



# Law & Major Contracts

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## Meeting Agenda

*Committee Chair: Nancy Barr*

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Monday, February 22, 2021

1:00 PM

Committee Room

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### CALL TO ORDER

Joint with Legislation committee

### MINUTES APPROVAL

February 17, 2021 at 10:00 a.m.

### I. ITEMS FOR DISCUSSION

Guests: County Attorney John Nonna, Deputy County Attorney Justin Adin, and Steve Leventhal, Esq.

[2021-35](#) HON. KITLEY S. COVILL: Code of Ethics Legislation

A LOCAL LAW amending the Laws of Westchester County with respect to the advancement of ethics within all levels of county government. (Formerly MT # 12938)

[2021-36](#) PH - Code of Ethics Legislation

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County with respect to the advancement of ethics within all levels of county government."

[Public Hearing set for \_\_\_\_\_, 2020 at \_\_\_\_ .m.] LOCAL LAW INTRO 2020-12938. (Formerly MT #12939)

### II. OTHER BUSINESS

### III. RECEIVE & FILE

### ADJOURNMENT

**LOCAL LAW NO. -2020**

A LOCAL LAW amending the Laws of Westchester with respect to the advancement of ethics within all levels of county government

BE IT ENACTED by the County Board of the County of Westchester as follows:

**Section 1.** Chapter 192 and Chapter 883 of the Laws of Westchester County are hereby repealed.

**Section 2.** A new Chapter 883 is hereby added to the Laws of Westchester County to read as follows:

**CHAPTER 883 CODE OF ETHICS**

**ARTICLE I**

**GENERAL PROVISIONS**

<u>Section</u>	<u>883.101</u>	<u>Purpose</u>
	<u>883.102</u>	<u>Definitions</u>
	<u>883.103</u>	<u>Applicability</u>

**Section 883.101. Purpose.** Officers and employees of the County hold their positions to serve and benefit the public; not to obtain unwarranted personal or private gain in the exercise and performance of their official powers and duties. The County recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes those standards.

**Section 883.102. Definitions.**

- a. “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the County or an area of the County, or a lawful class of such residents or taxpayers. A County officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or dependent, is an owner, partner, member,

director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's equity or debt, whether in the form of outstanding stock or otherwise.

b. “Relative” means a spouse, registered domestic partner, child, stepchild, parent, stepparent, grandparent, sibling or stepsibling of a County officer or employee.

**Section 883.103. Applicability.**

a. This Code of Ethics applies to all officers and employees of the County, whether paid or unpaid, including the members of any County department, agency, board or commission and the members and employees of the County Legislature.

b. Section 883.207 (Future Employment) of this Code of Ethics applies to current and former officers and employees of the County.

c. Section 883.208 (Independent Contractors) of this Code of Ethics applies to independent contractors of the County.

d. Section 883.209 (Personal Representations and Claims Permitted) and Section 883.215 (Inducement of Others) of this Code of Ethics apply to officers and employees of the County and independent contractors of the County.

e. Section 883.303 (Applicant Disclosure in Land Use Applications) of this Code of Ethics applies to applicants, petitioners or parties requesting approval of a zoning referral, plat, exemption from a plat or official map, license or permit, pursuant to any local law, rule or regulation constituting the planning and land use regulations of the County.

f. The provisions of this Code of Ethics shall supplement all applicable State and local laws relating to conflicts of interest and municipal ethics including, but not limited to, Article 18 of the General Municipal Law and all related rules, regulations, policies and procedures of the County.

g. The termination of an officer's or employee's term of office or employment with the County

shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed by this Code of Ethics on the former officer or employee for his or her actions or interests while a County officer or employee, nor with respect to the post-employment restrictions imposed by this Code of Ethics.

## **ARTICLE II CODE OF CONDUCT**

<u>Section</u>	<u>883.201</u>	<u>Use of County Position for Personal or Private Gain</u>
	<u>883.202</u>	<u>Prohibited Interests in Contracts.</u>
	<u>883.203</u>	<u>Recusal.</u>
	<u>883.204</u>	<u>Prohibition Inapplicable; Recusal and Disclosure Not Required.</u>
	<u>883.205</u>	<u>Investments in Conflict with Official Duties.</u>
	<u>883.206</u>	<u>Private Employment in Conflict with Official Duties</u>
	<u>883.207</u>	<u>Future Employment</u>
	<u>883.208</u>	<u>Independent Contractors</u>
	<u>883.209</u>	<u>Personal Representations and Claims Permitted</u>
	<u>883.210</u>	<u>Use of County Resources</u>
	<u>883.211</u>	<u>Nepotism</u>
	<u>883.212</u>	<u>Political Solicitations</u>
	<u>883.213</u>	<u>Confidential Information</u>
	<u>883.214</u>	<u>Gifts, Tips and other Benefits</u>
	<u>883.215</u>	<u>Inducement of Others</u>
	<u>883.216</u>	<u>Criminal Convictions</u>

### **Section 883.201. Use of County Position for Personal or Private Gain.**

No County officer or employee shall use his or her County position or official powers and duties to secure a material benefit, whether financial or otherwise, for

- a. Himself or herself;
- b. A relative, dependent or individual residing in his or her household;
- c. Any private organization in which he or she has an interest;
- d. A client or customer from which the officer or employee knows that he or she, and/or a private organization in which he or she has an interest derived income in excess of five thousand dollars (\$5,000), directly or indirectly, during the previous twenty four months; or
- e. A person from whom the officer or employee has received a private loan or loans, or a gift or

gifts, having an aggregate value of seventy five dollars or more during the previous twelve months.

**Section 883.202. Prohibited Interests in Contracts.**

a. No County officer or employee shall have an interest in any contract with the County, when such officer or employee, individually or as a member of a board or commission, has the power or duty, whether or not exercised, to:

(1) Negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;

(2) Audit bills or claims under the contract, or

(3) Appoint an officer or employee who has any of the foregoing powers or duties.

b. For the purposes of this section, the term “contract” means any claim, account or demand against or agreement with the County, express or implied.

c. Notwithstanding the foregoing, for the purposes of this section, the term “contract” shall not include:

(1) The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of County funds except when the chief fiscal officer, or his deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the County would be required because of the foregoing restriction, a bank or trust company within the County may nevertheless be so designated;

(2) A contract with a person, firm, corporation or association in which a County officer or employee has an interest which is prohibited solely by reason of his or her status as an officer or employee thereof, if the compensation from such employment will not be directly affected as a result of the contract and the duties of such employment do

not directly involve the procurement, preparation or performance of any part of the contract;

- (3) The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, act or other proceeding where such publication is required or authorized by law;
- (4) The purchase by the County of real property or an interest therein, provided the purchase and the consideration therefor is approved by an order of the Supreme Court upon petition of the County Legislature;
- (5) The acquisition of real property or an interest therein, through condemnation proceedings according to law;
- (6) A contract with a membership corporation or other voluntary nonprofit corporation or association;
- (7) The sale of bonds and notes pursuant to Section 60.10 of the New York Local Finance Law;
- (8) A contract in which a County officer or employee has an interest if such contract was entered into prior to the time he or she was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract;
- (9) A contract with a corporation in which a County officer or employee has an interest by reason of stockholdings when less than five per cent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
- (10) A contract for the furnishing of public utility services at rates or charges that are fixed or regulated by the public service commission;

- (11) A contract for the payment of a reasonable rental of a room or rooms owned or leased by a County officer or employee, used in the performance of his or her official duties, and designated as an office or chamber;
- (12) A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the office;
- (13) A contract in which a County officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars; or
- (14) A contract with a member of a private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract.

**Section 883.203. Recusal.**

No County officer or employee shall participate in any decision or take any official action requiring the exercise of discretion, including discussing, deliberating or voting on a matter, when he or she knows or has reason to know that the action may confer a direct or indirect financial or other material benefit on a person or entity specified in Section 883.201 of this Code of Ethics. A contribution of money or other valuable thing permitted under Section 833.214(f) of this Chapter shall not be a disqualifying benefit for purposes of this section and does not require recusal hereunder.

**Section 883.204. Prohibition Inapplicable; Recusal and Disclosure Not Required.**

a. The requirements relating to recusal set forth in Section 883.203 of this Code of Ethics, and the disclosure requirements set forth in Article III Disclosures of this Code of Ethics, shall not apply with respect to the following matters:

(1) Adoption of the County's annual budgets;

(2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a similarly situated class of such people:

(i) All or substantially all County officers or employees;

(ii) All or substantially all residents or taxpayers of the County or an area of the County; or

(iii) The general public.

(3) Any ministerial matter or matter that does not require the exercise of discretion;

(4) Uncompensated participation by an elected County official, or by a member of his or her staff on behalf of such elected County official, in public advocacy whether or not on behalf of a constituent;

(5) Appearance by a County employee before a County department, agency, board or commission in a representative capacity on behalf of an employee organization in any matter where such appearance is duly authorized by the employee organization; and

(6) Uncompensated participation in public advocacy by a County officer or employee who serves as a political committee chairperson.

b. Recusal shall not be required, but disclosure pursuant to Article III of this Code of Ethics shall be required, with respect to any matter:

(1) Which comes before a County board or commission when a majority of the entire membership of the board or commission would otherwise be prohibited from acting;



or

(2) Which comes before a County officer when the officer would be prohibited from acting and the matter cannot be lawfully delegated to another person.

**Section 883.205. Investments in Conflict with Official Duties.**

a. No County officer or employee shall acquire or maintain any investment:

(1) The ownership of which requires that the County officer or employee frequently and inevitably recuse himself or herself; or

(2) That would impair his or her independence of judgment in the exercise or performance of his or her official powers and duties.

b. The preceding sub-section shall not prohibit a County officer or employee from acquiring or maintaining the following:

(1) Real property located within the County and used as his or her personal residence;

(2) Less than five percent of the stock of a publicly traded corporation; or

(3) Bonds or notes issued by the County and acquired more than one year after the date on which the bonds or notes were originally issued.

c. No officer, employee or agent of the County shall, except on behalf of the County, directly or indirectly place a bid for, or have an interest in, the sale of a tax lien certificate, or have a financial interest in property acquired by the County in a tax collection procedure, or have an interest in any condemnation proceeding in which the County or a municipality within the County is a party.

**Section 883.206. Private Employment in Conflict with Official Duties.**

a. No elected County official or County employee serving as staff to the County Legislature or

to a member of the County Legislature, shall receive or agree to receive, directly or indirectly, any compensation for consulting or advisory services in connection with any proposed local law, act, or resolution of the County Legislature.

b. No County officer or employee shall ask for, pursue or accept a private secondary employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the County officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 90 days following final disposition of the matter.

c. No County officer or employee, during his or her tenure as a County officer or employee, shall engage in any secondary employment, or engage in any business, commercial, or professional activity, when the secondary employment or business, commercial or professional activity:

(1) Involves duties that are incompatible with those of the official duties of the County officer or employee;

(2) May be reasonably expected to require frequent and inevitable recusal;

(3) May be reasonably expected to require disclosure or personal use of confidential information gained by reason of serving as a County officer or employee;

(4) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection with any matter before any County department, agency, board or commission of which he or she is an officer, member or employee or of any County department, agency, board or commission over which he or she has jurisdiction or to which he has the power to appoint any member, officer or employee;

(5) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection

with any matter before any County department, agency, board or commission, whereby his compensation is to be dependent or contingent upon any action by such department, agency, board or commission with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered; or

(6) Involves the representation of a person or organization other than the County, or pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services rendered in connection with any application, request, claim or proposal before any County department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the County is a party. Notwithstanding the foregoing, a person serving the County or any agency thereof without compensation shall not be subject to the prohibitions set forth in this subsection (c)(6).

d. No elected County officer shall otherwise be employed by the County or hold any other elected office.

**Section 883.207. Future Employment.**

a. No County officer or employee shall seek, negotiate, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the County officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 90 days following final disposition of the matter.

b. No County officer or employee, for a one-year period after serving as a County officer or employee, shall appear before or communicate in any form with the County office, board,

department or comparable organizational unit for which he or she served in connection with any case, proceeding, application or other proposed or pending matter, except (i) on behalf of the State or a political subdivision or instrumentality thereof, or (ii) in furtherance of the interests of the County with the approval of the Board of Ethics upon application of his or her former County department, agency, board or commission.

c. No County officer or employee, at any time after serving as a County officer or employee, shall represent or render services to a private person or organization in connection with any particular matter in which he or she personally and substantially participated while serving as a County officer or employee, except on behalf of the State or a political subdivision or instrumentality thereof, or in furtherance of the interests of the County with the approval of the Board of Ethics upon application of a County department, agency, board or commission.

d. Any determination made by the Board of Ethics upon an application made pursuant to paragraphs b or c or this section shall be transmitted by the Board of Ethics to the Clerk of the Board of Legislators within ten business (10) days of the date of the determination.

e. Any determination made by the Board of Ethics upon an application made pursuant to paragraphs b or c of this section may be subject to review by the Board of Legislators. If the Board of Legislators chooses to review a determination of the Board of Ethics, it may, by Act, affirm, reverse, or otherwise modify the determination.

**Section 883.208. Independent Contractors.** No independent contractor or employee of an independent contractor of the County shall exert undue influence on behalf of a private interest, directly or indirectly, in a matter before any County department, agency, board or commission. A violation of this Section shall be cause for termination of the independent contractor's contract with the County.

**Section 883.209. Personal Representations and Claims Permitted.**

This Code of Ethics shall not be construed as prohibiting a County officer or employee or an independent contractor of the County from:

- a. Seeking or accepting County services, benefits, or the use of County facilities, on the same terms and conditions as are available to County residents or a class of similarly situated County residents.
- b. Asserting a claim against the County on his or her own behalf, or on behalf of a relative or member of his or her household, unless the claim is prohibited by Section 883.202 of this Code of Ethics, or by Section 801 of the New York General Municipal Law.

**Section 883.210. Use of County Resources.**

- a. County resources shall be used only for lawful County purposes. County resources include, but are not limited to, County personnel, compensated time, money, vehicles, equipment, data and telecommunication systems, letterhead, materials, supplies, or other property.
- b. No County officer or employee shall use or permit the use of County resources for personal or private purposes, but this provision shall not be construed as prohibiting:
  - (1) Any use of County resources authorized by law, County policy or collective bargaining agreement to which the County is a party;
  - (2) The use of County resources for personal or private purposes when provided to a County officer or employee as part of his or her compensation; or
  - (3) The occasional and incidental use of County resources for reasonably necessary personal, non-business matters.
- c. No County officer or employee shall cause the County to spend more than is reasonably

necessary for transportation, meals or lodging in connection with official travel. Transportation, meal, and lodging expenses shall be presumptively reasonable if they are in accordance with the County's travel policy and/or the applicable provisions of any collective bargaining agreement.

**Section 883.211. Nepotism.**

Except as otherwise required by law:

- a. No County officer or employee, either individually or as a member of a County board or commission, shall participate in any decision to appoint, hire, promote, discipline or discharge a relative or a member of his or her household.
- b. No County officer or employee shall directly supervise a relative or member of his or her household in the performance of such person's official duties.

**Section 883.212. Political Solicitations.**

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

**Section 883.213. Confidential Information.**

- a. No current or former County officer or employee, including County Legislators or employees of the County Legislature, any of its caucuses or individual County Legislators, shall disclose confidential information concerning the property, government or affairs of the County or any other confidential information of an official character obtained as a result of County employment except when disclosure is required by law or when such information is otherwise available to the public, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.
- b. Confidential information is information in any format that is either prohibited from disclosure to the public by federal or state law, or is withheld from public disclosure in the lawful exercise of the discretion afforded to the authorized information officer by federal or state law.

**Section 883.214. Gifts, Tips and other Benefits.**

- a. No County officer or employee shall directly or indirectly solicit any gift or other benefit from a person who has received or sought a financial or other material benefit from the County within the previous twelve months, or that he or she knows or has reason to know will do so in the succeeding twelve months.
- b. No County officer or employee shall accept any gift or other benefit from a person who the County officer or employee knows or has reason to know has received or sought a financial benefit from the County within the previous twelve months or will do so in the succeeding twelve months.
- c. No County officer or employee shall solicit, accept or agree to accept any gift, tip or other benefit for having engaged in official conduct which he or she was required or authorized to perform, and for which he or she was not entitled to any special or additional compensation.

d. No County officer or employee shall accept or receive any gift or other benefit, or multiple gifts or other benefits from the same donor in a twelve month period, having an aggregate value of seventy-five dollars or more when:

(1) the gift or other benefit would reasonably appear to be intended to influence the officer or employee in the exercise or performance of his or her official duties;

(2) the gift or other benefit would reasonably be expected to influence the officer or employee in the exercise or performance of his or her official duties; or

(3) the gift or other benefit would reasonably appear to be intended as a reward for any official action on the part of the officer or employee.

e. For purposes of this Section, the terms “gift”, “tip” and “other benefit” include anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift, tip or other benefit is its fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater.

f. Notwithstanding the foregoing, this Section shall not prohibit:

(1) Gifts made to the County;

(2) Gifts from a person with a family or personal relationship with the officer or employee when it is reasonable to conclude that the personal relationship, rather than the recipient’s status as a County officer or employee, is the primary motivating factor for the gift;

(3) Gifts given on non-recurring special occasions, such as marriage, illness, or retirement, which are reasonable and customary;

(4) Unsolicited advertising or promotional material of little intrinsic value, such as pens,



pencils, note pads, and calendars;

(5) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a County officer or employee, or other service to the community; or

(6) Incidental meals and refreshments provided when a county officer or employee is a speaker or participant at a job-related professional, charitable, educational, or community conference, program or event;

(7) Gifts or benefits having a value of one hundred (\$100.00) dollars or less that are received by a County officer or employee serving in a capacity listed in Section 11 of the Domestic Relations Law for the solemnization of a marriage by the officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.

(8) Contributions made in accordance with federal or state election law.

**Section 883.215. Inducement of Others.** No County officer, employee or independent contractor shall induce or attempt to induce a County officer, employee or independent contractor to violate, nor aid a County officer, employee or independent contractor in violating, any of the provisions of this Code of Ethics.

**Section 883.216. Criminal Convictions.**

a. No person convicted of a crime involving a violation of his or her oath of office, whether a felony or misdemeanor, shall hold County elective office unless such conviction shall have been reversed, vacated or expunged, or said person has obtained a certificate of relief from civil disabilities.

b. No appointed officer of the County shall continue in service after having been convicted of a

felony, or a misdemeanor involving a violation of his or her oath of office, except as provided herein.

- c. No employee of the County shall continue in service after having been convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in N.Y. Corrections Law §753.
- d. No independent contractor of the County shall continue in service after having been convicted of a crime that is directly related to the County engagement, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in N.Y. Corrections Law §753.
- e. A former employee of the County convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall be eligible for reinstatement if such conviction shall have been reversed, vacated or expunged, or upon consideration of the factors set forth in N.Y. Corrections Law §753.
- f. A former independent contractor of the County convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall, in the discretion of the appointing authority, be eligible for reinstatement if such conviction shall have been reversed, vacated or expunged, or upon receipt of a certificate of relief from civil disabilities.

### Article III Disclosure

<u>Section</u>	<u>883.301</u>	<u>Particular Matter Disclosure</u>
	<u>883.302</u>	<u>Disclosure of Interests in County Contracts</u>
	<u>883.303</u>	<u>Applicant Disclosure in Land Use Applications.</u>
	<u>883.304</u>	<u>Annual Financial Disclosure</u>

**Section 883.301. Particular Matter Disclosure.** Whenever a County officer or employee is required to recuse himself or herself under this Code of Ethics, he or she shall promptly inform his or her immediate supervisor, if any, in writing disclosing the reason for recusal or, if a member of a board or commission that maintains a public record of its proceedings, shall promptly state that information upon the public record of the board or commission.

**Section 883.302. Disclosure of Interests in County Contracts.**

- a. Where a County officer or employee, or his or her spouse, knows that he or she has or will have an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the County, the officer or employee shall publicly disclose the nature and extent of that interest in writing to his or her immediate supervisor and to the Board of Ethics as soon as he or she has knowledge of the actual or prospective interest.
- b. For purposes of this disclosure requirement:
  - (1) The term “contract” shall mean any claim, account or demand against or agreement with the County, express or implied; and
  - (2) A County officer or employee shall be deemed to have an interest in the contract of his or her relative as defined in Section 883.102 of this Code of Ethics, dependent, household member, and any private organization when he or she, or his or her relative is an owner, partner, member, director, officer, employee or directly or indirectly owns

or controls more than 5% of the organization's equity or debt, whether in the form of outstanding stock or otherwise.

**Section 883.303. Applicant Disclosure in Land Use Applications.**

- a. Every application, petition, or request submitted for approval of a zoning referral, plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any local law, rule or regulation constituting the planning and land use regulations of the County shall state the name, residence, and the nature and extent of the interest of any officer of the state, or any officer or employee of the County in the person, partnership or association making the application, petition or request to the extent known.
- b. For the purpose of this disclosure requirement, an officer or employee shall be deemed to have an interest in the applicant when he or she, his or her relative, or the spouse of any of them:
- (1) Is the applicant, or
  - (2) Is an officer, director, partner, or employee of the applicant, or
  - (3) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a limited liability company, partnership, or association applicant (except that ownership of less than five percent of the stock of a publicly traded corporation shall not constitute an interest for the purposes of this disclosure requirement; or
  - (4) Is a party to an agreement with such an applicant, express or implied, whereby he or she will receive any payment or other benefit, whether or not for such services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

**Section 883.304. Annual Financial Disclosure.**

a. The following County officers and employees and candidates for elective County office (individually and collectively, “Reporting Person”) shall file an annual statement of financial disclosure with the Board of Ethics:

- (1) Elected County officials;
- (2) Department heads, deputy department heads, and division heads;
- (3) County officers and employees holding titles set forth in a schedule adopted or amended by the County Legislature either by Local Law or Act;
- (4) Candidates for elective County office;
- (5) Political party county chairpersons; and
- (6) County officers or employees with substantial policy discretion as determined annually by their respective appointing authority.

b. Policymaking positions. For the purposes of this Section, a person shall be considered to hold a policymaking position if he or she exercises responsibilities of a broad scope in the formulation of plans for the implementation of goals or policy for a County agency or acts as an advisor to an individual in such a position. In determining whether a person holds a policymaking position, the following factors shall be considered, applied to the powers and duties of the position as set forth in the job description or any applicable law or regulation as well as the actual duties performed by the person:

- (1) Whether the position permits effective or substantial influence in the governmental decision-making process on issues where there is room for principled disagreement on goals or their implementation;
- (2) Whether the powers and duties of the position are broadly defined and require more than the exercise of simple ministerial competence;

- (3) Whether the position permits the person to exercise control over other officers or employees;
- (4) Whether the position involves the establishment of priorities or the development of programs;
- (5) Whether the position requires or authorizes the conducting of studies or entails a significant degree of involvement in the preparation of budgets or budget requests for a local agency or municipality;
- (6) Whether the position authorizes the person to speak on behalf of local elected officials or other policymakers;
- (7) Whether the position entails frequent contact with local elected officials or their principal deputies.

- c. No later than the last day of March of each year, the Commissioner of Human Resources shall:
  - (i) cause to be filed with the Board of Ethics a list of the names and offices or positions of all officers and employees of the County, and all political party county chairpersons, required to file annual disclosure statements pursuant to this Code of Ethics; and
  - (ii) notify all such officers and employees of their obligation to file an annual disclosure statement.
- d. Upon the election or appointment after the last day of March of the year of election or appointment, of a County officer or employee required to file annual disclosure statements pursuant to this Code of Ethics, the Commissioner of Human Resources shall:
  - (i) cause to be filed with the Board of Ethics a list of the names and offices or positions of such newly elected or appointed officers and employees of the County required to file annual disclosure statements pursuant to this Code of Ethics; and
  - (ii) notify all such officers and employees of their obligation to file an annual disclosure statement.
- e. Upon the nomination or designation pursuant to the applicable provisions of the New York

Election Law of a candidate or candidates for County elective office, the Board of Elections shall: (i) cause to be filed with the Board of Ethics a list of the names of such candidates for County elective office; and (ii) notify all such candidates of their obligation to file an annual disclosure statement.

f. Form of statement.

(1) All Reporting Persons shall file a disclosure statement in the form adopted or amended by the County Legislature by Local Law or Act.

(2) The Board of Ethics shall recommend any amendments to the forms of financial disclosure statement that it deems warranted or that may be required by law, and shall submit such recommended amendments to the County Executive for submission to the County Legislature.

g. Time for filing.

(1) Reporting Persons other than candidates for elected County office shall file financial disclosure statements with the Board of Ethics on or before May 15 of each year.

(2) Reporting Persons other than candidates for elected County office elected or appointed after May 15 of the year of their election or appointment shall file financial disclosure statements with the Board of Ethics within thirty days of the commencement of their elected term or period of employment.

(3) Candidates for County elective office shall file financial disclosure statements with the Board of Ethics within thirty days of nomination or designation pursuant to the applicable provisions of the New York Election Law.

h. Any person designated as a person required to file an annual disclosure statement solely by reason of having substantial policy discretion as that term is used in this Code of Ethics, may apply to the Board of Ethics for reconsideration of his or her filing status and the Board of

Ethics may grant an exemption from filing based upon the criteria set forth herein.

i. All statements filed with the Board of Ethics shall be available for public inspection and copying; except that:

(1) The Board of Ethics may, on its own initiative, to the extent permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law) withhold from public disclosure particular information, the disclosure of which would constitute an unwarranted invasion of personal privacy; or

(2) A Reporting Person may request that such information be withheld from public disclosure, and the Board of Ethics, in its discretion, may grant such request to the extent permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law).

j. Review:

(1) The Board of Ethics shall review:

(i) The lists of officers and employees required to file annual disclosure statements pursuant to this Code of Ethics, to determine whether the lists are complete and accurate. The Board of Ethics shall, based on the criteria set forth in the foregoing Section 883.304(b), recommend to the County Executive for submission to the County Legislature, the title of any other position which the Board of Ethics determines should appear on the list and the removal of the title of any position which the Board of Ethics determines should not appear on the list.

(ii) All annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this Code of



Ethics.

(iii) All transactional disclosure statements.

(iv) All applicant disclosure statements.

(2) If the Board of Ethics determines that an annual disclosure statement, a transactional disclosure statement, or an applicant disclosure statement is deficient or reveals a possible or potential violation of this Code of Ethics, the Board of Ethics shall notify the person in writing of the deficiency, or possible or potential violation and of the penalties for failure to comply with this Code of Ethics.

**Article IV. Board of Ethics**

883.401      Board of Ethics

883.402      Powers and Duties of the Board of Ethics

**Section 883.401. Board of Ethics.**

- a. The Board of Ethics shall consist of five members appointed by the County Executive, subject to confirmation by the County Legislature. The members of the Board of Ethics shall reside in the County. The members of the Board of Ethics shall receive no salary or compensation for their services as members of the Board of Ethics, but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.
- b. No member of the Board of Ethics shall hold or be a candidate for public office, be a public employee in any jurisdiction, be a political party officer, engage in lobbying or business transactions with the County or contribute to the campaign of any candidate for County elective office.
- c. No more than two members of the Board of Ethics shall be enrolled members of the same political party.

- d. The members of the Board of Ethics shall serve for fixed, staggered terms of five years.
- e. Any vacancy occurring on the Board of Ethics other than by expiration of a term shall be filled by nomination of a successor within sixty (60) days of the creation of the vacancy. The County Legislature shall act on such nomination within sixty (60) days of the filing of the appointing resolution in the Office of the Clerk of the Legislature.
- f. The Board of Ethics shall meet at least once each quarter.
- g. The Board of Ethics shall have the confidential advice of special counsel employed by the County Attorney or, if none, the County Attorney.

**Section 883.402. Powers and Duties of the Board of Ethics.**

- a. The Board of Ethics shall have the following powers and duties:
  - (1) To prescribe and promulgate rules of procedure for the discharge of its duties including, but not limited to, rules of procedure for conducting adjudicatory proceedings in the investigation and determination of complaints;
  - (2) To review, index, and maintain on file, and make available for public inspection and copying, lists of officers and employees required to file annual disclosure statements, particular matter disclosure statements, applicant disclosure statements, and annual disclosure statements filed with the Board of Ethics pursuant to this Code of Ethics;
  - (3) To grant exemptions from filing annual statements of financial disclosure from persons designated as policymakers based on the criteria set forth in the Code of Ethics;
  - (4) To grant exemptions from disclosure of identifying client or customer information to the extent permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law);

- (5) To review, index, maintain on file, and dispose of sworn complaints and to make notifications and conduct investigations pursuant to this Code of Ethics;
- (6) To conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to this Code of Ethics;
- (7) To grant waivers pursuant to this Code of Ethics;
- (8) To render, index, and maintain on file advisory opinions rendered, and waivers granted pursuant to this Code of Ethics;
- (9) To prepare a plain language guide to this Code of Ethics and related authorities;
- (10) To provide ethics training and education to County officers and employees;
- (11) To prepare an annual report and recommend changes to this Code of Ethics; and
- (12) To provide for public inspection and copying of its records, subject to the terms and conditions set forth in Article 6 of the New York Public Officers Law (the Freedom of Information Law).

b. Investigations.

- (1) Complaints. Upon receipt of a complaint by any person alleging a violation against any County officer or employee, of this Code of Ethics, any applicable State or Local Law relating to conflicts of interest and municipal ethics including, but not limited to, Article 18 of the General Municipal Law, or any related rule, regulation, policy or procedure of the County, or upon determining on its own initiative that any such violation may exist, the Board of Ethics shall have the power and duty to conduct such investigation as it deems necessary or appropriate to carry out the provisions of this Code of Ethics;
- (2) The Board of Ethics shall acknowledge receipt of all complaints that it receives, and shall proceed with reasonable promptness to conduct such investigations thereof as it

deems necessary or appropriate;

- (3) In conducting investigations, the Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of books or records that it deems relevant and material;
- (4) Complainants shall be afforded such whistleblower protections as may be provided by law, including but not limited to the protections set forth in New York Civil Service Law §75-b and New York Labor Law §740, to the extent applicable;
- (5) The Board of Ethics shall state in writing the disposition of every complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all complaints shall be indexed and maintained on file by the Board of Ethics;
- (6) Any person filing a complaint with the Board of Ethics shall be notified in writing of the disposition of the complaint, to the extent permitted by law;
- (7) All documents and hearings relating to the investigation and hearing of any alleged violation of this Chapter shall be confidential and not available for public inspection or open to the public, except as otherwise required by this Chapter or by the Freedom of Information Law (Article 6 of the New York Public Officers Law. All dispositions, including negotiated dispositions, in which the Board of Ethics finds a violation of this Chapter shall be available for public inspection and copying.

c. Assessment of penalties; referral for prosecution.

- (1) Civil fine. In its discretion after a hearing, the Board of Ethics may assess a civil fine, not to exceed ten thousand (\$10,000) dollars for each violation, upon any County officer, employee, independent contractor, former County officer or employee, or reporting person as defined by Section 883.304(a), found by the Board of Ethics to

have violated this Code of Ethics. The civil fine shall be payable to the County.

(2) Referral to Prosecutor. The Board of Ethics may, at any time, refer to the appropriate prosecutor any matter that, in the judgment of the Board of Ethics, might involve criminal misconduct. Nothing contained in this Code of Ethics shall be construed to restrict the authority of any prosecutor or the attorney general to prosecute a violation of this Code of Ethics or of any other law. If such a referral is made, the Board of Ethics may defer taking any further action in the matter pending advice from the prosecutor that the matter will or will not result in a prosecution.

d. Recommendation of other sanctions. In its discretion, after a hearing and subject to any applicable provisions of law and collective bargaining agreements, the Board of Ethics may recommend one or more of the following sanctions:

(1) Disciplinary action. The Board of Ethics may recommend that the employee or officer's appointing authority impose appropriate disciplinary action.

(2) Damages. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action in the appropriate court to obtain monetary damages.

(3) Civil forfeiture. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action or special proceeding in the appropriate court to obtain civil forfeiture.

(4) Debarment. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action or special proceeding in the appropriate court for an order of debarment.

(5) Injunctive relief. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action or special proceeding in the appropriate court for injunctive relief to enjoin a violation of this Code of Ethics or to compel compliance

with this Code of Ethics, or where the Board of Ethics believes an emergency exists, may make such recommendation to the County Executive.

e. Nothing in this Section shall be construed to permit the Board of Ethics to take any action with respect to any alleged violation of this Code of Ethics, or of any other law, by the Board of Ethics or by any member or staff member thereof.

f. Nothing in this Section shall be construed to permit the Board of Ethics to take any action which would violate the terms of any collective bargaining agreement to which the County is a party.

g. Waivers.

(1) Upon written application by a current or former County officer, employee or independent contractor, and upon written approval by his or her department or agency head, the Board of Ethics may grant the applicant, or his or her private employer or business, a waiver of any of the provisions of Sections 883.203 (Recusal), 883.205 (Investments in conflict with official duties), 883.206 (a) through (c) (Private employment in conflict with official duties), 883.207 (Future employment), 883.210 (Use of County position for personal or private gain), 883.211 (Nepotism), and 883.214(b) and (d) (Gifts) of this Code of Ethics, where the Board of Ethics finds that waiving such provision would not be in conflict with the purposes and interest of the County, provided, however, that no such waiver shall permit any conduct or interest otherwise prohibited by Article 18 of the General Municipal Law.

(2) Waivers shall be in writing, shall state with reasonable particularity the grounds upon which they are granted, and shall be available for public inspection and copying. All applications, decisions, and other records and proceedings relating to waivers shall be indexed and maintained on file by the Board of Ethics.

(3) Any determination made by the Board of Ethics upon an application for a waiver made pursuant to this section, may be subject to review by the Board of Legislators. If the Board of Legislators chooses to review a determination of the Board of Ethics, it may, by Act, affirm, reverse, or otherwise modify the determination.

h. Advisory opinions.

(1) Upon the written request of any current or former County officer, employee or independent contractor inquiring about himself or herself, or upon the request of the head of a County department, agency, board or commission inquiring about a person subject to his or her supervision, the Board of Ethics shall render a written advisory opinion with respect to the interpretation or application of this Code of Ethics, any applicable State and Local Laws relating to conflicts of interest and municipal ethics including, but not limited to, Article 18 of the General Municipal Law, and all related rules, regulations, policies and procedures of the County, to the specific future or continuing conduct or interests of such County officer, employee, independent contractor or his or her outside employer or business.

(2) Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board of Ethics. The Board of Ethics shall publish such of its advisory opinions as it believes will provide guidance to other County officers or employees, provided, however, that the publicly available copy of such opinions shall contain such deletions and redactions as may be necessary to prevent disclosure of the identity of the involved officers and employees, and as are permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law).

i. Training and education.

(1) The Board of Ethics:

(i) Shall make information concerning this Code of Ethics available to the officers, employees and independent contractors of the County, to the public, and to persons interested in doing business with the County;

(ii) Shall develop educational materials and an educational program on the provisions of this Code of Ethics for the officers, employees and independent contractors of the County, for the public, and for persons interested in doing business with the County.

(2) The County Executive shall assist the Board of Ethics in the publication, posting, and distribution of a plain language guide and other ethics information and educational materials, including but not limited to posting such ethics information and educational material on the County website, and in the development and presentation of ethics educational programs.

(3) All County officers and employees shall receive a copy of this Code of Ethics, and ethics training, in such form as determined by the Board of Ethics, within six months of the effective date of this Code of Ethics or within six months of his or her election or appointment, whichever is later; all County officers and employees required to file an annual statement of financial disclosure pursuant to Section 883.304 of this Chapter shall receive ethics training, in such form as determined by the Board of Ethics, at least biennially; all other County officers and employees shall receive ethics training, in such form as determined by the Board of Ethics, at least once every four years.

j. Annual reports; review of ethics laws.

(1) The Board of Ethics shall prepare and submit an annual report to the County Executive and the Clerk of the County Legislature summarizing the activities of the Board of Ethics. The report may also recommend amendments to this Code of Ethics.



(2) The Board of Ethics shall periodically review this Code of Ethics and the administrative procedures promulgated by the Board of Ethics, to determine whether they promote integrity, public confidence, and participation in County government and whether they set forth clear, reasonable and enforceable standards of conduct.

#### **Article V. Miscellaneous**

**Section 883.501. Existing Rights and Remedies.** No existing right or remedy shall be lost, impaired, or affected by reason of this Code of Ethics.

**Section 883.502. Posting and Distribution.**

(a) The County Executive shall promptly cause a copy of this Code of Ethics, and a copy of any amendment to this Code of Ethics, to be posted publicly and conspicuously in each building under the County's control and upon the County's website. This Code of Ethics shall be posted within ten days following the date on which this Code of Ethics takes effect. Any amendment to this Code of Ethics shall be posted within ten days following the date on which the amendment takes effect.

(b) The County Executive shall promptly cause a copy of this Code of Ethics, including any amendments to the code, to be distributed to every person who is or becomes an officer, employee or independent contractor of the County.

(c) The failure to post this Code of Ethics or any amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a County officer or employee to receive a copy of this Code of Ethics or an amendment to this Code of Ethics shall not affect either the applicability or enforceability of the code of ethics or amendment to the code.

**Section 3.** The Code of Ethics enacted by this Local Law may be cited as the Westchester County Code of Ethics or the Code of Ethics without reference to it being a Chapter of the County Charter and may be published separately, both as a booklet and on line. Any reference to a County Code of Ethics in this Charter, the Administrative Code, any Local Law, any act or any resolution which cites a section number or numbers different from the numbering assigned by this Local Law, shall be deemed to reference the Code of Ethics enacted by this Local Law. Any publication of the Code of Ethics shall include, either as an appendix, hyperlink or reference, such schedules, forms and lists or other items which are annexed to this Local Law or authorized by Act.

**Section 4.** Annexed hereto as Appendix A and made a part hereof is a Schedule of Titles the holders of which are required to file financial disclosure forms pursuant to Section 883.304(a)(3) of the Code of Ethics. The Schedule of Titles may be amended by Act. The Schedule of Titles shall indicate, in a parenthetical at the end, the number of this Local Law and the number of any Act amending it.

**Section 5.** Annexed hereto as Appendix B and made a part hereof is the Annual Statement of Financial Disclosure form to be used by persons required to file financial disclosure pursuant to Section 883.304 of the Code of Ethics. The Annual Statement of Financial Disclosure form may be amended by Act. The Annual Statement of Financial Disclosure form shall indicate in a parenthetical at the end, the number of this Local Law and the number of any Act amending it.

**Section 6.** This Local Law shall not affect the service and terms of office of any person serving on the Board of Ethics as established by a previously enacted Local Law except as provided for in this Section. The County Executive may, for the purpose of maintaining the staggered five-year terms office required by the Code of Ethics, appoint or reappoint members for definite terms of less than five years.

**Section 7.** Severability. If any clause, sentence, paragraph, subdivision, Section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

**Section 8.** Effective Date. This local law shall take effect immediately.

## **APPENDIX A**

### Schedule of Titles

Pursuant to Section 883.304(a)(3) of the Code of Ethics, County officers or employees holding the following titles shall file annual statements of financial disclosure with the Board of Ethics:

#### **Board of Elections:**

Commissioner of Elections

Deputy Commissioner of Elections

#### **Board of Ethics:**

All Members

#### **Board of Health:**

All Members

#### **Board of Legislators:**

Assistant to the Chairman and Legislative Officer-County Board

Chief Advisor to the Chair of the Board of Legislators

Clerk of the County Board of Legislators and Chief of Staff

Communications Officer-Board of Legislators

County Legislator

Deputy Clerk to the County Board of Legislators and Deputy Chief of Staff

Director of Fiscal Affairs-BOL

Legislative Counsel

#### **Budget Department:**

Assistant Budget Director

Associate Budget Director

Budget Director

First Deputy Budget Director

#### **Department of Community Mental Health:**

Commissioner of Community Mental Health

Deputy Commissioner of Community Mental Health  
Director of Administrative Services (Management Operations)  
Director of Alcohol and Substance Abuse Services  
Director of Developmental Disabilities Services  
Director-Employee Assistance Program

**Department of Correction:**

Associate Warden  
Commissioner of Correction  
Deputy Commissioner of Correction  
Director of Administrative Services (Management Operations)  
Second Deputy Commissioner of Correction  
Special Assistant to the Commissioner of Correction  
Warden

**Office of the County Clerk:**

Assistant to the County Clerk  
Chief Deputy County Clerk (Legal and Land Records)  
County Clerk  
Deputy County Clerk (General)  
Director of Program Development II (Trades Licensing)  
Executive Deputy County Clerk

**Office of the County Executive:**

Assistant to the County Executive I  
Assistant to the County Executive II  
Assistant to the County Executive III  
Assistant to the County Executive IV  
Chief Advisor to the County Executive  
Chief of Staff-County Executive  
Coordinator of Veterans Affairs

Counsel to the County Executive  
County Executive  
County Fire Coordinator  
Deputy County Executive  
Deputy Director of Economic Development  
Director of Communications  
Director of Economic Development  
Director of Intergovernmental Relations — County Executive  
Director of Real Estate  
Director of Research and Economic Development  
Director of Tourism  
Director-Office for the Disabled  
Director-Office for Women  
Director-Office of Criminal Justice Planning  
Director-Youth Bureau  
Executive Assistant for Office Management-County Executive  
LGBT Community Liaison  
Program Administrator (Minority Affairs-Spanish Speaking)  
Research Assistant-County Executive  
Senior Assistant to the County Executive I  
Senior Assistant to the County Executive II

**Deferred Compensation Board:**

All Members

**Office of the District Attorney:**

Chief Administrator-District Attorney  
Chief of Bureau-District Attorney  
Deputy District Attorney  
Director of Public Affairs

District Attorney  
First Deputy District Attorney  
Second Deputy District Attorney

**Electrical Licensing Board:**

All Members

**Department of Emergency Services:**

Commissioner of Emergency Services  
Deputy Commissioner of Emergency Services

**Department of Environmental Facilities:**

Assistant Commissioner of Solid Waste  
Associate Director of Fiscal Services (Environmental Facilities)  
Commissioner of Environmental Facilities  
Deputy Commissioner of Environmental Facilities  
Deputy Commissioner of Solid Waste  
Deputy Director-Wastewater Treatment  
Director of Administrative Services (Management Operations)  
Director of Program Development II (Personnel)  
Director-Wastewater Treatment  
Director-Water Agency  
Second Deputy Commissioner of Environmental Facilities

**Fair Housing Board:**

All Members

**Department of Finance:**

Commissioner of Finance  
Deputy Commissioner of Finance  
Deputy Purchasing Agent  
Director-Fiscal Operations  
First Deputy Commissioner of Finance

Manager of Accounting Services

Manager of Payroll and Benefits

Purchasing Agent

**Department of Health:**

Assistant Commissioner of Health (Environmental Quality)

Assistant Commissioner of Health (Nursing Services and Community Health)

Assistant Commissioner of Health (Planning and Evaluation)

Assistant Commissioner of Health (Public Health Protection)

Assistant Commissioner of Health (Services for Children with Disabilities)

Associate Director of Division (Community Health Services)

Chief of Section (Clinical Services)

Chief of Section (Communicable Diseases)

Chief of Section (Dental)

Commissioner of Health

Deputy Commissioner of Health

Deputy Commissioner of Health for Disease Control

Director of Administrative Services (Management Operations)

Director of Division (Health Services)

Director-Fiscal Operations

First Deputy Commissioner of Health

Second Deputy Commissioner of Health

**Department of Human Resources:**

Commissioner of Human Resources

Deputy Commissioner of Human Resources

Deputy Director-Human Rights Commission.

Director of Labor Relations

EEO Coordinator

Executive Director-Human Rights Commission



**Human Rights Commission:**

All Members

**Department of Information Technology:**

Assistant Chief Information Officer

Assistant Chief Information Officer-Geographic Information Systems

Assistant Director of Telecommunications

Chief Information Officer

Deputy Chief Information Officer

Director of Application Support

Director of Knowledge Management and Archives

Director of Program Development II (Information Technology Management Operations)

Director of Systems Development and Application

Director of Telecommunications

Manager of Data Communications

Manager of Geographic Information Systems

Manager of Network Engineering

Manager of Software Architecture

Manager of Web Design

Manager of Web Development

Manager of Workstation Engineering

Second Deputy Chief Information Officer

**Department of Laboratories and Research:**

Chief of Environmental Laboratory Services

Chief of Microbiology Services

Director of Administrative Services (Management Operations)

Director of Forensic Science Services

Director of Toxicology

Pathologist — Deputy Medical Examiner

Pathologist — Medical Examiner

**Lab and Research Board of Managers:**

All Members

**Department of Law — Office of the County Attorney:**

Assistant Chief Deputy County Attorney

Associate County Attorney

Chief Deputy County Attorney

County Attorney

Deputy County Attorney

Director of Risk Management

Senior Assistant County Attorney

Special Assistant to the County Attorney

**Department of Parks, Recreation & Conservation:**

Assistant Director of Division (PRC)

Assistant Director-Playland

Assistant Manager-County Center Operations

Assistant Manager-County Center Sales and Marketing

Commissioner of Parks, Recreation and Conservation

Controller-Playland

Deputy Commissioner of Parks, Recreation and Conservation

Director of Administrative Services (Management Operations)

Director of Maintenance-PRC

Director of Operations (Maintenance-PRC)

Director of Operations (Marketing-PRC)

Director of Operations (PRC)

Director of Park Facilities-PRC

Director of Program Development II (Capital Projects-Playland)

Director of Program Development II (Community Relations)  
Director of Program Development II (Concessions)  
Director of Program Development II (Golf)  
Director of Program Development II (Historic and Interpretive Sites)  
Director of Program Development II (Naturalist)  
Director of Program Development II (Parks)  
Director of Program Development II (Personnel)  
Director-Playland  
Director-Programs and Services — PRC  
District Park Director  
First Deputy Commissioner of Parks, Recreation and Conservation  
Golf Course Superintendent  
Program Administrator (Conservation)  
Program Administrator (Contract Management)  
Program Administrator (Event Coordinator-County Center)  
Program Administrator (Park Management)  
Program Administrator (Sales and Marketing)  
Program Administrator (Special Services)  
Program Coordinator (Golf)  
Program Coordinator (Natural Resource Management)

**Parks, Recreation and Conservation Board:**

All Members

**Department of Planning:**

Assistant Commissioner of Planning  
Chief Planner  
Commissioner of Planning  
Deputy Commissioner of Planning  
Deputy Commissioner of Planning for Housing and Community

Development

Director of Management Operations

Director of Natural Resource Planning

Director of Operations (Urban Design)

Director of Program Development II (Housing and Planning)

Director of Program Development II (Research and Planning)

Program Administrator (Building Rehabilitation Services)

Program Administrator (Contract Management)

Program Administrator (Housing and Community Development)

Senior Management Analyst

**Planning Board:**

All Members

**Plumbing Examiners Board:**

All Members

**Police Advisory Board:**

All Members

**Department of Probation:**

Assistant Commissioner-Probation

Assistant Director-Probation

Chief of Planning, Research, Training and Staff Development-Probation

Commissioner of Probation

Deputy Commissioner-Probation

Director of Program Development II (Probation)

Program Administrator (Probation Staff Development)

**Professional Prequalification Board:**

All Members

**Professional Selection Board:**

All Members

**Public Administrator:**

Public Administrator

**Department of Public Safety:**

Chairman-Westchester County Taxi and Limousine Commission

Commissioner/Sheriff

Deputy Commissioner of Public Safety

Director of Administrative Services (Management Operations)

Director of Intelligence, Security and Counterterrorism

Director-Office of Criminal Justice Services

**Department of Public Works and Transportation:**

Commissioner of Public Works and Transportation

Deputy Commissioner of Public Works and Transportation

Director of Administrative Services (Management Operations)

Director of Design Coordination

Director of Operations (Public Works and Transportation)

First Deputy Commissioner of Public Works and Transportation

Principal Engineer (Field)

**Department of Senior Programs and Services:**

Commissioner of Senior Programs and Services

Deputy Commissioner of Senior Programs and Services

Director of Operations (Senior Programs and Services)

**Department of Social Services:**

Assistant Commissioner of Social Services.

Assistant Director of Division (Case Management Development)

Associate Commissioner of Social Services

Child Welfare Manager III

Commissioner of Social Services

Coordinator of Veterans Affairs

Deputy Commissioner of Social Services (General)  
Director of Child Welfare  
Director of Operations (Commissioner's Office-Social Services)  
Director of Program Development II (Child Support Enforcement)  
Director of Program Development II (Staff Development)  
Director of Temporary Assistance  
Director-Fiscal Operations  
Director-Office of Employment and Training  
First Deputy Commissioner of Social Services  
Manager III  
Manager-Fiscal Operations  
Personnel Director-Social Services  
Temporary Assistance Manager III

**Soil and Water Conservation Board:**

All Members

**Solid Waste Licensing Commission:**

Deputy Director of Solid Waste Licensing  
Executive Director of Solid Waste Licensing  
All Members

**Stream Control Board of Appeals:**

All Members

**Tax Commission:**

All Members  
Executive Director of Tax Commission  
Program Administrator (Real Property Tax Services)

**Taxi and Limousine Commission:**

All Members

**Transportation Board:**

All Members

**Department of Weights and Measures:**

Deputy County Sealer of Weights and Measures

Deputy Director of Consumer Protection and Sealer of Weights and Measures

Director of Consumer Protection

**Westchester Community College:**

Assistant Dean (WCC)

Associate Dean (Business Administration and Public Services)

Associate Dean (Community Services and Corporate Education)

Associate Dean (Distance Learning, Learning Resources and Instructional Technology)

Associate Dean (Educational Opportunity Center)

Associate Dean (Institutional Research)

Associate Dean (Instructional and Learning Resources)

Associate Dean (Math, Physical and Engineering Sciences and Medical Technology)

Associate Dean (Natural and Health Sciences)

Associate Dean (Student Personnel Services)

Board of Trustees (All members)

Director of Program Development I (Institutional Advancement)

Director-Fiscal Operations

President-Community College

Vice President and Dean of Academic Affairs-WCC

Vice President and Dean of Administrative Services-WCC

Vice President and Dean of Community Services and Corporate Education

Vice President and Dean of Educational Opportunity Center/Community Services

Vice President and Dean of External Relations

Vice President and Dean of Student Personnel Services-WCC

**APPENDIX B**

**COUNTY OF WESTCHESTER  
ANNUAL STATEMENT OF FINANCIAL DISCLOSURE**

**REPORTING PERIOD: CALENDAR YEAR 20\_\_\_\_\_**

**ALL QUESTIONS MUST BE COMPLETED.**

**1. NAME AND ADDRESS.**

\_\_\_\_\_  
Last Name                                      Middle Initial                                      First Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Department or Agency

\_\_\_\_\_  
Department or Agency Address                                      Telephone No.

\_\_\_\_\_  
Residence Address                                      Telephone No.

**2. SPOUSE AND CHILDREN.**

Provide the name of your spouse (if married) and the names of any dependent children: If none, place a check mark in the following box.

none.

\_\_\_\_\_  
Spouse

none.

\_\_\_\_\_  
Child/Age

\_\_\_\_\_  
Child/Age

\_\_\_\_\_  
Child/Age

\_\_\_\_\_  
Child/Age

**NOTE: FOR QUESTIONS 3 TO 6. DO NOT REPORT EXACT DOLLAR AMOUNTS. INSTEAD, REPORT CATEGORIES OF AMOUNTS, USING THE FOLLOWING:**



- CATEGORY A: UNDER \$5,000
- CATEGORY B: \$5,001 TO UNDER \$10,000
- CATEGORY C: \$10,001 TO UNDER \$25,000
- CATEGORY D: \$25,001 TO UNDER \$50,000
- CATEGORY E: \$50,001 TO UNDER \$100,000
- CATEGORY F: OVER \$100,000

**3. FINANCIAL INTERESTS.**

a. *Business Positions.* List any office, trusteeship, directorship, partnership, or other position in any business, association, proprietary, or not-for-profit organization held by you and your spouse or your dependent children, if any, and indicate whether, to your knowledge, during the reporting period, these entities had any application, request, claim or interest in any proposal before a county department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the County is a party. If none, place a check mark in the following box.

none

Name of Family Member	Position	Organization	County Department Agency and Nature or Involvement
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b. *Outside Employment.* Describe any outside occupation, employment, trade, business, or profession providing more than \$1,000 per year for you and your spouse and dependent children, if any, and indicate whether such activities are regulated by any state or local agency. If none, place a check mark in the following box.

none

Name of Family Member	Position	Name, Address, and Description of Organization	State or Local Agency	Category of Amount
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

c. *Clients and Customers Doing Business with the County.* Identify any client or customer: (i) from which you know that you, your outside employer, firm, limited liability company, partnership, association, or corporation in which you are the owner of more than five percent of the outstanding shares of corporate stock, derived income in excess of five thousand dollars (\$5,000), and (ii) that you know, during the reporting period, had any application, request, claim or interest in any proposal before a County department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the County is a party.

Do not identify any client or customer that received medical, pharmaceutical or dental services, or mental health services.

Do not identify any client or customer that received residential real estate services, other than services rendered in connection with a land use application.

Do not identify any client or customer represented in connection with an investigation or prosecution by law enforcement authorities, bankruptcy, family court, estate planning, or domestic relations matters.

Do not identify any client or customer represented pursuant to an insurance policy, but identify the source of compensation paid to you or the firm.

Do not disclose information prohibited from disclosure by federal or state law, such as information governed by the Family Court Act or the identity of any minor client or customer.

You may seek other exemptions from the Board of Ethics in connection with the disclosure of identifying client or customer information.

If none, place a check mark in the following box.

none

Client or Customer	County Application Claim, Request or Proposal	Amount of Income by Category
_____	_____	_____
_____	_____	_____
_____	_____	_____

d. *Future Employment.* Describe any contract, promise, or other agreement between you and anyone else with respect to your employment after leaving your County office or position. If none, place a check mark in the following box.

none

\_\_\_\_\_

\_\_\_\_\_

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*e. Past Employment.* Identify the source and nature of any income in excess of \$1,000 per year from any prior employer, including deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement. If none, place a check mark in the following box.

none

Name and Address of Income Source	Description of Income (i.e., pension, deferred, etc.)	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

*f. Investments.* Itemize and describe all investments of you, your spouse, and your dependent children, if any, which have a value in excess of \$5,000, or that constitute five percent or more of the debt or equity of any business, limited liability company, partnership, association, or corporation. Include stocks, bonds, loans, pledged collateral, and other investments. Investments in publicly traded stocks and bonds amounting to less than five percent of the debt or equity of the issuer entity may be listed in the aggregate (*e.g.*, in lieu of listing each stock individually, you can provide the name of the Bank/Brokerage Account and category of value for the total amount invested). List the location of all real estate within the County of Westchester or within five hundred feet of a boundary of the County, in which you, your spouse, or your dependent children, if any, have an interest, regardless of its value. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Business or Real Estate of Investment	Description of Investment	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*g. Trusts.* Identify each interest of you, your spouse, and your dependent children in a trust or estate or similar beneficial interest in any assets in excess of \$2,000. Do not list IRS eligible retirement plans or interests in an estate or trust of a spouse, child, stepchild, dependent, parent, stepparent, sibling or stepsibling. If none, place a check mark in the following box.

none

Name of Family Member	Trustee/Executor	Description Trust/Estate	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b. *Other Income.* Identify the source and nature of any other income in excess of \$1,000 per year from any source not described above, including fiduciary positions, teaching income, lecture fees, consultant fees, contractual income, rents or other income of any nature, or you, your spouse and your dependent children, if any. Income from real estate rents derived from real property located in the County of Westchester, or within five hundred feet of a boundary of the County should be identified by the property address. Do not list maintenance, alimony or child support. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Income Source	Nature of Income	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**4. GIFTS AND HONORARIUMS.**

List the source of all gifts aggregating in excess of \$250 received during the last year by you, your spouse or dependent child, excluding gifts from a Relative. The term “gifts” includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honorariums, and any other payments that are not reportable as income. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Donor	Category of Amount
_____	_____	_____

_____	_____	_____
_____	_____	_____

**5. THIRD-PARTY REIMBURSEMENTS.**

Identify and describe the source of any third-party reimbursement for travel-related expenditures in excess of \$250 for any matter that relates to your official duties. The term “reimbursement” includes any travel-related expenses provided by anyone other than the County of Westchester for speaking engagements, conferences, or fact-finding events that relate to your official duties. If none, place a check mark in the following box.

none

Source	Description	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

**6. DEBTS.**

Describe all debts of you, your spouse, and your dependent children in excess of \$5,000. Do not list any obligation to pay maintenance, alimony or child support. Do not list any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances. Do not list credit card debt. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Creditor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

**7. INTEREST IN CONTRACTS.**

Describe any interest of you, your spouse, or your dependent children in any contract involving the County of Westchester or any municipality located within the County. If none, place a check mark in

the following box.

none

Name of Family Member

Contract Description

_____	_____
_____	_____
_____	_____

### 8. POLITICAL PARTIES.

List any position you held within the last five years as an officer of any political party, political committee, or political organization. The term “political organization” includes any independent body or any organization that is affiliated with or a subsidiary of a political party. If none, place a check mark in the following box.

none

_____
_____
_____

### 8. DISCLOSURE BY LICENSED PROFESSIONALS AND LOBBYISTS.

a. If you were licensed to practice law, worked as a licensed real estate broker or agent, practiced a profession licensed by the New York State Education Department, or worked as a member or employee of a firm required by law to register as a lobbyist, give a general description of the principal subject areas of matters that you handled during the reporting period, the compensated services that you performed, and whether you personally provided services directly to clients. If none, place a check mark in the following box. Do not report services provided as an employee of the County.

none

_____
_____
_____

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b. If you were licensed to practice law, worked as a licensed real estate broker or agent, practiced a profession licensed by the New York State Education Department, or worked as a member or employee of a firm required by law to register as a lobbyist, and are a partner or shareholder in the firm or corporation that engaged in such activities, give a general description of the principal subject areas of matters that the firm or corporation handled during the reporting period. If none, place a check mark in the following box. Do not report services provided as an employee of the County.

none

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I have received and read a copy of the County of Westchester Code of Ethics.

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Signature

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Date

**DO YOU HAVE QUESTIONS ABOUT THE CODE OF ETHICS?** For a confidential advisory opinion, contact the Board of Ethics at the following address, or as provided on the County's web site:

SECRETARY TO BOARD OF ETHICS  
148 Martine Avenue  
White Plains, New York 10601  
(914) 995-XXXX  
XXXX@westchestergov.com

**LOCAL LAW NO. -2020**

A LOCAL LAW amending the Laws of Westchester with respect to the advancement of ethics within all levels of county government

BE IT ENACTED by the County Board of the County of Westchester as follows:

**Section 1.** Chapter 192 and Chapter 883 of the Laws of Westchester County are hereby repealed.

**Section 2.** A new Chapter 883 is hereby added to the Laws of Westchester County to read as follows:

**CHAPTER 883 CODE OF ETHICS**

**ARTICLE I**

**GENERAL PROVISIONS**

<u>Section</u>	<u>883.101</u>	<u>Purpose</u>
	<u>883.102</u>	<u>Definitions</u>
	<u>883.103</u>	<u>Applicability</u>

**Section 883.101. Purpose.** Officers and employees of the County hold their positions to serve and benefit the public; not to obtain unwarranted personal or private gain in the exercise and performance of their official powers and duties. The County recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes those standards.

**Section 883.102. Definitions.**

- a. “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the County or an area of the County, or a lawful class of such residents or taxpayers. A County officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or dependent, is an owner, partner, member,



director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's equity or debt, whether in the form of outstanding stock or otherwise.

b. “Relative” means a spouse, registered domestic partner, child, stepchild, parent, stepparent, grandparent, sibling or stepsibling of a County officer or employee.

**Section 883.103. Applicability.**

a. This Code of Ethics applies to all officers and employees of the County, whether paid or unpaid, including the members of any County department, agency, board or commission and the members and employees of the County Legislature.

b. Section 883.207 (Future Employment) of this Code of Ethics applies to current and former officers and employees of the County.

c. Section 883.208 (Independent Contractors) of this Code of Ethics applies to independent contractors of the County.

d. Section 883.209 (Personal Representations and Claims Permitted) and Section 883.215 (Inducement of Others) of this Code of Ethics apply to officers and employees of the County and independent contractors of the County.

e. Section 883.303 (Applicant Disclosure in Land Use Applications) of this Code of Ethics applies to applicants, petitioners or parties requesting approval of a zoning referral, plat, exemption from a plat or official map, license or permit, pursuant to any local law, rule or regulation constituting the planning and land use regulations of the County.

f. The provisions of this Code of Ethics shall supplement all applicable State and local laws relating to conflicts of interest and municipal ethics including, but not limited to, Article 18 of the General Municipal Law and all related rules, regulations, policies and procedures of the County.

g. The termination of an officer's or employee's term of office or employment with the County

shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed by this Code of Ethics on the former officer or employee for his or her actions or interests while a County officer or employee, nor with respect to the post-employment restrictions imposed by this Code of Ethics.

## **ARTICLE II CODE OF CONDUCT**

<u>Section</u>	<u>883.201</u>	<u>Use of County Position for Personal or Private Gain</u>
	<u>883.202</u>	<u>Prohibited Interests in Contracts.</u>
	<u>883.203</u>	<u>Recusal.</u>
	<u>883.204</u>	<u>Prohibition Inapplicable; Recusal and Disclosure Not Required.</u>
	<u>883.205</u>	<u>Investments in Conflict with Official Duties.</u>
	<u>883.206</u>	<u>Private Employment in Conflict with Official Duties</u>
	<u>883.207</u>	<u>Future Employment</u>
	<u>883.208</u>	<u>Independent Contractors</u>
	<u>883.209</u>	<u>Personal Representations and Claims Permitted</u>
	<u>883.210</u>	<u>Use of County Resources</u>
	<u>883.211</u>	<u>Nepotism</u>
	<u>883.212</u>	<u>Political Solicitations</u>
	<u>883.213</u>	<u>Confidential Information</u>
	<u>883.214</u>	<u>Gifts, Tips and other Benefits</u>
	<u>883.215</u>	<u>Inducement of Others</u>
	<u>883.216</u>	<u>Criminal Convictions</u>

### **Section 883.201. Use of County Position for Personal or Private Gain.**

No County officer or employee shall use his or her County position or official powers and duties to secure a material benefit, whether financial or otherwise, for

- a. Himself or herself;
- b. A relative, dependent or individual residing in his or her household;
- c. Any private organization in which he or she has an interest;
- d. A client or customer from which the officer or employee knows that he or she, and/or a private organization in which he or she has an interest derived income in excess of five thousand dollars (\$5,000), directly or indirectly, during the previous twenty four months; or
- e. A person from whom the officer or employee has received a private loan or loans, or a gift or

gifts, having an aggregate value of seventy five dollars or more during the previous twelve months.

**Section 883.202. Prohibited Interests in Contracts.**

a. No County officer or employee shall have an interest in any contract with the County, when such officer or employee, individually or as a member of a board or commission, has the power or duty, whether or not exercised, to:

(1) Negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;

(2) Audit bills or claims under the contract, or

(3) Appoint an officer or employee who has any of the foregoing powers or duties.

b. For the purposes of this section, the term “contract” means any claim, account or demand against or agreement with the County, express or implied.

c. Notwithstanding the foregoing, for the purposes of this section, the term “contract” shall not include:

(1) The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of County funds except when the chief fiscal officer, or his deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the County would be required because of the foregoing restriction, a bank or trust company within the County may nevertheless be so designated;

(2) A contract with a person, firm, corporation or association in which a County officer or employee has an interest which is prohibited solely by reason of his or her status as an officer or employee thereof, if the compensation from such employment will not be directly affected as a result of the contract and the duties of such employment do

not directly involve the procurement, preparation or performance of any part of the contract;

- (3) The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, act or other proceeding where such publication is required or authorized by law;
- (4) The purchase by the County of real property or an interest therein, provided the purchase and the consideration therefor is approved by an order of the Supreme Court upon petition of the County Legislature;
- (5) The acquisition of real property or an interest therein, through condemnation proceedings according to law;
- (6) A contract with a membership corporation or other voluntary nonprofit corporation or association;
- (7) The sale of bonds and notes pursuant to Section 60.10 of the New York Local Finance Law;
- (8) A contract in which a County officer or employee has an interest if such contract was entered into prior to the time he or she was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract;
- (9) A contract with a corporation in which a County officer or employee has an interest by reason of stockholdings when less than five per cent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
- (10) A contract for the furnishing of public utility services at rates or charges that are fixed or regulated by the public service commission;

- (11) A contract for the payment of a reasonable rental of a room or rooms owned or leased by a County officer or employee, used in the performance of his or her official duties, and designated as an office or chamber;
- (12) A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the office;
- (13) A contract in which a County officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars; or
- (14) A contract with a member of a private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract.

**Section 883.203. Recusal.**

No County officer or employee shall participate in any decision or take any official action requiring the exercise of discretion, including discussing, deliberating or voting on a matter, when he or she knows or has reason to know that the action may confer a direct or indirect financial or other material benefit on a person or entity specified in Section 883.201 of this Code of Ethics. A contribution of money or other valuable thing permitted under Section 833.214(f) of this Chapter shall not be a disqualifying benefit for purposes of this section and does not require recusal hereunder.

**Section 883.204. Prohibition Inapplicable; Recusal and Disclosure Not Required.**

a. The requirements relating to recusal set forth in Section 883.203 of this Code of Ethics, and the disclosure requirements set forth in Article III Disclosures of this Code of Ethics, shall not apply with respect to the following matters:

(1) Adoption of the County's annual budgets;

(2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a similarly situated class of such people:

(i) All or substantially all County officers or employees;

(ii) All or substantially all residents or taxpayers of the County or an area of the County; or

(iii) The general public.

(3) Any ministerial matter or matter that does not require the exercise of discretion;

(4) Uncompensated participation by an elected County official, or by a member of his or her staff on behalf of such elected County official, in public advocacy whether or not on behalf of a constituent;

(5) Appearance by a County employee before a County department, agency, board or commission in a representative capacity on behalf of an employee organization in any matter where such appearance is duly authorized by the employee organization; and

(6) Uncompensated participation in public advocacy by a County officer or employee who serves as a political committee chairperson.

b. Recusal shall not be required, but disclosure pursuant to Article III of this Code of Ethics shall be required, with respect to any matter:

(1) Which comes before a County board or commission when a majority of the entire membership of the board or commission would otherwise be prohibited from acting;

or

(2) Which comes before a County officer when the officer would be prohibited from acting and the matter cannot be lawfully delegated to another person.

**Section 883.205. Investments in Conflict with Official Duties.**

a. No County officer or employee shall acquire or maintain any investment:

(1) The ownership of which requires that the County officer or employee frequently and inevitably recuse himself or herself; or

(2) That would impair his or her independence of judgment in the exercise or performance of his or her official powers and duties.

b. The preceding sub-section shall not prohibit a County officer or employee from acquiring or maintaining the following:

(1) Real property located within the County and used as his or her personal residence;

(2) Less than five percent of the stock of a publicly traded corporation; or

(3) Bonds or notes issued by the County and acquired more than one year after the date on which the bonds or notes were originally issued.

c. No officer, employee or agent of the County shall, except on behalf of the County, directly or indirectly place a bid for, or have an interest in, the sale of a tax lien certificate, or have a financial interest in property acquired by the County in a tax collection procedure, or have an interest in any condemnation proceeding in which the County or a municipality within the County is a party.

**Section 883.206. Private Employment in Conflict with Official Duties.**

a. No elected County official or County employee serving as staff to the County Legislature or

to a member of the County Legislature, shall receive or agree to receive, directly or indirectly, any compensation for consulting or advisory services in connection with any proposed local law, act, or resolution of the County Legislature.

b. No County officer or employee shall ask for, pursue or accept a private secondary employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the County officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 90 days following final disposition of the matter.

c. No County officer or employee, during his or her tenure as a County officer or employee, shall engage in any secondary employment, or engage in any business, commercial, or professional activity, when the secondary employment or business, commercial or professional activity:

(1) Involves duties that are incompatible with those of the official duties of the County officer or employee;

(2) May be reasonably expected to require frequent and inevitable recusal;

(3) May be reasonably expected to require disclosure or personal use of confidential information gained by reason of serving as a County officer or employee;

(4) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection with any matter before any County department, agency, board or commission of which he or she is an officer, member or employee or of any County department, agency, board or commission over which he or she has jurisdiction or to which he has the power to appoint any member, officer or employee;

(5) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection



with any matter before any County department, agency, board or commission, whereby his compensation is to be dependent or contingent upon any action by such department, agency, board or commission with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered; or

(6) Involves the representation of a person or organization other than the County, or pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services rendered in connection with any application, request, claim or proposal before any County department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the County is a party. Notwithstanding the foregoing, a person serving the County or any agency thereof without compensation shall not be subject to the prohibitions set forth in this subsection (c)(6).

d. No elected County officer shall otherwise be employed by the County or hold any other elected office.

**Section 883.207. Future Employment.**

a. No County officer or employee shall seek, negotiate, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the County officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 90 days following final disposition of the matter.

b. No County officer or employee, for a one-year period after serving as a County officer or employee, shall appear before or communicate in any form with the County office, board,

department or comparable organizational unit for which he or she served in connection with any case, proceeding, application or other proposed or pending matter, except (i) on behalf of the State or a political subdivision or instrumentality thereof, or (ii) in furtherance of the interests of the County with the approval of the Board of Ethics upon application of his or her former County department, agency, board or commission.

c. No County officer or employee, at any time after serving as a County officer or employee, shall represent or render services to a private person or organization in connection with any particular matter in which he or she personally and substantially participated while serving as a County officer or employee, except on behalf of the State or a political subdivision or instrumentality thereof, or in furtherance of the interests of the County with the approval of the Board of Ethics upon application of a County department, agency, board or commission.

d. Any determination made by the Board of Ethics upon an application made pursuant to paragraphs b or c or this section shall be transmitted by the Board of Ethics to the Clerk of the Board of Legislators within ten business (10) days of the date of the determination.

e. Any determination made by the Board of Ethics upon an application made pursuant to paragraphs b or c of this section may be subject to review by the Board of Legislators. If the Board of Legislators chooses to review a determination of the Board of Ethics, it may, by Act, affirm, reverse, or otherwise modify the determination.

**Section 883.208. Independent Contractors.** No independent contractor or employee of an independent contractor of the County shall exert undue influence on behalf of a private interest, directly or indirectly, in a matter before any County department, agency, board or commission. A violation of this Section shall be cause for termination of the independent contractor's contract with the County.

**Section 883.209. Personal Representations and Claims Permitted.**

This Code of Ethics shall not be construed as prohibiting a County officer or employee or an independent contractor of the County from:

- a. Seeking or accepting County services, benefits, or the use of County facilities, on the same terms and conditions as are available to County residents or a class of similarly situated County residents.
- b. Asserting a claim against the County on his or her own behalf, or on behalf of a relative or member of his or her household, unless the claim is prohibited by Section 883.202 of this Code of Ethics, or by Section 801 of the New York General Municipal Law.

**Section 883.210. Use of County Resources.**

- a. County resources shall be used only for lawful County purposes. County resources include, but are not limited to, County personnel, compensated time, money, vehicles, equipment, data and telecommunication systems, letterhead, materials, supplies, or other property.
- b. No County officer or employee shall use or permit the use of County resources for personal or private purposes, but this provision shall not be construed as prohibiting:
  - (1) Any use of County resources authorized by law, County policy or collective bargaining agreement to which the County is a party;
  - (2) The use of County resources for personal or private purposes when provided to a County officer or employee as part of his or her compensation; or
  - (3) The occasional and incidental use of County resources for reasonably necessary personal, non-business matters.
- c. No County officer or employee shall cause the County to spend more than is reasonably

necessary for transportation, meals or lodging in connection with official travel. Transportation, meal, and lodging expenses shall be presumptively reasonable if they are in accordance with the County's travel policy and/or the applicable provisions of any collective bargaining agreement.

**Section 883.211. Nepotism.**

Except as otherwise required by law:

- a. No County officer or employee, either individually or as a member of a County board or commission, shall participate in any decision to appoint, hire, promote, discipline or discharge a relative or a member of his or her household.
- b. No County officer or employee shall directly supervise a relative or member of his or her household in the performance of such person's official duties.

**Section 883.212. Political Solicitations.**

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

**Section 883.213. Confidential Information.**

- a. No current or former County officer or employee, including County Legislators or employees of the County Legislature, any of its caucuses or individual County Legislators, shall disclose confidential information concerning the property, government or affairs of the County or any other confidential information of an official character obtained as a result of County employment except when disclosure is required by law or when such information is otherwise available to the public, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.
- b. Confidential information is information in any format that is either prohibited from disclosure to the public by federal or state law, or is withheld from public disclosure in the lawful exercise of the discretion afforded to the authorized information officer by federal or state law.

**Section 883.214. Gifts, Tips and other Benefits.**

- a. No County officer or employee shall directly or indirectly solicit any gift or other benefit from a person who has received or sought a financial or other material benefit from the County within the previous twelve months, or that he or she knows or has reason to know will do so in the succeeding twelve months.
- b. No County officer or employee shall accept any gift or other benefit from a person who the County officer or employee knows or has reason to know has received or sought a financial benefit from the County within the previous twelve months or will do so in the succeeding twelve months.
- c. No County officer or employee shall solicit, accept or agree to accept any gift, tip or other benefit for having engaged in official conduct which he or she was required or authorized to perform, and for which he or she was not entitled to any special or additional compensation.

d. No County officer or employee shall accept or receive any gift or other benefit, or multiple gifts or other benefits from the same donor in a twelve month period, having an aggregate value of seventy-five dollars or more when:

(1) the gift or other benefit would reasonably appear to be intended to influence the officer or employee in the exercise or performance of his or her official duties;

(2) the gift or other benefit would reasonably be expected to influence the officer or employee in the exercise or performance of his or her official duties; or

(3) the gift or other benefit would reasonably appear to be intended as a reward for any official action on the part of the officer or employee.

e. For purposes of this Section, the terms “gift”, “tip” and “other benefit” include anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift, tip or other benefit is its fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater.

f. Notwithstanding the foregoing, this Section shall not prohibit:

(1) Gifts made to the County;

(2) Gifts from a person with a family or personal relationship with the officer or employee when it is reasonable to conclude that the personal relationship, rather than the recipient’s status as a County officer or employee, is the primary motivating factor for the gift;

(3) Gifts given on non-recurring special occasions, such as marriage, illness, or retirement, which are reasonable and customary;

(4) Unsolicited advertising or promotional material of little intrinsic value, such as pens,

pencils, note pads, and calendars;

(5) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a County officer or employee, or other service to the community; or

(6) Incidental meals and refreshments provided when a county officer or employee is a speaker or participant at a job-related professional, charitable, educational, or community conference, program or event;

(7) Gifts or benefits having a value of one hundred (\$100.00) dollars or less that are received by a County officer or employee serving in a capacity listed in Section 11 of the Domestic Relations Law for the solemnization of a marriage by the officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.

(8) Contributions made in accordance with federal or state election law.

**Section 883.215. Inducement of Others.** No County officer, employee or independent contractor shall induce or attempt to induce a County officer, employee or independent contractor to violate, nor aid a County officer, employee or independent contractor in violating, any of the provisions of this Code of Ethics.

**Section 883.216. Criminal Convictions.**

a. No person convicted of a crime involving a violation of his or her oath of office, whether a felony or misdemeanor, shall hold County elective office unless such conviction shall have been reversed, vacated or expunged, or said person has obtained a certificate of relief from civil disabilities.

b. No appointed officer of the County shall continue in service after having been convicted of a

felony, or a misdemeanor involving a violation of his or her oath of office, except as provided herein.

- c. No employee of the County shall continue in service after having been convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in N.Y. Corrections Law §753.
- d. No independent contractor of the County shall continue in service after having been convicted of a crime that is directly related to the County engagement, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in N.Y. Corrections Law §753.
- e. A former employee of the County convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall be eligible for reinstatement if such conviction shall have been reversed, vacated or expunged, or upon consideration of the factors set forth in N.Y. Corrections Law §753.
- f. A former independent contractor of the County convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall, in the discretion of the appointing authority, be eligible for reinstatement if such conviction shall have been reversed, vacated or expunged, or upon receipt of a certificate of relief from civil disabilities.



**Article III Disclosure**

<u>Section</u>	<u>883.301</u>	<u>Particular Matter Disclosure</u>
	<u>883.302</u>	<u>Disclosure of Interests in County Contracts</u>
	<u>883.303</u>	<u>Applicant Disclosure in Land Use Applications.</u>
	<u>883.304</u>	<u>Annual Financial Disclosure</u>

**Section 883.301. Particular Matter Disclosure.** Whenever a County officer or employee is required to recuse himself or herself under this Code of Ethics, he or she shall promptly inform his or her immediate supervisor, if any, in writing disclosing the reason for recusal or, if a member of a board or commission that maintains a public record of its proceedings, shall promptly state that information upon the public record of the board or commission.

**Section 883.302. Disclosure of Interests in County Contracts.**

- a. Where a County officer or employee, or his or her spouse, knows that he or she has or will have an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the County, the officer or employee shall publicly disclose the nature and extent of that interest in writing to his or her immediate supervisor and to the Board of Ethics as soon as he or she has knowledge of the actual or prospective interest.
- b. For purposes of this disclosure requirement:
  - (1) The term “contract” shall mean any claim, account or demand against or agreement with the County, express or implied; and
  - (2) A County officer or employee shall be deemed to have an interest in the contract of his or her relative as defined in Section 883.102 of this Code of Ethics, dependent, household member, and any private organization when he or she, or his or her relative is an owner, partner, member, director, officer, employee or directly or indirectly owns

or controls more than 5% of the organization's equity or debt, whether in the form of outstanding stock or otherwise.

**Section 883.303. Applicant Disclosure in Land Use Applications.**

- a. Every application, petition, or request submitted for approval of a zoning referral, plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any local law, rule or regulation constituting the planning and land use regulations of the County shall state the name, residence, and the nature and extent of the interest of any officer of the state, or any officer or employee of the County in the person, partnership or association making the application, petition or request to the extent known.
- b. For the purpose of this disclosure requirement, an officer or employee shall be deemed to have an interest in the applicant when he or she, his or her relative, or the spouse of any of them:
- (1) Is the applicant, or
  - (2) Is an officer, director, partner, or employee of the applicant, or
  - (3) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a limited liability company, partnership, or association applicant (except that ownership of less than five percent of the stock of a publicly traded corporation shall not constitute an interest for the purposes of this disclosure requirement; or
  - (4) Is a party to an agreement with such an applicant, express or implied, whereby he or she will receive any payment or other benefit, whether or not for such services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

**Section 883.304. Annual Financial Disclosure.**

a. The following County officers and employees and candidates for elective County office (individually and collectively, “Reporting Person”) shall file an annual statement of financial disclosure with the Board of Ethics:

(1) Elected County officials;

(2) Department heads, deputy department heads, and division heads;

(3) County officers and employees holding titles set forth in a schedule adopted or amended by the County Legislature either by Local Law or Act;

(4) Candidates for elective County office;

(5) Political party county chairpersons; and

(6) County officers or employees with substantial policy discretion as determined annually by their respective appointing authority.

b. Policymaking positions. For the purposes of this Section, a person shall be considered to hold a policymaking position if he or she exercises responsibilities of a broad scope in the formulation of plans for the implementation of goals or policy for a County agency or acts as an advisor to an individual in such a position. In determining whether a person holds a policymaking position, the following factors shall be considered, applied to the powers and duties of the position as set forth in the job description or any applicable law or regulation as well as the actual duties performed by the person:

(1) Whether the position permits effective or substantial influence in the governmental decision-making process on issues where there is room for principled disagreement on goals or their implementation;

(2) Whether the powers and duties of the position are broadly defined and require more than the exercise of simple ministerial competence;

- (3) Whether the position permits the person to exercise control over other officers or employees;
- (4) Whether the position involves the establishment of priorities or the development of programs;
- (5) Whether the position requires or authorizes the conducting of studies or entails a significant degree of involvement in the preparation of budgets or budget requests for a local agency or municipality;
- (6) Whether the position authorizes the person to speak on behalf of local elected officials or other policymakers;
- (7) Whether the position entails frequent contact with local elected officials or their principal deputies.

- c. No later than the last day of March of each year, the Commissioner of Human Resources shall:
  - (i) cause to be filed with the Board of Ethics a list of the names and offices or positions of all officers and employees of the County, and all political party county chairpersons, required to file annual disclosure statements pursuant to this Code of Ethics; and
  - (ii) notify all such officers and employees of their obligation to file an annual disclosure statement.
- d. Upon the election or appointment after the last day of March of the year of election or appointment, of a County officer or employee required to file annual disclosure statements pursuant to this Code of Ethics, the Commissioner of Human Resources shall:
  - (i) cause to be filed with the Board of Ethics a list of the names and offices or positions of such newly elected or appointed officers and employees of the County required to file annual disclosure statements pursuant to this Code of Ethics; and
  - (ii) notify all such officers and employees of their obligation to file an annual disclosure statement.
- e. Upon the nomination or designation pursuant to the applicable provisions of the New York

Election Law of a candidate or candidates for County elective office, the Board of Elections shall: (i) cause to be filed with the Board of Ethics a list of the names of such candidates for County elective office; and (ii) notify all such candidates of their obligation to file an annual disclosure statement.

f. Form of statement.

(1) All Reporting Persons shall file a disclosure statement in the form adopted or amended by the County Legislature by Local Law or Act.

(2) The Board of Ethics shall recommend any amendments to the forms of financial disclosure statement that it deems warranted or that may be required by law, and shall submit such recommended amendments to the County Executive for submission to the County Legislature.

g. Time for filing.

(1) Reporting Persons other than candidates for elected County office shall file financial disclosure statements with the Board of Ethics on or before May 15 of each year.

(2) Reporting Persons other than candidates for elected County office elected or appointed after May 15 of the year of their election or appointment shall file financial disclosure statements with the Board of Ethics within thirty days of the commencement of their elected term or period of employment.

(3) Candidates for County elective office shall file financial disclosure statements with the Board of Ethics within thirty days of nomination or designation pursuant to the applicable provisions of the New York Election Law.

h. Any person designated as a person required to file an annual disclosure statement solely by reason of having substantial policy discretion as that term is used in this Code of Ethics, may apply to the Board of Ethics for reconsideration of his or her filing status and the Board of

Ethics may grant an exemption from filing based upon the criteria set forth herein.

i. All statements filed with the Board of Ethics shall be available for public inspection and copying; except that:

(1) The Board of Ethics may, on its own initiative, to the extent permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law) withhold from public disclosure particular information, the disclosure of which would constitute an unwarranted invasion of personal privacy; or

(2) A Reporting Person may request that such information be withheld from public disclosure, and the Board of Ethics, in its discretion, may grant such request to the extent permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law).

j. Review:

(1) The Board of Ethics shall review:

(i) The lists of officers and employees required to file annual disclosure statements pursuant to this Code of Ethics, to determine whether the lists are complete and accurate. The Board of Ethics shall, based on the criteria set forth in the foregoing Section 883.304(b), recommend to the County Executive for submission to the County Legislature, the title of any other position which the Board of Ethics determines should appear on the list and the removal of the title of any position which the Board of Ethics determines should not appear on the list.

(ii) All annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this Code of

Ethics.

(iii) All transactional disclosure statements.

(iv) All applicant disclosure statements.

(2) If the Board of Ethics determines that an annual disclosure statement, a transactional disclosure statement, or an applicant disclosure statement is deficient or reveals a possible or potential violation of this Code of Ethics, the Board of Ethics shall notify the person in writing of the deficiency, or possible or potential violation and of the penalties for failure to comply with this Code of Ethics.

**Article IV. Board of Ethics**

883.401     Board of Ethics

883.402     Powers and Duties of the Board of Ethics

**Section 883.401. Board of Ethics.**

- a. The Board of Ethics shall consist of five members appointed by the County Executive, subject to confirmation by the County Legislature. The members of the Board of Ethics shall reside in the County. The members of the Board of Ethics shall receive no salary or compensation for their services as members of the Board of Ethics, but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.
- b. No member of the Board of Ethics shall hold or be a candidate for public office, be a public employee in any jurisdiction, be a political party officer, engage in lobbying or business transactions with the County or contribute to the campaign of any candidate for County elective office.
- c. No more than two members of the Board of Ethics shall be enrolled members of the same political party.

- d. The members of the Board of Ethics shall serve for fixed, staggered terms of five years.
- e. Any vacancy occurring on the Board of Ethics other than by expiration of a term shall be filled by nomination of a successor within sixty (60) days of the creation of the vacancy. The County Legislature shall act on such nomination within sixty (60) days of the filing of the appointing resolution in the Office of the Clerk of the Legislature.
- f. The Board of Ethics shall meet at least once each quarter.
- g. The Board of Ethics shall have the confidential advice of special counsel employed by the County Attorney or, if none, the County Attorney.

**Section 883.402. Powers and Duties of the Board of Ethics.**

- a. The Board of Ethics shall have the following powers and duties:
  - (1) To prescribe and promulgate rules of procedure for the discharge of its duties including, but not limited to, rules of procedure for conducting adjudicatory proceedings in the investigation and determination of complaints;
  - (2) To review, index, and maintain on file, and make available for public inspection and copying, lists of officers and employees required to file annual disclosure statements, particular matter disclosure statements, applicant disclosure statements, and annual disclosure statements filed with the Board of Ethics pursuant to this Code of Ethics;
  - (3) To grant exemptions from filing annual statements of financial disclosure from persons designated as policymakers based on the criteria set forth in the Code of Ethics;
  - (4) To grant exemptions from disclosure of identifying client or customer information to the extent permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law);



- (5) To review, index, maintain on file, and dispose of sworn complaints and to make notifications and conduct investigations pursuant to this Code of Ethics;
- (6) To conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to this Code of Ethics;
- (7) To grant waivers pursuant to this Code of Ethics;
- (8) To render, index, and maintain on file advisory opinions rendered, and waivers granted pursuant to this Code of Ethics;
- (9) To prepare a plain language guide to this Code of Ethics and related authorities;
- (10) To provide ethics training and education to County officers and employees;
- (11) To prepare an annual report and recommend changes to this Code of Ethics; and
- (12) To provide for public inspection and copying of its records, subject to the terms and conditions set forth in Article 6 of the New York Public Officers Law (the Freedom of Information Law).

b. Investigations.

- (1) Complaints. Upon receipt of a complaint by any person alleging a violation against any County officer or employee, of this Code of Ethics, any applicable State or Local Law relating to conflicts of interest and municipal ethics including, but not limited to, Article 18 of the General Municipal Law, or any related rule, regulation, policy or procedure of the County, or upon determining on its own initiative that any such violation may exist, the Board of Ethics shall have the power and duty to conduct such investigation as it deems necessary or appropriate to carry out the provisions of this Code of Ethics;
- (2) The Board of Ethics shall acknowledge receipt of all complaints that it receives, and shall proceed with reasonable promptness to conduct such investigations thereof as it

deems necessary or appropriate;

- (3) In conducting investigations, the Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of books or records that it deems relevant and material;
- (4) Complainants shall be afforded such whistleblower protections as may be provided by law, including but not limited to the protections set forth in New York Civil Service Law §75-b and New York Labor Law §740, to the extent applicable;
- (5) The Board of Ethics shall state in writing the disposition of every complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all complaints shall be indexed and maintained on file by the Board of Ethics;
- (6) Any person filing a complaint with the Board of Ethics shall be notified in writing of the disposition of the complaint, to the extent permitted by law;
- (7) All documents and hearings relating to the investigation and hearing of any alleged violation of this Chapter shall be confidential and not available for public inspection or open to the public, except as otherwise required by this Chapter or by the Freedom of Information Law (Article 6 of the New York Public Officers Law. All dispositions, including negotiated dispositions, in which the Board of Ethics finds a violation of this Chapter shall be available for public inspection and copying.

c. Assessment of penalties; referral for prosecution.

- (1) Civil fine. In its discretion after a hearing, the Board of Ethics may assess a civil fine, not to exceed ten thousand (\$10,000) dollars for each violation, upon any County officer, employee, independent contractor, former County officer or employee, or reporting person as defined by Section 883.304(a), found by the Board of Ethics to

have violated this Code of Ethics. The civil fine shall be payable to the County.

(2) Referral to Prosecutor. The Board of Ethics may, at any time, refer to the appropriate prosecutor any matter that, in the judgment of the Board of Ethics, might involve criminal misconduct. Nothing contained in this Code of Ethics shall be construed to restrict the authority of any prosecutor or the attorney general to prosecute a violation of this Code of Ethics or of any other law. If such a referral is made, the Board of Ethics may defer taking any further action in the matter pending advice from the prosecutor that the matter will or will not result in a prosecution.

d. Recommendation of other sanctions. In its discretion, after a hearing and subject to any applicable provisions of law and collective bargaining agreements, the Board of Ethics may recommend one or more of the following sanctions:

(1) Disciplinary action. The Board of Ethics may recommend that the employee or officer's appointing authority impose appropriate disciplinary action.

(2) Damages. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action in the appropriate court to obtain monetary damages.

(3) Civil forfeiture. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action or special proceeding in the appropriate court to obtain civil forfeiture.

(4) Debarment. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action or special proceeding in the appropriate court for an order of debarment.

(5) Injunctive relief. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action or special proceeding in the appropriate court for injunctive relief to enjoin a violation of this Code of Ethics or to compel compliance

with this Code of Ethics, or where the Board of Ethics believes an emergency exists, may make such recommendation to the County Executive.

e. Nothing in this Section shall be construed to permit the Board of Ethics to take any action with respect to any alleged violation of this Code of Ethics, or of any other law, by the Board of Ethics or by any member or staff member thereof.

f. Nothing in this Section shall be construed to permit the Board of Ethics to take any action which would violate the terms of any collective bargaining agreement to which the County is a party.

g. Waivers.

(1) Upon written application by a current or former County officer, employee or independent contractor, and upon written approval by his or her department or agency head, the Board of Ethics may grant the applicant, or his or her private employer or business, a waiver of any of the provisions of Sections 883.203 (Recusal), 883.205 (Investments in conflict with official duties), 883.206 (a) through (c) (Private employment in conflict with official duties), 883.207 (Future employment), 883.210 (Use of County position for personal or private gain), 883.211 (Nepotism), and 883.214(b) and (d) (Gifts) of this Code of Ethics, where the Board of Ethics finds that waiving such provision would not be in conflict with the purposes and interest of the County, provided, however, that no such waiver shall permit any conduct or interest otherwise prohibited by Article 18 of the General Municipal Law.

(2) Waivers shall be in writing, shall state with reasonable particularity the grounds upon which they are granted, and shall be available for public inspection and copying. All applications, decisions, and other records and proceedings relating to waivers shall be indexed and maintained on file by the Board of Ethics.

(3) Any determination made by the Board of Ethics upon an application for a waiver made pursuant to this section, may be subject to review by the Board of Legislators. If the Board of Legislators chooses to review a determination of the Board of Ethics, it may, by Act, affirm, reverse, or otherwise modify the determination.

h. Advisory opinions.

(1) Upon the written request of any current or former County officer, employee or independent contractor inquiring about himself or herself, or upon the request of the head of a County department, agency, board or commission inquiring about a person subject to his or her supervision, the Board of Ethics shall render a written advisory opinion with respect to the interpretation or application of this Code of Ethics, any applicable State and Local Laws relating to conflicts of interest and municipal ethics including, but not limited to, Article 18 of the General Municipal Law, and all related rules, regulations, policies and procedures of the County, to the specific future or continuing conduct or interests of such County officer, employee, independent contractor or his or her outside employer or business.

(2) Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board of Ethics. The Board of Ethics shall publish such of its advisory opinions as it believes will provide guidance to other County officers or employees, provided, however, that the publicly available copy of such opinions shall contain such deletions and redactions as may be necessary to prevent disclosure of the identity of the involved officers and employees, and as are permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law).

i. Training and education.

(1) The Board of Ethics:

(i) Shall make information concerning this Code of Ethics available to the officers, employees and independent contractors of the County, to the public, and to persons interested in doing business with the County;

(ii) Shall develop educational materials and an educational program on the provisions of this Code of Ethics for the officers, employees and independent contractors of the County, for the public, and for persons interested in doing business with the County.

(2) The County Executive shall assist the Board of Ethics in the publication, posting, and distribution of a plain language guide and other ethics information and educational materials, including but not limited to posting such ethics information and educational material on the County website, and in the development and presentation of ethics educational programs.

(3) All County officers and employees shall receive a copy of this Code of Ethics, and ethics training, in such form as determined by the Board of Ethics, within six months of the effective date of this Code of Ethics or within six months of his or her election or appointment, whichever is later; all County officers and employees required to file an annual statement of financial disclosure pursuant to Section 883.304 of this Chapter shall receive ethics training, in such form as determined by the Board of Ethics, at least biennially; all other County officers and employees shall receive ethics training, in such form as determined by the Board of Ethics, at least once every four years.

j. Annual reports; review of ethics laws.

(1) The Board of Ethics shall prepare and submit an annual report to the County Executive and the Clerk of the County Legislature summarizing the activities of the Board of Ethics. The report may also recommend amendments to this Code of Ethics.

(2) The Board of Ethics shall periodically review this Code of Ethics and the administrative procedures promulgated by the Board of Ethics, to determine whether they promote integrity, public confidence, and participation in County government and whether they set forth clear, reasonable and enforceable standards of conduct.

#### **Article V. Miscellaneous**

**Section 883.501. Existing Rights and Remedies.** No existing right or remedy shall be lost, impaired, or affected by reason of this Code of Ethics.

**Section 883.502. Posting and Distribution.**

(a) The County Executive shall promptly cause a copy of this Code of Ethics, and a copy of any amendment to this Code of Ethics, to be posted publicly and conspicuously in each building under the County's control and upon the County's website. This Code of Ethics shall be posted within ten days following the date on which this Code of Ethics takes effect. Any amendment to this Code of Ethics shall be posted within ten days following the date on which the amendment takes effect.

(b) The County Executive shall promptly cause a copy of this Code of Ethics, including any amendments to the code, to be distributed to every person who is or becomes an officer, employee or independent contractor of the County.

(c) The failure to post this Code of Ethics or any amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a County officer or employee to receive a copy of this Code of Ethics or an amendment to this Code of Ethics shall not affect either the applicability or enforceability of the code of ethics or amendment to the code.

**Section 3.** The Code of Ethics enacted by this Local Law may be cited as the Westchester County Code of Ethics or the Code of Ethics without reference to it being a Chapter of the County Charter and may be published separately, both as a booklet and on line. Any reference to a County Code of Ethics in this Charter, the Administrative Code, any Local Law, any act or any resolution which cites a section number or numbers different from the numbering assigned by this Local Law, shall be deemed to reference the Code of Ethics enacted by this Local Law. Any publication of the Code of Ethics shall include, either as an appendix, hyperlink or reference, such schedules, forms and lists or other items which are annexed to this Local Law or authorized by Act.

**Section 4.** Annexed hereto as Appendix A and made a part hereof is a Schedule of Titles the holders of which are required to file financial disclosure forms pursuant to Section 883.304(a)(3) of the Code of Ethics. The Schedule of Titles may be amended by Act. The Schedule of Titles shall indicate, in a parenthetical at the end, the number of this Local Law and the number of any Act amending it.

**Section 5.** Annexed hereto as Appendix B and made a part hereof is the Annual Statement of Financial Disclosure form to be used by persons required to file financial disclosure pursuant to Section 883.304 of the Code of Ethics. The Annual Statement of Financial Disclosure form may be amended by Act. The Annual Statement of Financial Disclosure form shall indicate in a parenthetical at the end, the number of this Local Law and the number of any Act amending it.

**Section 6.** This Local Law shall not affect the service and terms of office of any person serving on the Board of Ethics as established by a previously enacted Local Law except as provided for in this Section. The County Executive may, for the purpose of maintaining the staggered five-year terms office required by the Code of Ethics, appoint or reappoint members for definite terms of less than five years.



**Section 7.** Severability. If any clause, sentence, paragraph, subdivision, Section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

**Section 8.** Effective Date. This local law shall take effect immediately.

## **APPENDIX A**

### Schedule of Titles

Pursuant to Section 883.304(a)(3) of the Code of Ethics, County officers or employees holding the following titles shall file annual statements of financial disclosure with the Board of Ethics:

#### **Board of Elections:**

Commissioner of Elections

Deputy Commissioner of Elections

#### **Board of Ethics:**

All Members

#### **Board of Health:**

All Members

#### **Board of Legislators:**

Assistant to the Chairman and Legislative Officer-County Board

Chief Advisor to the Chair of the Board of Legislators

Clerk of the County Board of Legislators and Chief of Staff

Communications Officer-Board of Legislators

County Legislator

Deputy Clerk to the County Board of Legislators and Deputy Chief of Staff

Director of Fiscal Affairs-BOL

Legislative Counsel

#### **Budget Department:**

Assistant Budget Director

Associate Budget Director

Budget Director

First Deputy Budget Director

#### **Department of Community Mental Health:**

Commissioner of Community Mental Health

Deputy Commissioner of Community Mental Health  
Director of Administrative Services (Management Operations)  
Director of Alcohol and Substance Abuse Services  
Director of Developmental Disabilities Services  
Director-Employee Assistance Program

**Department of Correction:**

Associate Warden  
Commissioner of Correction  
Deputy Commissioner of Correction  
Director of Administrative Services (Management Operations)  
Second Deputy Commissioner of Correction  
Special Assistant to the Commissioner of Correction  
Warden

**Office of the County Clerk:**

Assistant to the County Clerk  
Chief Deputy County Clerk (Legal and Land Records)  
County Clerk  
Deputy County Clerk (General)  
Director of Program Development II (Trades Licensing)  
Executive Deputy County Clerk

**Office of the County Executive:**

Assistant to the County Executive I  
Assistant to the County Executive II  
Assistant to the County Executive III  
Assistant to the County Executive IV  
Chief Advisor to the County Executive  
Chief of Staff-County Executive  
Coordinator of Veterans Affairs

Counsel to the County Executive  
County Executive  
County Fire Coordinator  
Deputy County Executive  
Deputy Director of Economic Development  
Director of Communications  
Director of Economic Development  
Director of Intergovernmental Relations — County Executive  
Director of Real Estate  
Director of Research and Economic Development  
Director of Tourism  
Director-Office for the Disabled  
Director-Office for Women  
Director-Office of Criminal Justice Planning  
Director-Youth Bureau  
Executive Assistant for Office Management-County Executive  
LGBT Community Liaison  
Program Administrator (Minority Affairs-Spanish Speaking)  
Research Assistant-County Executive  
Senior Assistant to the County Executive I  
Senior Assistant to the County Executive II

**Deferred Compensation Board:**

All Members

**Office of the District Attorney:**

Chief Administrator-District Attorney  
Chief of Bureau-District Attorney  
Deputy District Attorney  
Director of Public Affairs

District Attorney  
First Deputy District Attorney  
Second Deputy District Attorney

**Electrical Licensing Board:**

All Members

**Department of Emergency Services:**

Commissioner of Emergency Services  
Deputy Commissioner of Emergency Services

**Department of Environmental Facilities:**

Assistant Commissioner of Solid Waste  
Associate Director of Fiscal Services (Environmental Facilities)  
Commissioner of Environmental Facilities  
Deputy Commissioner of Environmental Facilities  
Deputy Commissioner of Solid Waste  
Deputy Director-Wastewater Treatment  
Director of Administrative Services (Management Operations)  
Director of Program Development II (Personnel)  
Director-Wastewater Treatment  
Director-Water Agency  
Second Deputy Commissioner of Environmental Facilities

**Fair Housing Board:**

All Members

**Department of Finance:**

Commissioner of Finance  
Deputy Commissioner of Finance  
Deputy Purchasing Agent  
Director-Fiscal Operations  
First Deputy Commissioner of Finance

Manager of Accounting Services

Manager of Payroll and Benefits

Purchasing Agent

**Department of Health:**

Assistant Commissioner of Health (Environmental Quality)

Assistant Commissioner of Health (Nursing Services and Community Health)

Assistant Commissioner of Health (Planning and Evaluation)

Assistant Commissioner of Health (Public Health Protection)

Assistant Commissioner of Health (Services for Children with Disabilities)

Associate Director of Division (Community Health Services)

Chief of Section (Clinical Services)

Chief of Section (Communicable Diseases)

Chief of Section (Dental)

Commissioner of Health

Deputy Commissioner of Health

Deputy Commissioner of Health for Disease Control

Director of Administrative Services (Management Operations)

Director of Division (Health Services)

Director-Fiscal Operations

First Deputy Commissioner of Health

Second Deputy Commissioner of Health

**Department of Human Resources:**

Commissioner of Human Resources

Deputy Commissioner of Human Resources

Deputy Director-Human Rights Commission.

Director of Labor Relations

EEO Coordinator

Executive Director-Human Rights Commission

**Human Rights Commission:**

All Members

**Department of Information Technology:**

Assistant Chief Information Officer

Assistant Chief Information Officer-Geographic Information Systems

Assistant Director of Telecommunications

Chief Information Officer

Deputy Chief Information Officer

Director of Application Support

Director of Knowledge Management and Archives

Director of Program Development II (Information Technology Management Operations)

Director of Systems Development and Application

Director of Telecommunications

Manager of Data Communications

Manager of Geographic Information Systems

Manager of Network Engineering

Manager of Software Architecture

Manager of Web Design

Manager of Web Development

Manager of Workstation Engineering

Second Deputy Chief Information Officer

**Department of Laboratories and Research:**

Chief of Environmental Laboratory Services

Chief of Microbiology Services

Director of Administrative Services (Management Operations)

Director of Forensic Science Services

Director of Toxicology

Pathologist — Deputy Medical Examiner

Pathologist — Medical Examiner

**Lab and Research Board of Managers:**

All Members

**Department of Law — Office of the County Attorney:**

Assistant Chief Deputy County Attorney

Associate County Attorney

Chief Deputy County Attorney

County Attorney

Deputy County Attorney

Director of Risk Management

Senior Assistant County Attorney

Special Assistant to the County Attorney

**Department of Parks, Recreation & Conservation:**

Assistant Director of Division (PRC)

Assistant Director-Playland

Assistant Manager-County Center Operations

Assistant Manager-County Center Sales and Marketing

Commissioner of Parks, Recreation and Conservation

Controller-Playland

Deputy Commissioner of Parks, Recreation and Conservation

Director of Administrative Services (Management Operations)

Director of Maintenance-PRC

Director of Operations (Maintenance-PRC)

Director of Operations (Marketing-PRC)

Director of Operations (PRC)

Director of Park Facilities-PRC

Director of Program Development II (Capital Projects-Playland)



Director of Program Development II (Community Relations)  
Director of Program Development II (Concessions)  
Director of Program Development II (Golf)  
Director of Program Development II (Historic and Interpretive Sites)  
Director of Program Development II (Naturalist)  
Director of Program Development II (Parks)  
Director of Program Development II (Personnel)  
Director-Playland  
Director-Programs and Services — PRC  
District Park Director  
First Deputy Commissioner of Parks, Recreation and Conservation  
Golf Course Superintendent  
Program Administrator (Conservation)  
Program Administrator (Contract Management)  
Program Administrator (Event Coordinator-County Center)  
Program Administrator (Park Management)  
Program Administrator (Sales and Marketing)  
Program Administrator (Special Services)  
Program Coordinator (Golf)  
Program Coordinator (Natural Resource Management)

**Parks, Recreation and Conservation Board:**

All Members

**Department of Planning:**

Assistant Commissioner of Planning  
Chief Planner  
Commissioner of Planning  
Deputy Commissioner of Planning  
Deputy Commissioner of Planning for Housing and Community

Development

Director of Management Operations

Director of Natural Resource Planning

Director of Operations (Urban Design)

Director of Program Development II (Housing and Planning)

Director of Program Development II (Research and Planning)

Program Administrator (Building Rehabilitation Services)

Program Administrator (Contract Management)

Program Administrator (Housing and Community Development)

Senior Management Analyst

**Planning Board:**

All Members

**Plumbing Examiners Board:**

All Members

**Police Advisory Board:**

All Members

**Department of Probation:**

Assistant Commissioner-Probation

Assistant Director-Probation

Chief of Planning, Research, Training and Staff Development-Probation

Commissioner of Probation

Deputy Commissioner-Probation

Director of Program Development II (Probation)

Program Administrator (Probation Staff Development)

**Professional Prequalification Board:**

All Members

**Professional Selection Board:**

All Members

**Public Administrator:**

Public Administrator

**Department of Public Safety:**

Chairman-Westchester County Taxi and Limousine Commission

Commissioner/Sheriff

Deputy Commissioner of Public Safety

Director of Administrative Services (Management Operations)

Director of Intelligence, Security and Counterterrorism

Director-Office of Criminal Justice Services

**Department of Public Works and Transportation:**

Commissioner of Public Works and Transportation

Deputy Commissioner of Public Works and Transportation

Director of Administrative Services (Management Operations)

Director of Design Coordination

Director of Operations (Public Works and Transportation)

First Deputy Commissioner of Public Works and Transportation

Principal Engineer (Field)

**Department of Senior Programs and Services:**

Commissioner of Senior Programs and Services

Deputy Commissioner of Senior Programs and Services

Director of Operations (Senior Programs and Services)

**Department of Social Services:**

Assistant Commissioner of Social Services.

Assistant Director of Division (Case Management Development)

Associate Commissioner of Social Services

Child Welfare Manager III

Commissioner of Social Services

Coordinator of Veterans Affairs

Deputy Commissioner of Social Services (General)  
Director of Child Welfare  
Director of Operations (Commissioner's Office-Social Services)  
Director of Program Development II (Child Support Enforcement)  
Director of Program Development II (Staff Development)  
Director of Temporary Assistance  
Director-Fiscal Operations  
Director-Office of Employment and Training  
First Deputy Commissioner of Social Services  
Manager III  
Manager-Fiscal Operations  
Personnel Director-Social Services  
Temporary Assistance Manager III

**Soil and Water Conservation Board:**

All Members

**Solid Waste Licensing Commission:**

Deputy Director of Solid Waste Licensing  
Executive Director of Solid Waste Licensing  
All Members

**Stream Control Board of Appeals:**

All Members

**Tax Commission:**

All Members  
Executive Director of Tax Commission  
Program Administrator (Real Property Tax Services)

**Taxi and Limousine Commission:**

All Members

**Transportation Board:**

All Members

**Department of Weights and Measures:**

Deputy County Sealer of Weights and Measures

Deputy Director of Consumer Protection and Sealer of Weights and Measures

Director of Consumer Protection

**Westchester Community College:**

Assistant Dean (WCC)

Associate Dean (Business Administration and Public Services)

Associate Dean (Community Services and Corporate Education)

Associate Dean (Distance Learning, Learning Resources and Instructional Technology)

Associate Dean (Educational Opportunity Center)

Associate Dean (Institutional Research)

Associate Dean (Instructional and Learning Resources)

Associate Dean (Math, Physical and Engineering Sciences and Medical Technology)

Associate Dean (Natural and Health Sciences)

Associate Dean (Student Personnel Services)

Board of Trustees (All members)

Director of Program Development I (Institutional Advancement)

Director-Fiscal Operations

President-Community College

Vice President and Dean of Academic Affairs-WCC

Vice President and Dean of Administrative Services-WCC

Vice President and Dean of Community Services and Corporate Education

Vice President and Dean of Educational Opportunity Center/Community Services

Vice President and Dean of External Relations

Vice President and Dean of Student Personnel Services-WCC



NOTE: FOR QUESTIONS 3 TO 6. DO NOT REPORT EXACT DOLLAR AMOUNTS. INSTEAD, REPORT CATEGORIES OF AMOUNTS, USING THE FOLLOWING:

- CATEGORY A: UNDER \$5,000
- CATEGORY B: \$5,001 TO UNDER \$10,000
- CATEGORY C: \$10,001 TO UNDER \$25,000
- CATEGORY D: \$25,001 TO UNDER \$50,000
- CATEGORY E: \$50,001 TO UNDER \$100,000
- CATEGORY F: OVER \$100,000

**3. FINANCIAL INTERESTS.**

a. *Business Positions.* List any office, trusteeship, directorship, partnership, or other position in any business, association, proprietary, or not-for-profit organization held by you or your spouse or registered domestic partner or your dependent children, if any, and indicate whether, to your knowledge, during the reporting period, these entities had any application, request, claim or interest in any proposal before a county department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the County is a party. If none, place a check mark in the following box.

none

Name of Family Member	Position	Organization	County Department Agency and Nature or Involvement
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b. *Outside Employment.* Describe any outside occupation, employment, trade, business, or profession providing more than \$1,000 per year for you or your spouse or registered domestic partner or dependent children, if any, and indicate whether such activities are regulated by any state or local agency. If none, place a check mark in the following box.

none

Name of Family Member	Position	Name, Address, and Description of Organization	State or Local Agency	Category of Amount
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

c. *Clients and Customers Doing Business with the County.* Identify any client or customer: (i) from which you know that you, your outside employer, firm, limited liability company, partnership, association, or corporation in which you are the owner of more than five percent of the outstanding shares of corporate stock, derived income in excess of five thousand dollars (\$5,000), and (ii) that you know, during the reporting period, had any application, request, claim or interest in any proposal before a County department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the County is a party.

Do not identify any client or customer that received medical, pharmaceutical or dental services, or mental health services.

Do not identify any client or customer that received residential real estate services, other than services rendered in connection with a land use application.

Do not identify any client or customer represented in connection with an investigation or prosecution by law enforcement authorities, bankruptcy, family court, estate planning, or domestic relations matters.

Do not identify any client or customer represented pursuant to an insurance policy, but identify the source of compensation paid to you or the firm.

Do not disclose information prohibited from disclosure by federal or state law, such as information governed by the Family Court Act or the identity of any minor client or customer.

You may seek other exemptions from the Board of Ethics in connection with the disclosure of identifying client or customer information.

If none, place a check mark in the following box.

none

Client or Customer	County Application Claim, Request or Proposal	Amount of Income by Category
_____	_____	_____
_____	_____	_____
_____	_____	_____

d. *Future Employment.* Describe any contract, promise, or other agreement between you and anyone else with respect to your employment after leaving your County office or position. If none, place a check mark in the following box.

none

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*e. Past Employment.* Identify the source and nature of any income in excess of \$1,000 received during the reporting period from any prior employer, including deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement. If none, place a check mark in the following box.

none

Name and Address of Income Source	Description of Income (i.e., pension, deferred, etc.)	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

*f. Investments.* Itemize and describe all investments of you, your spouse, and your dependent children, if any, which have a value in excess of \$5,000, or that constitute five percent or more of the debt or equity of any business, limited liability company, partnership, association, or corporation. Include stocks, bonds, loans, pledged collateral, and other investments. Investments in publicly traded stocks and bonds amounting to less than five percent of the debt or equity of the issuer entity may be listed in the aggregate (*e.g.*, in lieu of listing each stock individually, you can provide the name of the Bank/Brokerage Account and category of value for the total amount invested). List the location of all real estate within the County of Westchester or within five hundred feet of a boundary of the County, in which you, your spouse, or your dependent children, if any, have an interest, regardless of its value, excluding your primary residence. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Business or Real Estate	Description of Investment	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*g. Trusts.* Identify each interest of you, your spouse, and your dependent children in a trust or estate or similar beneficial interest in any assets in excess of \$2,000. Do not list IRS eligible retirement plans or interests in an estate or trust of a spouse, child, stepchild, dependent, parent, stepparent, sibling or stepsibling. If none, place a check mark in the following box.

none

Name of Family Member	Trustee/Executor	Description Trust/Estate	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*h. Other Income.* Identify the source and nature of any other income in excess of \$1,000 per year from any source not described above, including fiduciary positions, teaching income, lecture fees, consultant fees, contractual income, rents from real estate located within the County of Westchester or within five hundred feet of a boundary of the County, or other income of any nature, for you or your spouse or registered domestic partner or dependent children, if any. Income from real estate rents derived from real property located in the County of Westchester, or within five hundred feet of a boundary of the County should be identified by the property address. Do not list maintenance, alimony or child support. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Income Source	Nature of Income	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**4. GIFTS AND HONORARIUMS.**

List the source of all gifts aggregating in excess of \$1,000 received during the last year by you, your spouse or registered domestic partner or dependent child, excluding gifts from a Relative. The term “gifts” includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honorariums, and any other payments that are not reportable as income. The term “gifts” does not include contributions made in accordance with federal or state election law. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Donor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

**5. THIRD-PARTY REIMBURSEMENTS.**

Identify and describe the source of any third-party reimbursement for travel-related expenditures in excess of \$250 for any matter that relates to your official duties. The term “reimbursement” includes any travel-related expenses provided by anyone other than the County of Westchester for speaking engagements, conferences, or fact-finding events that relate to your official duties. If none, place a check mark in the following box.

none

Source	Description	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

**6. DEBTS.**

Describe all debts of you, your spouse or registered domestic partner, or dependent children in excess of \$5,000. Do not list any obligation to pay maintenance, alimony or child support. Do not list any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances. Do not list credit card debt. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Creditor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

**7. INTEREST IN CONTRACTS.**

Describe any interest of you, your spouse or registered domestic partner, or dependent children in any contract involving the County of Westchester or any municipality located within the County. If none, place a check mark in the following box.

none

Name of Family Member	Contract Description
_____	_____
_____	_____
_____	_____

**8. POLITICAL PARTIES.**

List any position you held within the last five years as an officer of any political party, political committee, or political organization. The term “political organization” includes any independent body or any organization that is affiliated with or a subsidiary of a political party. If none, place a check mark in the following box.

none

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**8. DISCLOSURE BY LICENSED PROFESSIONALS AND LOBBYISTS.**

a. If you were licensed to practice law, worked as a licensed real estate broker or agent, practiced a profession licensed by the New York State Education Department, or worked as a member or employee of a firm required by law to register as a lobbyist, give a general description of the principal subject areas of matters that you handled during the reporting period, the compensated services that you performed, and whether you personally provided services directly to clients. If none, place a check mark in the following box. Do not report services provided as an employee of the County.

none

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b. If you were licensed to practice law, worked as a licensed real estate broker or agent, practiced a profession licensed by the New York State Education Department, or worked as a member or employee of a firm required by law to register as a lobbyist, and are a partner or shareholder in the firm or corporation that engaged in such activities, give a general description of the principal subject areas of matters that the firm or corporation handled during the reporting period. If none, place a check mark in the following box. Do not report services provided as an employee of the County.

none

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I have received and read a copy of the County of Westchester Code of Ethics.

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Signature

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Date

**THE CODE OF ETHICS CAN BE FOUND AT: [INSERT WEBSITE]**

**DO YOU HAVE QUESTIONS ABOUT THE CODE OF ETHICS?** For a confidential advisory opinion, contact the Board of Ethics at the following address, or as provided on the County's web site:

SECRETARY TO BOARD OF ETHICS  
148 Martine Avenue  
White Plains, New York 10601  
(914) 995-XXXX  
XXXX@westchestergov.com



To: Sunday Vanderberg, Clerk of the Board of Legislators

From: Kitley Covill, 2<sup>nd</sup> District

Date: September 8, 2020

Re: Code of Ethics Legislation

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Please refer the attached legislation, “A LOCAL LAW amending of the Laws of Westchester with respect to the advancement of ethics within all levels of county government” to the Legislation committee on the September 14, 2020 Westchester County Board of Legislators agenda.

TO: HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending of the Laws of Westchester with respect to the advancement of ethics within all levels of county government.”

Your Committee notes that Article 18 of the General Municipal Law prohibits the officers and employees of a County from having certain conflicts of interest, and Section 806 of the General Municipal Law requires the governing body of each county to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them. The code of ethics adopted by this Board must set forth standards of conduct for the guidance of the officers and employees of the county with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

Your Committee, having reviewed Chapters 192 and 883 of the Laws of Westchester County, which, respectively, create the Board of Ethics and contain the County’s Code of Ethics, and having conferred with the Westchester County Board of Ethics, believes that it is appropriate at this time to repeal and replace Chapters 192 and 883 with this new Code, which sets forth a clear and comprehensive code of ethics in order to ensure both the reality and the appearance of integrity in County government, and to thereby foster public confidence in County government.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). Your Committee is advised that the Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local



Law \_\_\_\_\_ . Your  
Committee concurs with that conclusion.

Your Committee, after careful consideration, recommends the adoption of this Local Law.

Dated: \_\_\_\_\_, 2020

White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_ – 2020**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2020, entitled “A LOCAL LAW amending the Laws of Westchester with respect to the advancement of ethics within all levels of county government.” The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2020 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

**LOCAL LAW NO. -2020**

A LOCAL LAW amending the Laws of Westchester with respect to the advancement of ethics within all levels of county government

BE IT ENACTED by the County Board of the County of Westchester as follows:

**Section 1.** Chapter 192 and Chapter 883 of the Laws of Westchester County are hereby repealed.

**Section 2.** A new Chapter 883 is hereby added to the Laws of Westchester County to read as follows:

**CHAPTER 883 CODE OF ETHICS**

**ARTICLE I**

**GENERAL PROVISIONS**

<u>Section</u>	<u>883.101</u>	<u>Purpose</u>
	<u>883.102</u>	<u>Definitions</u>
	<u>883.103</u>	<u>Applicability</u>

**Section 883.101. Purpose.** Officers and employees of the County hold their positions to serve and benefit the public; not to obtain unwarranted personal or private gain in the exercise and performance of their official powers and duties. The County recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes those standards.

**Section 883.102. Definitions.**

- a. “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the County or an area of the County, or a lawful class of such residents or taxpayers. A County officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or dependent, is an owner, partner, member,

director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's equity or debt, whether in the form of outstanding stock or otherwise.

b. “Relative” means a spouse, registered domestic partner, child, stepchild, parent, stepparent, grandparent, sibling or stepsibling of a County officer or employee.

**Section 883.103. Applicability.**

a. This Code of Ethics applies to all officers and employees of the County, whether paid or unpaid, including the members of any County department, agency, board or commission and the members and employees of the County Legislature.

b. Section 883.207 (Future Employment) of this Code of Ethics applies to current and former officers and employees of the County.

c. Section 883.208 (Independent Contractors) of this Code of Ethics applies to independent contractors of the County.

d. Section 883.209 (Personal Representations and Claims Permitted) and Section 883.215 (Inducement of Others) of this Code of Ethics apply to officers and employees of the County and independent contractors of the County.

e. Section 883.303 (Applicant Disclosure in Land Use Applications) of this Code of Ethics applies to applicants, petitioners or parties requesting approval of a zoning referral, plat, exemption from a plat or official map, license or permit, pursuant to any local law, rule or regulation constituting the planning and land use regulations of the County.

f. The provisions of this Code of Ethics shall supplement all applicable State and local laws relating to conflicts of interest and municipal ethics including, but not limited to, Article 18 of the General Municipal Law and all related rules, regulations, policies and procedures of the County.

g. The termination of an officer's or employee's term of office or employment with the County

shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed by this Code of Ethics on the former officer or employee for his or her actions or interests while a County officer or employee, nor with respect to the post-employment restrictions imposed by this Code of Ethics.

## **ARTICLE II CODE OF CONDUCT**

<u>Section</u>	<u>883.201</u>	<u>Use of County Position for Personal or Private Gain</u>
	<u>883.202</u>	<u>Prohibited Interests in Contracts.</u>
	<u>883.203</u>	<u>Recusal.</u>
	<u>883.204</u>	<u>Prohibition Inapplicable; Recusal and Disclosure Not Required.</u>
	<u>883.205</u>	<u>Investments in Conflict with Official Duties.</u>
	<u>883.206</u>	<u>Private Employment in Conflict with Official Duties</u>
	<u>883.207</u>	<u>Future Employment</u>
	<u>883.208</u>	<u>Independent Contractors</u>
	<u>883.209</u>	<u>Personal Representations and Claims Permitted</u>
	<u>883.210</u>	<u>Use of County Resources</u>
	<u>883.211</u>	<u>Nepotism</u>
	<u>883.212</u>	<u>Political Solicitations</u>
	<u>883.213</u>	<u>Confidential Information</u>
	<u>883.214</u>	<u>Gifts, Tips and other Benefits</u>
	<u>883.215</u>	<u>Inducement of Others</u>
	<u>883.216</u>	<u>Criminal Convictions</u>

### **Section 883.201. Use of County Position for Personal or Private Gain.**

No County officer or employee shall use his or her County position or official powers and duties to secure a material benefit, whether financial or otherwise, for

- a. Himself or herself;
- b. A relative, dependent or individual residing in his or her household;
- c. Any private organization in which he or she has an interest;
- d. A client or customer from which the officer or employee knows that he or she, and/or a private organization in which he or she has an interest derived income in excess of five thousand dollars (\$5,000), directly or indirectly, during the previous twenty four months; or
- e. A person from whom the officer or employee has received a private loan or loans, or a gift or

gifts, having an aggregate value of seventy five dollars or more during the previous twelve months.

**Section 883.202. Prohibited Interests in Contracts.**

a. No County officer or employee shall have an interest in any contract with the County, when such officer or employee, individually or as a member of a board or commission, has the power or duty, whether or not exercised, to:

(1) Negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;

(2) Audit bills or claims under the contract, or

(3) Appoint an officer or employee who has any of the foregoing powers or duties.

b. For the purposes of this section, the term “contract” means any claim, account or demand against or agreement with the County, express or implied.

c. Notwithstanding the foregoing, for the purposes of this section, the term “contract” shall not include:

(1) The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of County funds except when the chief fiscal officer, or his deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the County would be required because of the foregoing restriction, a bank or trust company within the County may nevertheless be so designated;

(2) A contract with a person, firm, corporation or association in which a County officer or employee has an interest which is prohibited solely by reason of his or her status as an officer or employee thereof, if the compensation from such employment will not be directly affected as a result of the contract and the duties of such employment do

not directly involve the procurement, preparation or performance of any part of the contract;

- (3) The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, act or other proceeding where such publication is required or authorized by law;
- (4) The purchase by the County of real property or an interest therein, provided the purchase and the consideration therefor is approved by an order of the Supreme Court upon petition of the County Legislature;
- (5) The acquisition of real property or an interest therein, through condemnation proceedings according to law;
- (6) A contract with a membership corporation or other voluntary nonprofit corporation or association;
- (7) The sale of bonds and notes pursuant to Section 60.10 of the New York Local Finance Law;
- (8) A contract in which a County officer or employee has an interest if such contract was entered into prior to the time he or she was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract;
- (9) A contract with a corporation in which a County officer or employee has an interest by reason of stockholdings when less than five per cent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
- (10) A contract for the furnishing of public utility services at rates or charges that are fixed or regulated by the public service commission;

- (11) A contract for the payment of a reasonable rental of a room or rooms owned or leased by a County officer or employee, used in the performance of his or her official duties, and designated as an office or chamber;
- (12) A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the office;
- (13) A contract in which a County officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars; or
- (14) A contract with a member of a private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract.

**Section 883.203. Recusal.**

No County officer or employee shall participate in any decision or take any official action requiring the exercise of discretion, including discussing, deliberating or voting on a matter, when he or she knows or has reason to know that the action may confer a direct or indirect financial or other material benefit on a person or entity specified in Section 883.201 of this Code of Ethics. A contribution of money or other valuable thing permitted under Section 833.214(f) of this Chapter shall not be a disqualifying benefit for purposes of this section and does not require recusal hereunder.



**Section 883.204. Prohibition Inapplicable; Recusal and Disclosure Not Required.**

a. The requirements relating to recusal set forth in Section 883.203 of this Code of Ethics, and the disclosure requirements set forth in Article III Disclosures of this Code of Ethics, shall not apply with respect to the following matters:

(1) Adoption of the County's annual budgets;

(2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a similarly situated class of such people:

(i) All or substantially all County officers or employees;

(ii) All or substantially all residents or taxpayers of the County or an area of the County; or

(iii) The general public.

(3) Any ministerial matter or matter that does not require the exercise of discretion;

(4) Uncompensated participation by an elected County official, or by a member of his or her staff on behalf of such elected County official, in public advocacy whether or not on behalf of a constituent;

(5) Appearance by a County employee before a County department, agency, board or commission in a representative capacity on behalf of an employee organization in any matter where such appearance is duly authorized by the employee organization; and

(6) Uncompensated participation in public advocacy by a County officer or employee who serves as a political committee chairperson.

b. Recusal shall not be required, but disclosure pursuant to Article III of this Code of Ethics shall be required, with respect to any matter:

(1) Which comes before a County board or commission when a majority of the entire membership of the board or commission would otherwise be prohibited from acting;

or

(2) Which comes before a County officer when the officer would be prohibited from acting and the matter cannot be lawfully delegated to another person.

**Section 883.205. Investments in Conflict with Official Duties.**

a. No County officer or employee shall acquire or maintain any investment:

(1) The ownership of which requires that the County officer or employee frequently and inevitably recuse himself or herself; or

(2) That would impair his or her independence of judgment in the exercise or performance of his or her official powers and duties.

b. The preceding sub-section shall not prohibit a County officer or employee from acquiring or maintaining the following:

(1) Real property located within the County and used as his or her personal residence;

(2) Less than five percent of the stock of a publicly traded corporation; or

(3) Bonds or notes issued by the County and acquired more than one year after the date on which the bonds or notes were originally issued.

c. No officer, employee or agent of the County shall, except on behalf of the County, directly or indirectly place a bid for, or have an interest in, the sale of a tax lien certificate, or have a financial interest in property acquired by the County in a tax collection procedure, or have an interest in any condemnation proceeding in which the County or a municipality within the County is a party.

**Section 883.206. Private Employment in Conflict with Official Duties.**

a. No elected County official or County employee serving as staff to the County Legislature or

to a member of the County Legislature, shall receive or agree to receive, directly or indirectly, any compensation for consulting or advisory services in connection with any proposed local law, act, or resolution of the County Legislature.

b. No County officer or employee shall ask for, pursue or accept a private secondary employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the County officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 90 days following final disposition of the matter.

c. No County officer or employee, during his or her tenure as a County officer or employee, shall engage in any secondary employment, or engage in any business, commercial, or professional activity, when the secondary employment or business, commercial or professional activity:

(1) Involves duties that are incompatible with those of the official duties of the County officer or employee;

(2) May be reasonably expected to require frequent and inevitable recusal;

(3) May be reasonably expected to require disclosure or personal use of confidential information gained by reason of serving as a County officer or employee;

(4) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection with any matter before any County department, agency, board or commission of which he or she is an officer, member or employee or of any County department, agency, board or commission over which he or she has jurisdiction or to which he has the power to appoint any member, officer or employee;

(5) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection

with any matter before any County department, agency, board or commission, whereby his compensation is to be dependent or contingent upon any action by such department, agency, board or commission with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered; or

(6) Involves the representation of a person or organization other than the County, or pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services rendered in connection with any application, request, claim or proposal before any County department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the County is a party. Notwithstanding the foregoing, a person serving the County or any agency thereof without compensation shall not be subject to the prohibitions set forth in this subsection (c)(6).

d. No elected County officer shall otherwise be employed by the County or hold any other elected office.

**Section 883.207. Future Employment.**

a. No County officer or employee shall seek, negotiate, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the County officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 90 days following final disposition of the matter.

b. No County officer or employee, for a one-year period after serving as a County officer or employee, shall appear before or communicate in any form with the County office, board,

department or comparable organizational unit for which he or she served in connection with any case, proceeding, application or other proposed or pending matter, except (i) on behalf of the State or a political subdivision or instrumentality thereof, or (ii) in furtherance of the interests of the County with the approval of the Board of Ethics upon application of his or her former County department, agency, board or commission.

- c. No County officer or employee, at any time after serving as a County officer or employee, shall represent or render services to a private person or organization in connection with any particular matter in which he or she personally and substantially participated while serving as a County officer or employee, except on behalf of the State or a political subdivision or instrumentality thereof, or in furtherance of the interests of the County with the approval of the Board of Ethics upon application of a County department, agency, board or commission.
- d. Any determination made by the Board of Ethics upon an application made pursuant to paragraphs b or c or this section shall be transmitted by the Board of Ethics to the Clerk of the Board of Legislators within ten business (10) days of the date of the determination.
- e. Any determination made by the Board of Ethics upon an application made pursuant to paragraphs b or c of this section may be subject to review by the Board of Legislators. If the Board of Legislators chooses to review a determination of the Board of Ethics, it may, by Act, affirm, reverse, or otherwise modify the determination.

**Section 883.208. Independent Contractors.** No independent contractor or employee of an independent contractor of the County shall exert undue influence on behalf of a private interest, directly or indirectly, in a matter before any County department, agency, board or commission. A violation of this Section shall be cause for termination of the independent contractor's contract with the County.

**Section 883.209. Personal Representations and Claims Permitted.**

This Code of Ethics shall not be construed as prohibiting a County officer or employee or an independent contractor of the County from:

- a. Seeking or accepting County services, benefits, or the use of County facilities, on the same terms and conditions as are available to County residents or a class of similarly situated County residents.
- b. Asserting a claim against the County on his or her own behalf, or on behalf of a relative or member of his or her household, unless the claim is prohibited by Section 883.202 of this Code of Ethics, or by Section 801 of the New York General Municipal Law.

**Section 883.210. Use of County Resources.**

- a. County resources shall be used only for lawful County purposes. County resources include, but are not limited to, County personnel, compensated time, money, vehicles, equipment, data and telecommunication systems, letterhead, materials, supplies, or other property.
- b. No County officer or employee shall use or permit the use of County resources for personal or private purposes, but this provision shall not be construed as prohibiting:
  - (1) Any use of County resources authorized by law, County policy or collective bargaining agreement to which the County is a party;
  - (2) The use of County resources for personal or private purposes when provided to a County officer or employee as part of his or her compensation; or
  - (3) The occasional and incidental use of County resources for reasonably necessary personal, non-business matters.
- c. No County officer or employee shall cause the County to spend more than is reasonably

necessary for transportation, meals or lodging in connection with official travel. Transportation, meal, and lodging expenses shall be presumptively reasonable if they are in accordance with the County's travel policy and/or the applicable provisions of any collective bargaining agreement.

**Section 883.211. Nepotism.**

Except as otherwise required by law:

- a. No County officer or employee, either individually or as a member of a County board or commission, shall participate in any decision to appoint, hire, promote, discipline or discharge a relative or a member of his or her household.
- b. No County officer or employee shall directly supervise a relative or member of his or her household in the performance of such person's official duties.

**Section 883.212. Political Solicitations.**

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

**Section 883.213. Confidential Information.**

- a. No current or former County officer or employee, including County Legislators or employees of the County Legislature, any of its caucuses or individual County Legislators, shall disclose confidential information concerning the property, government or affairs of the County or any other confidential information of an official character obtained as a result of County employment except when disclosure is required by law or when such information is otherwise available to the public, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.
- b. Confidential information is information in any format that is either prohibited from disclosure to the public by federal or state law, or is withheld from public disclosure in the lawful exercise of the discretion afforded to the authorized information officer by federal or state law.

**Section 883.214. Gifts, Tips and other Benefits.**

- a. No County officer or employee shall directly or indirectly solicit any gift or other benefit from a person who has received or sought a financial or other material benefit from the County within the previous twelve months, or that he or she knows or has reason to know will do so in the succeeding twelve months.
- b. No County officer or employee shall accept any gift or other benefit from a person who the County officer or employee knows or has reason to know has received or sought a financial benefit from the County within the previous twelve months or will do so in the succeeding twelve months.
- c. No County officer or employee shall solicit, accept or agree to accept any gift, tip or other benefit for having engaged in official conduct which he or she was required or authorized to perform, and for which he or she was not entitled to any special or additional compensation.



d. No County officer or employee shall accept or receive any gift or other benefit, or multiple gifts or other benefits from the same donor in a twelve month period, having an aggregate value of seventy-five dollars or more when:

(1) the gift or other benefit would reasonably appear to be intended to influence the officer or employee in the exercise or performance of his or her official duties;

(2) the gift or other benefit would reasonably be expected to influence the officer or employee in the exercise or performance of his or her official duties; or

(3) the gift or other benefit would reasonably appear to be intended as a reward for any official action on the part of the officer or employee.

e. For purposes of this Section, the terms “gift”, “tip” and “other benefit” include anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift, tip or other benefit is its fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater.

f. Notwithstanding the foregoing, this Section shall not prohibit:

(1) Gifts made to the County;

(2) Gifts from a person with a family or personal relationship with the officer or employee when it is reasonable to conclude that the personal relationship, rather than the recipient’s status as a County officer or employee, is the primary motivating factor for the gift;

(3) Gifts given on non-recurring special occasions, such as marriage, illness, or retirement, which are reasonable and customary;

(4) Unsolicited advertising or promotional material of little intrinsic value, such as pens,

pencils, note pads, and calendars;

(5) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a County officer or employee, or other service to the community; or

(6) Incidental meals and refreshments provided when a county officer or employee is a speaker or participant at a job-related professional, charitable, educational, or community conference, program or event;

(7) Gifts or benefits having a value of one hundred (\$100.00) dollars or less that are received by a County officer or employee serving in a capacity listed in Section 11 of the Domestic Relations Law for the solemnization of a marriage by the officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.

(8) Contributions made in accordance with federal or state election law.

**Section 883.215. Inducement of Others.** No County officer, employee or independent contractor shall induce or attempt to induce a County officer, employee or independent contractor to violate, nor aid a County officer, employee or independent contractor in violating, any of the provisions of this Code of Ethics.

**Section 883.216. Criminal Convictions.**

a. No person convicted of a crime involving a violation of his or her oath of office, whether a felony or misdemeanor, shall hold County elective office unless such conviction shall have been reversed, vacated or expunged, or said person has obtained a certificate of relief from civil disabilities.

b. No appointed officer of the County shall continue in service after having been convicted of a

felony, or a misdemeanor involving a violation of his or her oath of office, except as provided herein.

- c. No employee of the County shall continue in service after having been convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in N.Y. Corrections Law §753.
- d. No independent contractor of the County shall continue in service after having been convicted of a crime that is directly related to the County engagement, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in N.Y. Corrections Law §753.
- e. A former employee of the County convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall be eligible for reinstatement if such conviction shall have been reversed, vacated or expunged, or upon consideration of the factors set forth in N.Y. Corrections Law §753.
- f. A former independent contractor of the County convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall, in the discretion of the appointing authority, be eligible for reinstatement if such conviction shall have been reversed, vacated or expunged, or upon receipt of a certificate of relief from civil disabilities.

**Article III Disclosure**

<u>Section</u>	<u>883.301</u>	<u>Particular Matter Disclosure</u>
	<u>883.302</u>	<u>Disclosure of Interests in County Contracts</u>
	<u>883.303</u>	<u>Applicant Disclosure in Land Use Applications.</u>
	<u>883.304</u>	<u>Annual Financial Disclosure</u>

**Section 883.301. Particular Matter Disclosure.** Whenever a County officer or employee is required to recuse himself or herself under this Code of Ethics, he or she shall promptly inform his or her immediate supervisor, if any, in writing disclosing the reason for recusal or, if a member of a board or commission that maintains a public record of its proceedings, shall promptly state that information upon the public record of the board or commission.

**Section 883.302. Disclosure of Interests in County Contracts.**

- a. Where a County officer or employee, or his or her spouse, knows that he or she has or will have an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the County, the officer or employee shall publicly disclose the nature and extent of that interest in writing to his or her immediate supervisor and to the Board of Ethics as soon as he or she has knowledge of the actual or prospective interest.
- b. For purposes of this disclosure requirement:
  - (1) The term “contract” shall mean any claim, account or demand against or agreement with the County, express or implied; and
  - (2) A County officer or employee shall be deemed to have an interest in the contract of his or her relative as defined in Section 883.102 of this Code of Ethics, dependent, household member, and any private organization when he or she, or his or her relative is an owner, partner, member, director, officer, employee or directly or indirectly owns

or controls more than 5% of the organization's equity or debt, whether in the form of outstanding stock or otherwise.

**Section 883.303. Applicant Disclosure in Land Use Applications.**

- a. Every application, petition, or request submitted for approval of a zoning referral, plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any local law, rule or regulation constituting the planning and land use regulations of the County shall state the name, residence, and the nature and extent of the interest of any officer of the state, or any officer or employee of the County in the person, partnership or association making the application, petition or request to the extent known.
- b. For the purpose of this disclosure requirement, an officer or employee shall be deemed to have an interest in the applicant when he or she, his or her relative, or the spouse of any of them:
  - (1) Is the applicant, or
  - (2) Is an officer, director, partner, or employee of the applicant, or
  - (3) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a limited liability company, partnership, or association applicant (except that ownership of less than five percent of the stock of a publicly traded corporation shall not constitute an interest for the purposes of this disclosure requirement; or
  - (4) Is a party to an agreement with such an applicant, express or implied, whereby he or she will receive any payment or other benefit, whether or not for such services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

**Section 883.304. Annual Financial Disclosure.**

a. The following County officers and employees and candidates for elective County office (individually and collectively, “Reporting Person”) shall file an annual statement of financial disclosure with the Board of Ethics:

(1) Elected County officials;

(2) Department heads, deputy department heads, and division heads;

(3) County officers and employees holding titles set forth in a schedule adopted or amended by the County Legislature either by Local Law or Act;

(4) Candidates for elective County office;

(5) Political party county chairpersons; and

(6) County officers or employees with substantial policy discretion as determined annually by their respective appointing authority.

b. Policymaking positions. For the purposes of this Section, a person shall be considered to hold a policymaking position if he or she exercises responsibilities of a broad scope in the formulation of plans for the implementation of goals or policy for a County agency or acts as an advisor to an individual in such a position. In determining whether a person holds a policymaking position, the following factors shall be considered, applied to the powers and duties of the position as set forth in the job description or any applicable law or regulation as well as the actual duties performed by the person:

(1) Whether the position permits effective or substantial influence in the governmental decision-making process on issues where there is room for principled disagreement on goals or their implementation;

(2) Whether the powers and duties of the position are broadly defined and require more than the exercise of simple ministerial competence;

- (3) Whether the position permits the person to exercise control over other officers or employees;
- (4) Whether the position involves the establishment of priorities or the development of programs;
- (5) Whether the position requires or authorizes the conducting of studies or entails a significant degree of involvement in the preparation of budgets or budget requests for a local agency or municipality;
- (6) Whether the position authorizes the person to speak on behalf of local elected officials or other policymakers;
- (7) Whether the position entails frequent contact with local elected officials or their principal deputies.

- c. No later than the last day of March of each year, the Commissioner of Human Resources shall:
  - (i) cause to be filed with the Board of Ethics a list of the names and offices or positions of all officers and employees of the County, and all political party county chairpersons, required to file annual disclosure statements pursuant to this Code of Ethics; and
  - (ii) notify all such officers and employees of their obligation to file an annual disclosure statement.
- d. Upon the election or appointment after the last day of March of the year of election or appointment, of a County officer or employee required to file annual disclosure statements pursuant to this Code of Ethics, the Commissioner of Human Resources shall:
  - (i) cause to be filed with the Board of Ethics a list of the names and offices or positions of such newly elected or appointed officers and employees of the County required to file annual disclosure statements pursuant to this Code of Ethics; and
  - (ii) notify all such officers and employees of their obligation to file an annual disclosure statement.
- e. Upon the nomination or designation pursuant to the applicable provisions of the New York

Election Law of a candidate or candidates for County elective office, the Board of Elections shall: (i) cause to be filed with the Board of Ethics a list of the names of such candidates for County elective office; and (ii) notify all such candidates of their obligation to file an annual disclosure statement.

f. Form of statement.

(1) All Reporting Persons shall file a disclosure statement in the form adopted or amended by the County Legislature by Local Law or Act.

(2) The Board of Ethics shall recommend any amendments to the forms of financial disclosure statement that it deems warranted or that may be required by law, and shall submit such recommended amendments to the County Executive for submission to the County Legislature.

g. Time for filing.

(1) Reporting Persons other than candidates for elected County office shall file financial disclosure statements with the Board of Ethics on or before May 15 of each year.

(2) Reporting Persons other than candidates for elected County office elected or appointed after May 15 of the year of their election or appointment shall file financial disclosure statements with the Board of Ethics within thirty days of the commencement of their elected term or period of employment.

(3) Candidates for County elective office shall file financial disclosure statements with the Board of Ethics within thirty days of nomination or designation pursuant to the applicable provisions of the New York Election Law.

h. Any person designated as a person required to file an annual disclosure statement solely by reason of having substantial policy discretion as that term is used in this Code of Ethics, may apply to the Board of Ethics for reconsideration of his or her filing status and the Board of



Ethics may grant an exemption from filing based upon the criteria set forth herein.

i. All statements filed with the Board of Ethics shall be available for public inspection and copying; except that:

(1) The Board of Ethics may, on its own initiative, to the extent permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law) withhold from public disclosure particular information, the disclosure of which would constitute an unwarranted invasion of personal privacy; or

(2) A Reporting Person may request that such information be withheld from public disclosure, and the Board of Ethics, in its discretion, may grant such request to the extent permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law).

j. Review:

(1) The Board of Ethics shall review:

(i) The lists of officers and employees required to file annual disclosure statements pursuant to this Code of Ethics, to determine whether the lists are complete and accurate. The Board of Ethics shall, based on the criteria set forth in the foregoing Section 883.304(b), recommend to the County Executive for submission to the County Legislature, the title of any other position which the Board of Ethics determines should appear on the list and the removal of the title of any position which the Board of Ethics determines should not appear on the list.

(ii) All annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this Code of

Ethics.

(iii) All transactional disclosure statements.

(iv) All applicant disclosure statements.

(2) If the Board of Ethics determines that an annual disclosure statement, a transactional disclosure statement, or an applicant disclosure statement is deficient or reveals a possible or potential violation of this Code of Ethics, the Board of Ethics shall notify the person in writing of the deficiency, or possible or potential violation and of the penalties for failure to comply with this Code of Ethics.

**Article IV. Board of Ethics**

883.401      Board of Ethics

883.402      Powers and Duties of the Board of Ethics

**Section 883.401. Board of Ethics.**

- a. The Board of Ethics shall consist of five members appointed by the County Executive, subject to confirmation by the County Legislature. The members of the Board of Ethics shall reside in the County. The members of the Board of Ethics shall receive no salary or compensation for their services as members of the Board of Ethics, but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.
- b. No member of the Board of Ethics shall hold or be a candidate for public office, be a public employee in any jurisdiction, be a political party officer, engage in lobbying or business transactions with the County or contribute to the campaign of any candidate for County elective office.
- c. No more than two members of the Board of Ethics shall be enrolled members of the same political party.

- d. The members of the Board of Ethics shall serve for fixed, staggered terms of five years.
- e. Any vacancy occurring on the Board of Ethics other than by expiration of a term shall be filled by nomination of a successor within sixty (60) days of the creation of the vacancy. The County Legislature shall act on such nomination within sixty (60) days of the filing of the appointing resolution in the Office of the Clerk of the Legislature.
- f. The Board of Ethics shall meet at least once each quarter.
- g. The Board of Ethics shall have the confidential advice of special counsel employed by the County Attorney or, if none, the County Attorney.

**Section 883.402. Powers and Duties of the Board of Ethics.**

- a. The Board of Ethics shall have the following powers and duties:
  - (1) To prescribe and promulgate rules of procedure for the discharge of its duties including, but not limited to, rules of procedure for conducting adjudicatory proceedings in the investigation and determination of complaints;
  - (2) To review, index, and maintain on file, and make available for public inspection and copying, lists of officers and employees required to file annual disclosure statements, particular matter disclosure statements, applicant disclosure statements, and annual disclosure statements filed with the Board of Ethics pursuant to this Code of Ethics;
  - (3) To grant exemptions from filing annual statements of financial disclosure from persons designated as policymakers based on the criteria set forth in the Code of Ethics;
  - (4) To grant exemptions from disclosure of identifying client or customer information to the extent permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law);

- (5) To review, index, maintain on file, and dispose of sworn complaints and to make notifications and conduct investigations pursuant to this Code of Ethics;
- (6) To conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to this Code of Ethics;
- (7) To grant waivers pursuant to this Code of Ethics;
- (8) To render, index, and maintain on file advisory opinions rendered, and waivers granted pursuant to this Code of Ethics;
- (9) To prepare a plain language guide to this Code of Ethics and related authorities;
- (10) To provide ethics training and education to County officers and employees;
- (11) To prepare an annual report and recommend changes to this Code of Ethics; and
- (12) To provide for public inspection and copying of its records, subject to the terms and conditions set forth in Article 6 of the New York Public Officers Law (the Freedom of Information Law).

b. Investigations.

- (1) Complaints. Upon receipt of a complaint by any person alleging a violation against any County officer or employee, of this Code of Ethics, any applicable State or Local Law relating to conflicts of interest and municipal ethics including, but not limited to, Article 18 of the General Municipal Law, or any related rule, regulation, policy or procedure of the County, or upon determining on its own initiative that any such violation may exist, the Board of Ethics shall have the power and duty to conduct such investigation as it deems necessary or appropriate to carry out the provisions of this Code of Ethics;
- (2) The Board of Ethics shall acknowledge receipt of all complaints that it receives, and shall proceed with reasonable promptness to conduct such investigations thereof as it

deems necessary or appropriate;

- (3) In conducting investigations, the Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of books or records that it deems relevant and material;
- (4) Complainants shall be afforded such whistleblower protections as may be provided by law, including but not limited to the protections set forth in New York Civil Service Law §75-b and New York Labor Law §740, to the extent applicable;
- (5) The Board of Ethics shall state in writing the disposition of every complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all complaints shall be indexed and maintained on file by the Board of Ethics;
- (6) Any person filing a complaint with the Board of Ethics shall be notified in writing of the disposition of the complaint, to the extent permitted by law;
- (7) All documents and hearings relating to the investigation and hearing of any alleged violation of this Chapter shall be confidential and not available for public inspection or open to the public, except as otherwise required by this Chapter or by the Freedom of Information Law (Article 6 of the New York Public Officers Law. All dispositions, including negotiated dispositions, in which the Board of Ethics finds a violation of this Chapter shall be available for public inspection and copying.

c. Assessment of penalties; referral for prosecution.

- (1) Civil fine. In its discretion after a hearing, the Board of Ethics may assess a civil fine, not to exceed ten thousand (\$10,000) dollars for each violation, upon any County officer, employee, independent contractor, former County officer or employee, or reporting person as defined by Section 883.304(a), found by the Board of Ethics to

have violated this Code of Ethics. The civil fine shall be payable to the County.

(2) Referral to Prosecutor. The Board of Ethics may, at any time, refer to the appropriate prosecutor any matter that, in the judgment of the Board of Ethics, might involve criminal misconduct. Nothing contained in this Code of Ethics shall be construed to restrict the authority of any prosecutor or the attorney general to prosecute a violation of this Code of Ethics or of any other law. If such a referral is made, the Board of Ethics may defer taking any further action in the matter pending advice from the prosecutor that the matter will or will not result in a prosecution.

d. Recommendation of other sanctions. In its discretion, after a hearing and subject to any applicable provisions of law and collective bargaining agreements, the Board of Ethics may recommend one or more of the following sanctions:

(1) Disciplinary action. The Board of Ethics may recommend that the employee or officer's appointing authority impose appropriate disciplinary action.

(2) Damages. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action in the appropriate court to obtain monetary damages.

(3) Civil forfeiture. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action or special proceeding in the appropriate court to obtain civil forfeiture.

(4) Debarment. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action or special proceeding in the appropriate court for an order of debarment.

(5) Injunctive relief. The Board of Ethics may recommend to the Board of Legislators that the County initiate an action or special proceeding in the appropriate court for injunctive relief to enjoin a violation of this Code of Ethics or to compel compliance

with this Code of Ethics, or where the Board of Ethics believes an emergency exists, may make such recommendation to the County Executive.

e. Nothing in this Section shall be construed to permit the Board of Ethics to take any action with respect to any alleged violation of this Code of Ethics, or of any other law, by the Board of Ethics or by any member or staff member thereof.

f. Nothing in this Section shall be construed to permit the Board of Ethics to take any action which would violate the terms of any collective bargaining agreement to which the County is a party.

g. Waivers.

(1) Upon written application by a current or former County officer, employee or independent contractor, and upon written approval by his or her department or agency head, the Board of Ethics may grant the applicant, or his or her private employer or business, a waiver of any of the provisions of Sections 883.203 (Recusal), 883.205 (Investments in conflict with official duties), 883.206 (a) through (c) (Private employment in conflict with official duties), 883.207 (Future employment), 883.210 (Use of County position for personal or private gain), 883.211 (Nepotism), and 883.214(b) and (d) (Gifts) of this Code of Ethics, where the Board of Ethics finds that waiving such provision would not be in conflict with the purposes and interest of the County, provided, however, that no such waiver shall permit any conduct or interest otherwise prohibited by Article 18 of the General Municipal Law.

(2) Waivers shall be in writing, shall state with reasonable particularity the grounds upon which they are granted, and shall be available for public inspection and copying. All applications, decisions, and other records and proceedings relating to waivers shall be indexed and maintained on file by the Board of Ethics.

(3) Any determination made by the Board of Ethics upon an application for a waiver made pursuant to this section, may be subject to review by the Board of Legislators. If the Board of Legislators chooses to review a determination of the Board of Ethics, it may, by Act, affirm, reverse, or otherwise modify the determination.

h. Advisory opinions.

(1) Upon the written request of any current or former County officer, employee or independent contractor inquiring about himself or herself, or upon the request of the head of a County department, agency, board or commission inquiring about a person subject to his or her supervision, the Board of Ethics shall render a written advisory opinion with respect to the interpretation or application of this Code of Ethics, any applicable State and Local Laws relating to conflicts of interest and municipal ethics including, but not limited to, Article 18 of the General Municipal Law, and all related rules, regulations, policies and procedures of the County, to the specific future or continuing conduct or interests of such County officer, employee, independent contractor or his or her outside employer or business.

(2) Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board of Ethics. The Board of Ethics shall publish such of its advisory opinions as it believes will provide guidance to other County officers or employees, provided, however, that the publicly available copy of such opinions shall contain such deletions and redactions as may be necessary to prevent disclosure of the identity of the involved officers and employees, and as are permitted by Article 6 of the New York Public Officers Law (the Freedom of Information Law).

i. Training and education.

(1) The Board of Ethics:



(i) Shall make information concerning this Code of Ethics available to the officers, employees and independent contractors of the County, to the public, and to persons interested in doing business with the County;

(ii) Shall develop educational materials and an educational program on the provisions of this Code of Ethics for the officers, employees and independent contractors of the County, for the public, and for persons interested in doing business with the County.

(2) The County Executive shall assist the Board of Ethics in the publication, posting, and distribution of a plain language guide and other ethics information and educational materials, including but not limited to posting such ethics information and educational material on the County website, and in the development and presentation of ethics educational programs.

(3) All County officers and employees shall receive a copy of this Code of Ethics, and ethics training, in such form as determined by the Board of Ethics, within six months of the effective date of this Code of Ethics or within six months of his or her election or appointment, whichever is later; all County officers and employees required to file an annual statement of financial disclosure pursuant to Section 883.304 of this Chapter shall receive ethics training, in such form as determined by the Board of Ethics, at least biennially; all other County officers and employees shall receive ethics training, in such form as determined by the Board of Ethics, at least once every four years.

j. Annual reports; review of ethics laws.

(1) The Board of Ethics shall prepare and submit an annual report to the County Executive and the Clerk of the County Legislature summarizing the activities of the Board of Ethics. The report may also recommend amendments to this Code of Ethics.

(2) The Board of Ethics shall periodically review this Code of Ethics and the administrative procedures promulgated by the Board of Ethics, to determine whether they promote integrity, public confidence, and participation in County government and whether they set forth clear, reasonable and enforceable standards of conduct.

### **Article V. Miscellaneous**

**Section 883.501. Existing Rights and Remedies.** No existing right or remedy shall be lost, impaired, or affected by reason of this Code of Ethics.

**Section 883.502. Posting and Distribution.**

(a) The County Executive shall promptly cause a copy of this Code of Ethics, and a copy of any amendment to this Code of Ethics, to be posted publicly and conspicuously in each building under the County's control and upon the County's website. This Code of Ethics shall be posted within ten days following the date on which this Code of Ethics takes effect. Any amendment to this Code of Ethics shall be posted within ten days following the date on which the amendment takes effect.

(b) The County Executive shall promptly cause a copy of this Code of Ethics, including any amendments to the code, to be distributed to every person who is or becomes an officer, employee or independent contractor of the County.

(c) The failure to post this Code of Ethics or any amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a County officer or employee to receive a copy of this Code of Ethics or an amendment to this Code of Ethics shall not affect either the applicability or enforceability of the code of ethics or amendment to the code.

**Section 3.** The Code of Ethics enacted by this Local Law may be cited as the Westchester County Code of Ethics or the Code of Ethics without reference to it being a Chapter of the County Charter and may be published separately, both as a booklet and on line. Any reference to a County Code of Ethics in this Charter, the Administrative Code, any Local Law, any act or any resolution which cites a section number or numbers different from the numbering assigned by this Local Law, shall be deemed to reference the Code of Ethics enacted by this Local Law. Any publication of the Code of Ethics shall include, either as an appendix, hyperlink or reference, such schedules, forms and lists or other items which are annexed to this Local Law or authorized by Act.

**Section 4.** Annexed hereto as Appendix A and made a part hereof is a Schedule of Titles the holders of which are required to file financial disclosure forms pursuant to Section 883.304(a)(3) of the Code of Ethics. The Schedule of Titles may be amended by Act. The Schedule of Titles shall indicate, in a parenthetical at the end, the number of this Local Law and the number of any Act amending it.

**Section 5.** Annexed hereto as Appendix B and made a part hereof is the Annual Statement of Financial Disclosure form to be used by persons required to file financial disclosure pursuant to Section 883.304 of the Code of Ethics. The Annual Statement of Financial Disclosure form may be amended by Act. The Annual Statement of Financial Disclosure form shall indicate in a parenthetical at the end, the number of this Local Law and the number of any Act amending it.

**Section 6.** This Local Law shall not affect the service and terms of office of any person serving on the Board of Ethics as established by a previously enacted Local Law except as provided for in this Section. The County Executive may, for the purpose of maintaining the staggered five-year terms office required by the Code of Ethics, appoint or reappoint members for definite terms of less than five years.

**Section 7.** Severability. If any clause, sentence, paragraph, subdivision, Section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

**Section 8.** Effective Date. This local law shall take effect immediately.

## **APPENDIX A**

### Schedule of Titles

Pursuant to Section 883.304(a)(3) of the Code of Ethics, County officers or employees holding the following titles shall file annual statements of financial disclosure with the Board of Ethics:

#### **Board of Elections:**

Commissioner of Elections

Deputy Commissioner of Elections

#### **Board of Ethics:**

All Members

#### **Board of Health:**

All Members

#### **Board of Legislators:**

Assistant to the Chairman and Legislative Officer-County Board

Chief Advisor to the Chair of the Board of Legislators

Clerk of the County Board of Legislators and Chief of Staff

Communications Officer-Board of Legislators

County Legislator

Deputy Clerk to the County Board of Legislators and Deputy Chief of Staff

Director of Fiscal Affairs-BOL

Legislative Counsel

#### **Budget Department:**

Assistant Budget Director

Associate Budget Director

Budget Director

First Deputy Budget Director

#### **Department of Community Mental Health:**

Commissioner of Community Mental Health

Deputy Commissioner of Community Mental Health  
Director of Administrative Services (Management Operations)  
Director of Alcohol and Substance Abuse Services  
Director of Developmental Disabilities Services  
Director-Employee Assistance Program

**Department of Correction:**

Associate Warden  
Commissioner of Correction  
Deputy Commissioner of Correction  
Director of Administrative Services (Management Operations)  
Second Deputy Commissioner of Correction  
Special Assistant to the Commissioner of Correction  
Warden

**Office of the County Clerk:**

Assistant to the County Clerk  
Chief Deputy County Clerk (Legal and Land Records)  
County Clerk  
Deputy County Clerk (General)  
Director of Program Development II (Trades Licensing)  
Executive Deputy County Clerk

**Office of the County Executive:**

Assistant to the County Executive I  
Assistant to the County Executive II  
Assistant to the County Executive III  
Assistant to the County Executive IV  
Chief Advisor to the County Executive  
Chief of Staff-County Executive  
Coordinator of Veterans Affairs

Counsel to the County Executive  
County Executive  
County Fire Coordinator  
Deputy County Executive  
Deputy Director of Economic Development  
Director of Communications  
Director of Economic Development  
Director of Intergovernmental Relations — County Executive  
Director of Real Estate  
Director of Research and Economic Development  
Director of Tourism  
Director-Office for the Disabled  
Director-Office for Women  
Director-Office of Criminal Justice Planning  
Director-Youth Bureau  
Executive Assistant for Office Management-County Executive  
LGBT Community Liaison  
Program Administrator (Minority Affairs-Spanish Speaking)  
Research Assistant-County Executive  
Senior Assistant to the County Executive I  
Senior Assistant to the County Executive II

**Deferred Compensation Board:**

All Members

**Office of the District Attorney:**

Chief Administrator-District Attorney  
Chief of Bureau-District Attorney  
Deputy District Attorney  
Director of Public Affairs

District Attorney  
First Deputy District Attorney  
Second Deputy District Attorney

**Electrical Licensing Board:**

All Members

**Department of Emergency Services:**

Commissioner of Emergency Services  
Deputy Commissioner of Emergency Services

**Department of Environmental Facilities:**

Assistant Commissioner of Solid Waste  
Associate Director of Fiscal Services (Environmental Facilities)  
Commissioner of Environmental Facilities  
Deputy Commissioner of Environmental Facilities  
Deputy Commissioner of Solid Waste  
Deputy Director-Wastewater Treatment  
Director of Administrative Services (Management Operations)  
Director of Program Development II (Personnel)  
Director-Wastewater Treatment  
Director-Water Agency  
Second Deputy Commissioner of Environmental Facilities

**Fair Housing Board:**

All Members

**Department of Finance:**

Commissioner of Finance  
Deputy Commissioner of Finance  
Deputy Purchasing Agent  
Director-Fiscal Operations  
First Deputy Commissioner of Finance



Manager of Accounting Services

Manager of Payroll and Benefits

Purchasing Agent

**Department of Health:**

Assistant Commissioner of Health (Environmental Quality)

Assistant Commissioner of Health (Nursing Services and Community Health)

Assistant Commissioner of Health (Planning and Evaluation)

Assistant Commissioner of Health (Public Health Protection)

Assistant Commissioner of Health (Services for Children with Disabilities)

Associate Director of Division (Community Health Services)

Chief of Section (Clinical Services)

Chief of Section (Communicable Diseases)

Chief of Section (Dental)

Commissioner of Health

Deputy Commissioner of Health

Deputy Commissioner of Health for Disease Control

Director of Administrative Services (Management Operations)

Director of Division (Health Services)

Director-Fiscal Operations

First Deputy Commissioner of Health

Second Deputy Commissioner of Health

**Department of Human Resources:**

Commissioner of Human Resources

Deputy Commissioner of Human Resources

Deputy Director-Human Rights Commission.

Director of Labor Relations

EEO Coordinator

Executive Director-Human Rights Commission

**Human Rights Commission:**

All Members

**Department of Information Technology:**

Assistant Chief Information Officer

Assistant Chief Information Officer-Geographic Information Systems

Assistant Director of Telecommunications

Chief Information Officer

Deputy Chief Information Officer

Director of Application Support

Director of Knowledge Management and Archives

Director of Program Development II (Information Technology Management Operations)

Director of Systems Development and Application

Director of Telecommunications

Manager of Data Communications

Manager of Geographic Information Systems

Manager of Network Engineering

Manager of Software Architecture

Manager of Web Design

Manager of Web Development

Manager of Workstation Engineering

Second Deputy Chief Information Officer

**Department of Laboratories and Research:**

Chief of Environmental Laboratory Services

Chief of Microbiology Services

Director of Administrative Services (Management Operations)

Director of Forensic Science Services

Director of Toxicology

Pathologist — Deputy Medical Examiner

Pathologist — Medical Examiner

**Lab and Research Board of Managers:**

All Members

**Department of Law — Office of the County Attorney:**

Assistant Chief Deputy County Attorney

Associate County Attorney

Chief Deputy County Attorney

County Attorney

Deputy County Attorney

Director of Risk Management

Senior Assistant County Attorney

Special Assistant to the County Attorney

**Department of Parks, Recreation & Conservation:**

Assistant Director of Division (PRC)

Assistant Director-Playland

Assistant Manager-County Center Operations

Assistant Manager-County Center Sales and Marketing

Commissioner of Parks, Recreation and Conservation

Controller-Playland

Deputy Commissioner of Parks, Recreation and Conservation

Director of Administrative Services (Management Operations)

Director of Maintenance-PRC

Director of Operations (Maintenance-PRC)

Director of Operations (Marketing-PRC)

Director of Operations (PRC)

Director of Park Facilities-PRC

Director of Program Development II (Capital Projects-Playland)

Director of Program Development II (Community Relations)  
Director of Program Development II (Concessions)  
Director of Program Development II (Golf)  
Director of Program Development II (Historic and Interpretive Sites)  
Director of Program Development II (Naturalist)  
Director of Program Development II (Parks)  
Director of Program Development II (Personnel)  
Director-Playland  
Director-Programs and Services — PRC  
District Park Director  
First Deputy Commissioner of Parks, Recreation and Conservation  
Golf Course Superintendent  
Program Administrator (Conservation)  
Program Administrator (Contract Management)  
Program Administrator (Event Coordinator-County Center)  
Program Administrator (Park Management)  
Program Administrator (Sales and Marketing)  
Program Administrator (Special Services)  
Program Coordinator (Golf)  
Program Coordinator (Natural Resource Management)

**Parks, Recreation and Conservation Board:**

All Members

**Department of Planning:**

Assistant Commissioner of Planning  
Chief Planner  
Commissioner of Planning  
Deputy Commissioner of Planning  
Deputy Commissioner of Planning for Housing and Community

Development

Director of Management Operations

Director of Natural Resource Planning

Director of Operations (Urban Design)

Director of Program Development II (Housing and Planning)

Director of Program Development II (Research and Planning)

Program Administrator (Building Rehabilitation Services)

Program Administrator (Contract Management)

Program Administrator (Housing and Community Development)

Senior Management Analyst

**Planning Board:**

All Members

**Plumbing Examiners Board:**

All Members

**Police Advisory Board:**

All Members

**Department of Probation:**

Assistant Commissioner-Probation

Assistant Director-Probation

Chief of Planning, Research, Training and Staff Development-Probation

Commissioner of Probation

Deputy Commissioner-Probation

Director of Program Development II (Probation)

Program Administrator (Probation Staff Development)

**Professional Prequalification Board:**

All Members

**Professional Selection Board:**

All Members

**Public Administrator:**

Public Administrator

**Department of Public Safety:**

Chairman-Westchester County Taxi and Limousine Commission

Commissioner/Sheriff

Deputy Commissioner of Public Safety

Director of Administrative Services (Management Operations)

Director of Intelligence, Security and Counterterrorism

Director-Office of Criminal Justice Services

**Department of Public Works and Transportation:**

Commissioner of Public Works and Transportation

Deputy Commissioner of Public Works and Transportation

Director of Administrative Services (Management Operations)

Director of Design Coordination

Director of Operations (Public Works and Transportation)

First Deputy Commissioner of Public Works and Transportation

Principal Engineer (Field)

**Department of Senior Programs and Services:**

Commissioner of Senior Programs and Services

Deputy Commissioner of Senior Programs and Services

Director of Operations (Senior Programs and Services)

**Department of Social Services:**

Assistant Commissioner of Social Services.

Assistant Director of Division (Case Management Development)

Associate Commissioner of Social Services

Child Welfare Manager III

Commissioner of Social Services

Coordinator of Veterans Affairs

Deputy Commissioner of Social Services (General)  
Director of Child Welfare  
Director of Operations (Commissioner's Office-Social Services)  
Director of Program Development II (Child Support Enforcement)  
Director of Program Development II (Staff Development)  
Director of Temporary Assistance  
Director-Fiscal Operations  
Director-Office of Employment and Training  
First Deputy Commissioner of Social Services  
Manager III  
Manager-Fiscal Operations  
Personnel Director-Social Services  
Temporary Assistance Manager III

**Soil and Water Conservation Board:**

All Members

**Solid Waste Licensing Commission:**

Deputy Director of Solid Waste Licensing  
Executive Director of Solid Waste Licensing  
All Members

**Stream Control Board of Appeals:**

All Members

**Tax Commission:**

All Members  
Executive Director of Tax Commission  
Program Administrator (Real Property Tax Services)

**Taxi and Limousine Commission:**

All Members

**Transportation Board:**

All Members

**Department of Weights and Measures:**

Deputy County Sealer of Weights and Measures

Deputy Director of Consumer Protection and Sealer of Weights and Measures

Director of Consumer Protection

**Westchester Community College:**

Assistant Dean (WCC)

Associate Dean (Business Administration and Public Services)

Associate Dean (Community Services and Corporate Education)

Associate Dean (Distance Learning, Learning Resources and Instructional Technology)

Associate Dean (Educational Opportunity Center)

Associate Dean (Institutional Research)

Associate Dean (Instructional and Learning Resources)

Associate Dean (Math, Physical and Engineering Sciences and Medical Technology)

Associate Dean (Natural and Health Sciences)

Associate Dean (Student Personnel Services)

Board of Trustees (All members)

Director of Program Development I (Institutional Advancement)

Director-Fiscal Operations

President-Community College

Vice President and Dean of Academic Affairs-WCC

Vice President and Dean of Administrative Services-WCC

Vice President and Dean of Community Services and Corporate Education

Vice President and Dean of Educational Opportunity Center/Community Services

Vice President and Dean of External Relations

Vice President and Dean of Student Personnel Services-WCC



APPENDIX B

COUNTY OF WESTCHESTER  
ANNUAL STATEMENT OF FINANCIAL DISCLOSURE

REPORTING PERIOD: CALENDAR YEAR 20\_\_\_\_\_

ALL QUESTIONS MUST BE COMPLETED.

1. NAME AND ADDRESS.

\_\_\_\_\_  
Last Name Middle Initial First Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Department or Agency

\_\_\_\_\_  
Department or Agency Address Telephone No.

\_\_\_\_\_  
Residence Address Telephone No.

2. SPOUSE AND CHILDREN.

Provide the name of your spouse (if married) and the names of any dependent children: If none, place a check mark in the following box.

none.

\_\_\_\_\_  
Spouse

none.

\_\_\_\_\_  
Child/Age

\_\_\_\_\_  
Child/Age

\_\_\_\_\_  
Child/Age

\_\_\_\_\_  
Child/Age

NOTE: FOR QUESTIONS 3 TO 6. DO NOT REPORT EXACT DOLLAR AMOUNTS. INSTEAD, REPORT CATEGORIES OF AMOUNTS, USING THE FOLLOWING:

- CATEGORY A: UNDER \$5,000
- CATEGORY B: \$5,001 TO UNDER \$10,000
- CATEGORY C: \$10,001 TO UNDER \$25,000
- CATEGORY D: \$25,001 TO UNDER \$50,000
- CATEGORY E: \$50,001 TO UNDER \$100,000
- CATEGORY F: OVER \$100,000

**3. FINANCIAL INTERESTS.**

a. *Business Positions.* List any office, trusteeship, directorship, partnership, or other position in any business, association, proprietary, or not-for-profit organization held by you and your spouse or your dependent children, if any, and indicate whether, to your knowledge, during the reporting period, these entities had any application, request, claim or interest in any proposal before a county department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the County is a party. If none, place a check mark in the following box.

none

Name of Family Member	Position	Organization	County Department Agency and Nature or Involvement
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b. *Outside Employment.* Describe any outside occupation, employment, trade, business, or profession providing more than \$1,000 per year for you and your spouse and dependent children, if any, and indicate whether such activities are regulated by any state or local agency. If none, place a check mark in the following box.

none

Name of Family Member	Position	Name, Address, and Description of Organization	State or Local Agency	Category of Amount
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

c. *Clients and Customers Doing Business with the County.* Identify any client or customer: (i) from which you know that you, your outside employer, firm, limited liability company, partnership, association, or corporation in which you are the owner of more than five percent of the outstanding shares of corporate stock, derived income in excess of five thousand dollars (\$5,000), and (ii) that you know, during the reporting period, had any application, request, claim or interest in any proposal before a County department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the County is a party.

Do not identify any client or customer that received medical, pharmaceutical or dental services, or mental health services.

Do not identify any client or customer that received residential real estate services, other than services rendered in connection with a land use application.

Do not identify any client or customer represented in connection with an investigation or prosecution by law enforcement authorities, bankruptcy, family court, estate planning, or domestic relations matters.

Do not identify any client or customer represented pursuant to an insurance policy, but identify the source of compensation paid to you or the firm.

Do not disclose information prohibited from disclosure by federal or state law, such as information governed by the Family Court Act or the identity of any minor client or customer.

You may seek other exemptions from the Board of Ethics in connection with the disclosure of identifying client or customer information.

If none, place a check mark in the following box.

none

Client or Customer	County Application Claim, Request or Proposal	Amount of Income by Category
_____	_____	_____
_____	_____	_____
_____	_____	_____

d. *Future Employment.* Describe any contract, promise, or other agreement between you and anyone else with respect to your employment after leaving your County office or position. If none, place a check mark in the following box.

none

\_\_\_\_\_

\_\_\_\_\_

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*e. Past Employment.* Identify the source and nature of any income in excess of \$1,000 per year from any prior employer, including deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement. If none, place a check mark in the following box.

none

Name and Address of Income Source	Description of Income (i.e., pension, deferred, etc.)	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

*f. Investments.* Itemize and describe all investments of you, your spouse, and your dependent children, if any, which have a value in excess of \$5,000, or that constitute five percent or more of the debt or equity of any business, limited liability company, partnership, association, or corporation. Include stocks, bonds, loans, pledged collateral, and other investments. Investments in publicly traded stocks and bonds amounting to less than five percent of the debt or equity of the issuer entity may be listed in the aggregate (*e.g.*, in lieu of listing each stock individually, you can provide the name of the Bank/Brokerage Account and category of value for the total amount invested). List the location of all real estate within the County of Westchester or within five hundred feet of a boundary of the County, in which you, your spouse, or your dependent children, if any, have an interest, regardless of its value. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Business or Real Estate	Description of Investment	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*g. Trusts.* Identify each interest of you, your spouse, and your dependent children in a trust or estate or similar beneficial interest in any assets in excess of \$2,000. Do not list IRS eligible retirement plans or interests in an estate or trust of a spouse, child, stepchild, dependent, parent, stepparent, sibling or stepsibling. If none, place a check mark in the following box.

none

Name of Family Member	Trustee/Executor	Description Trust/Estate	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b. *Other Income.* Identify the source and nature of any other income in excess of \$1,000 per year from any source not described above, including fiduciary positions, teaching income, lecture fees, consultant fees, contractual income, rents or other income of any nature, or you, your spouse and your dependent children, if any. Income from real estate rents derived from real property located in the County of Westchester, or within five hundred feet of a boundary of the County should be identified by the property address. Do not list maintenance, alimony or child support. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Income Source	Nature of Income	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**4. GIFTS AND HONORARIUMS.**

List the source of all gifts aggregating in excess of \$250 received during the last year by you, your spouse or dependent child, excluding gifts from a Relative. The term “gifts” includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honorariums, and any other payments that are not reportable as income. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Donor	Category of Amount
_____	_____	_____

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**5. THIRD-PARTY REIMBURSEMENTS.**

Identify and describe the source of any third-party reimbursement for travel-related expenditures in excess of \$250 for any matter that relates to your official duties. The term “reimbursement” includes any travel-related expenses provided by anyone other than the County of Westchester for speaking engagements, conferences, or fact-finding events that relate to your official duties. If none, place a check mark in the following box.

none

Source	Description	Category of Amount
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

**6. DEBTS.**

Describe all debts of you, your spouse, and your dependent children in excess of \$5,000. Do not list any obligation to pay maintenance, alimony or child support. Do not list any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances. Do not list credit card debt. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Creditor	Category of Amount
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

**7. INTEREST IN CONTRACTS.**

Describe any interest of you, your spouse, or your dependent children in any contract involving the County of Westchester or any municipality located within the County. If none, place a check mark in

the following box.

none

Name of Family Member

Contract Description

_____	_____
_____	_____
_____	_____

### 8. POLITICAL PARTIES.

List any position you held within the last five years as an officer of any political party, political committee, or political organization. The term “political organization” includes any independent body or any organization that is affiliated with or a subsidiary of a political party. If none, place a check mark in the following box.

none

_____
_____
_____

### 8. DISCLOSURE BY LICENSED PROFESSIONALS AND LOBBYISTS.

a. If you were licensed to practice law, worked as a licensed real estate broker or agent, practiced a profession licensed by the New York State Education Department, or worked as a member or employee of a firm required by law to register as a lobbyist, give a general description of the principal subject areas of matters that you handled during the reporting period, the compensated services that you performed, and whether you personally provided services directly to clients. If none, place a check mark in the following box. Do not report services provided as an employee of the County.

none

_____
_____
_____

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b. If you were licensed to practice law, worked as a licensed real estate broker or agent, practiced a profession licensed by the New York State Education Department, or worked as a member or employee of a firm required by law to register as a lobbyist, and are a partner or shareholder in the firm or corporation that engaged in such activities, give a general description of the principal subject areas of matters that the firm or corporation handled during the reporting period. If none, place a check mark in the following box. Do not report services provided as an employee of the County.

none

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I have received and read a copy of the County of Westchester Code of Ethics.

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Signature

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Date

**DO YOU HAVE QUESTIONS ABOUT THE CODE OF ETHICS?** For a confidential advisory opinion, contact the Board of Ethics at the following address, or as provided on the County's web site:

SECRETARY TO BOARD OF ETHICS  
148 Martine Avenue  
White Plains, New York 10601  
(914) 995-XXXX  
XXXX@westchestergov.com