office in a political party, be employed as a lobbyist, be an immediate relative of a County Officer or Employee, or have any financial interest in any contracts or other transactions involving the County.

3. Term. The members of the Ethics Board shall serve three-year staggered terms ~~with three terms expiring in odd years and two terms expiring in even years~~. If a vacancy occurs on the Ethics Board, the new member shall be appointed to fill the unexpired portion of the term. Members of the Ethics Board may be removed for cause by the County Executive with the

concurrence of two-thirds of the County Legislature. Grounds for removal shall be neglect of duty, misconduct in office, inability to discharge the powers or duties of the office, or violation of the Code of Ethics. Prior to removal, the Ethics Board member shall be given written notice of the reasons for removal and an opportunity to reply.

4. Powers and Duties. The Ethics Board shall have the following powers and duties:
- a. Prescribe and promulgate rules and regulations governing its internal organization and procedures consistent with the Code of Ethics;
  - b. Review with County Officers or Employees the disclosure requirements of this Code, and ensure proper filing of all disclosure statements;
  - c. Conduct investigations, hearings, and other examinations relating to the Code of Ethics, with the power to issue subpoenas where necessary;
  - d. Recommend and impose sanctions, penalties, or fines in accordance with the Code of Ethics;
  - e. Render advisory opinions upon request of any County Officer or Employee;
  - f. Recommend content for training and education of County officers and employees regarding the requirements of the Code of Ethics;
  - g. Prepare an annual report;
  - h. Recommend changes or improvements to the Code of Ethics;
  - i. Perform such other related duties as requested by the County Executive;
  - j. Meet at least four times a year, and send notice of meetings and the names of Ethics Board members to the County's official newspapers and to radio stations in the County. In addition, notice of meetings and the names of Ethics Board members shall be posted on the County's website; and
  - k. Arrange for a separate post office box for the Ethics Board, accessible only by officers of the Ethics Board.

Section 14. Separability.

If any clause, sentence, paragraph, or section of this Code of Ethics is adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, and the unaffected portions of this Code of Ethics shall remain in full force and effect.

II. This Local Law shall become effective upon filing with the Secretary of State.