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BE IT ENACTED BY
THE LEGISLATURE OF THE
COUNTY OF ERIE AS FOLLOWS

LOCAL LAW INTRO No. 7-1 (2016)

LOCAL LAW No. _____ (2016)

A Local Law repealing the Erie county code of ethics established by local law number ten of nineteen hundred eighty-nine as amended by Erie county local law number four of nineteen hundred ninety-four and Erie county local law number four of two thousand and fifteen, and establishing a new Erie county code of ethics.

ERIE COUNTY CODE OF ETHICS

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Section 1. Short title.

This local law may be cited as the Erie county code of ethics.

Section 2. Purpose and scope.

This code is enacted pursuant to article eighteen of the general municipal law in recognition of the policy of the state of New York and the county of Erie to maintain the highest standards of integrity in public service. It is the intent of this code to establish reporting standards at least as high as those established in chapter eight hundred thirteen of the laws of New York of nineteen hundred eighty-seven as well as the New York State Public Integrity reform Act of 2011. It is the intent of the legislature to exercise all authority granted under subdivision three of section eight hundred twelve of the general municipal law. This code shall be in addition to all other restrictions, standards and provisions pertaining to the conduct of county officers and employees.

Section 3. Definitions.

As used in this code:

a. The term "candidate for elected office" shall mean a person who seeks to be designated, nominated or elected to the office of county executive, county legislator, district attorney, county clerk, sheriff, or county comptroller and who has (1) taken the action necessary to qualify himself for nomination for election or election or (2) received contributions or made expenditures with a view toward bringing about his nomination for election or election.

b. The terms "constituted committee" and "political committee" as used in subdivision (h) of this section shall have the same meanings as in section 14-100 of the election law.

c. The term "elected official" shall mean the county executive, a member of the county legislature, the district attorney, the sheriff, the county comptroller and the county clerk.

d. Except as otherwise provided in this code, the term "employee" shall mean any person who receives a salary or wage from the county of Erie, whether as an elected officer or employee.

e. The term "interest" means a direct or indirect pecuniary or material benefit accruing to a covered individual or his relative, as defined in this section.

f. The term "ministerial matter" shall have the same meaning as ascribed to such term by subdivision one of the section seventy-three of the public officers law.

g. For purposes of subdivision b of section eight of this local law, the term "officer or employee" shall mean the head or heads of any department, division, special district or other administrative unit of county government and their deputies and assistants, and their appointees and designees to any board of any organization or entity, not including advisory boards, or administrative unit of county government; and such others who hold policy making positions as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the Erie county board of ethics during the month of February. Said designation of those officers or employees as policy making may be challenged by the designated officers or employees upon filing a written petition in opposition to such designation within thirty days from the filing of such designation with the Erie county board of ethics. The aforementioned board of ethics shall upon receipt of a petition in opposition promptly make a determination as to the petition's merits upon a majority vote of a quorum of the board, and shall notify all interested parties within ten days of its decision. The term "officer or employee" shall also mean those individuals defined here who shall serve or have served at any time, regardless of duration, during the calendar year for which disclosure is sought regardless of whether they are affiliated with the county at the time the request for disclosure is made.

h. The term "political party official" shall mean: (i) any chairman of a county committee elected pursuant to section 2-112 of the election law, or his or her successor in office, who received compensation of expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more; (ii) any person designated by the rules of a county committee as the "county leader" or "chairman of the executive committee", or by whatever other title designated, who pursuant to the rules of a county committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more:

(1) The principal political, executive and administrative officer of the county committee;

(2) The power of general management over the affairs of the county committee;
(3) The power to exercise the powers of the chairman of the county committee as provided for in the rules of the county committee;
(4) The power to preside at all meetings of the county executive committee, if such committee is created by the rules of the county committee or if such committee exists de facto, or any other committee or subcommittee vested by such rules with, or having de facto, the power of general management over the affairs of the county committee at times when the county committee is not in actual session;
(5) The power to call a meeting of the county committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the county committee pursuant to the rules of the county committee, for the purpose of filling an office at a special election in accordance with section 6-114 of the election law; for the purpose of filling a vacancy in accordance with section 6-116 of election law; or for purpose of filling a vacancy or vacancies in the county committee which exist by reason of an increase in the number of election districts within the county occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its member, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a chairperson of an assembly district committee or other district committee smaller than a county and created by the rules of a county committee, to call a meeting of such district committee for such purpose;
(6) The power to direct the expenditure of funds by the county committee;
(7) The power to procure from one or more bank accounts of the county committee the necessary funds to defray the expenses of the county committee.

i. The term "relative" shall mean such individual's spouse, child, stepchild, stepparent, or any other person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

j. The term "services" shall mean the provision of work for a third party of any kind, including for a paying client, and shall include, without limitation, the provision of work related to accounting, agency, architecture, auditing, broker, computer, consulting, financial and investment planner, engineering, legal, lobbying, marketing, medical of any kind or nature, public relations, and real estate sales, but shall not include the provision of such work on a pro bono or volunteer basis where no remuneration is received for the work performed.

k. The term "spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual pursuant to: (i) a judicial order, decree or judgment; or (ii) a legally binding separation agreement.

l. The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under the age eighteen, unmarried and living in the household of the reporting individual.

Section 4. Financial disclosure.

Every elected official, employee, and each political party official subject to the reporting provisions of this section, shall, on or before the fifteenth day of April in each year, file with the Erie county board of

ethics an annual statement of financial disclosure containing the information and in the form set forth in section seven of this local law. Such information shall relate to the calendar year immediately preceding the year of filing. Such disclosure shall be filed regardless of whether such individual is employed, a member of a board or commission, or otherwise affiliated with county at the time the request for disclosure is made.

a. A person who is required to file a disclosure statement and who timely filed with the internal revenue service an application for automatic extension of time in which to file an individual income tax return of the immediately preceding calendar or fiscal year shall be required to file such a financial disclosure statement on or before April fifteenth, but may, without subject to any civil penalty for on account of deficient statement, indicate with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time in which to file such individual income tax return, provided that failure to file or timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement.

b. A person who is required to file an annual financial disclosure statement with the New York State Joint Commission on Public Ethics, and who is granted additional time within which to file such a statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to applicable statutes, shall file such statement within the additional time granted.

c. (i) As used in this section, the terms "party", "committee" (when used in conjunction with the term "party"), "designation", "primary", "primary election", "nomination", "independent nomination", "ballot", and "uncontested office" shall have the same meanings as those contained in section 1-104 of the election law.

(ii) Candidates for elected office who filed designating petitions for nomination at a primary election shall file such statement within seven days after the last day allowed by law for the filing of designating petitions naming them as candidates for the next succeeding primary elections.

(iii) Candidates for independent nomination for elected office who have not been designated by a party to receive a nomination shall file such statement within seven days after the last day allowed by law for filing of independent nominating petitions naming them as candidates for elected office in the next succeeding general or special election.

(iv) Candidates for elected office who receive the nomination of a party for a special election or who receive the nomination of the party other than at a primary election, whether or not for an uncontested office, shall file such statement within seven days after the date of the meeting of the party committee at which they are nominated.

d. Such statements shall be filed with the Erie county board of ethics as established by section five of this local law.

e. The Erie county board of ethics shall obtain from the Erie county board of elections, lists of all candidates for elected office, and from such lists shall determine and publish lists of those candidates who have not, within ten days after the required filing date for filing such statement, filed the statement required by this section.

f. Political party officials and any person required to file such statement who commences employment after April fifteenth of any year shall file such statement within thirty days after commencing employment or of taking the position of a political party official.

g. A person who is subject to the filing requirements of both subdivision two of section seventy-three-a of the public officers law and of this section may satisfy the requirements of this section by filing a copy of the statement filed pursuant to section seventy-three-a with the Erie county board of

ethics on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by this section.

h. For purposes of compliance with subdivision (g) of section eight hundred twelve of the general municipal law, any such filings for Erie county shall be made with the Erie county board of ethics.

i. An elected official who is simultaneously a candidate for elected office shall satisfy the filing deadline requirements of this section by complying only with the deadline applicable to one who holds such elected office.

j. A candidate whose name will appear on both a party designating petition and on independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this section by complying with the earliest applicable deadline only.

Section 5. Disclosure of interest in county business.

a. Any elected official, officer or employee or political party official, as defined in this local law, who has, or later acquires an interest, direct or indirect, in any actual or proposed contract with the county, shall publicly disclose the nature and extent of such interest in writing to the clerk of the county legislature and county attorney's office as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be time stamped by the clerk and received as an official record of the legislature of such body.

b. When a member of the Erie County legislature must take official action on a matter in which he has a substantial personal economic interest distinct from that of the general community or a substantial class of general community or his constituents, he should consider divesting himself of the interest, if he can do so without undue hardship. His decision in that regard shall be conclusive. Regardless of whether he divests himself of such interest, he shall disclose it in a concise written statement to the clerk of the legislature, who shall time stamp and receive such statement as an official record of the legislature, and county attorney's office, provided that divestment of such an interest need not be reported if more than one year has passed since such divestment. If he does not divest himself of that interest, he must abstain from participation in such action.

Section 6. Prohibited activities.

No elected official, county officer or employee shall:

a. directly or indirectly, solicit any gift, or accept or receive any gift having a nominal value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form under circumstances under which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part. For the purposes of this sub-section, the term "gift" shall not include

(i) complimentary attendance, including food and beverage, at bona fide charitable events;
(ii) complimentary attendance, including food and beverage, offered by the sponsor of a widely attended event. The term "widely attended event" shall mean an event: (A) which at least twenty-five individuals other than members, officers, or employees from the governmental entity in which the public official serves attend or were, in good faith, invited to attend, and (B) which is related to the attendee's duties or responsibilities or which allows the public official to perform a ceremonial function appropriate to his or her position. For the purposes of this

exclusion, a public official's duties or responsibilities shall include but not be limited to either (1) attending an event or a meeting at which a speaker or attendee addresses an issue of public interest or concern as a significant activity at such event or meeting; or (2) for elected public officials, or their staff attending with or on behalf of such elected officials, attending an event or a meeting at which more than one-half of the attendees, or persons invited in good faith to attend, are residents of the county, district or jurisdiction from which the elected public official was elected;

(iii) awards, plaques, memorabilia, honorary jerseys or other sports related clothing, and other ceremonial items which are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances, and further provided that the functionality of such items shall not determine whether such items are permitted under this paragraph;

(iv) an honorary degree bestowed upon a public official by a public or private college or university;

(v) promotional items having no substantial resale value such as pens, mugs, calendars, hats, and t-shirts which bear an organization's name, logo, or message in a manner which promotes the organization's cause;

(vi) goods and services, or discounts for goods and services, offered to the general public or a segment of the general public defined on a basis other than status as a public official and offered on the same terms and conditions as the goods or services are offered to the general public or segment thereof;

(vii) gifts from a family member, member of the same household, or person with a personal relationship with the public official, including invitations to attend personal or family social events, when the circumstances establish that it is the family, household, or personal relationship that is the primary motivating factor; in determining motivation, the following factors shall be among those considered: (A) the history and nature of the relationship between the donor and the recipient, including whether or not items have previously been exchanged; (B) whether the item was purchased by the donor and not by a third party and given to the donor as a conduit to provide it to the elected official, county officer, or employee; and (C) whether or not the donor at the same time gave similar items to other public officials; the transfer shall not be considered to be motivated by a family, household, or personal relationship if the donor seeks to charge or deduct the value of such item as a business expense or seeks reimbursement from a client;

(viii) contributions reportable under article fourteen of the election law, including contributions made in violation of that article of the election law;

(ix) travel reimbursement or payment for transportation, meals and accommodations for an attendee, panelist or speaker at an informational event or informational meeting when such reimbursement or payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus, provided, however, that the public official may only accept lodging from an institution of higher education: (A) at a location on or within close proximity to the host campus; and (B) for the night preceding and the nights of the days on which the attendee, panelist or speaker actually attends the event or meeting;

(x) provision of local transportation to inspect or tour facilities, operations or property located in Erie County, provided, however, that such inspection or tour is related to the individual's official duties or responsibilities and that payment or reimbursement for expenses for lodging or travel

expenses to and from the locality where such facilities, operations or property are located shall be considered to be gifts unless otherwise permitted under this subdivision;
(xi) meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants;
(xii) meals or refreshments when participating in a meeting related to county government activities and which are provided by another elected official or Erie county administrative unit or department; and
(xiii) food or beverage valued at fifteen dollars or less;

b. disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests;

c. receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any county agency of which is he an officer, member or employee or of any county agency over which he exercises administrative discretion or to which he has the power to appoint any member, officer or employee; or

d. receive or enter into any agreement, express of implied, for compensation for services to be rendered in relation to any matter before any agency of the county, whereby his compensation is to be dependent or contingent upon any action by such agency 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, provided however, that this section shall not be applicable to any county officer or employee who does not receive compensation by reason of his county position, not to any matter before a county agency which does not possess substantial discretion in the matter, not to any judicial proceeding in any county court or other court;

e. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the county of Erie in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration. In light of the legislative involvement in all levels of county government this prohibition on appearances shall apply for a period of (1) year after their termination of service.

f. He shall not act as an attorney, nor be retained as an expert, rendering professional services in any legal action brought against the county of Erie arising out of personal injury or property damage or any lawful benefit authorized by law, while he is an elected official, officer or employee of the county of Erie. Nothing in this Code of Ethics shall be deemed to bar or prevent the timely filing by a present or former county officer or employee of any claim, account, demand, or suit against the county of Erie or any agency thereof on behalf of himself or any member of his family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.

g. Utilize any county equipment, materials, supplies or property for personal gain or benefit, with the exception of incidental use.

h. Be a director, officer or trustee of any organization which receives from or through the annual county budget funds that constitute ten percent or more of that organization's annual operating expenses, except where appointment to such position is specifically authorized by the erie county charter, administrative code or other applicable county or state law.

i. Be hired or retained by, and accept any form of compensation for any services or product provided, from any other municipality located within geographic boundaries of the County of Erie.

j. No elected official, officer, employee or relative as defined in section 3 sub h of this local law acting in an individual, or business capacity in which the individual is a sole proprietor, general partner or stockholder in a closely held corporation in which he holds fifty percent or more of the stock

of said corporation shall (1) sell any goods or provide services having a value in excess of $100.00 to any agency of the county or to contract for or provide such services for or to any private entity when a power to contract, appoint or retain on behalf of such private entity is exercised directly or indirectly, by an agency of the county or of an officer or employee thereof, unless such goods or services are sold or provided pursuant to an award or contract let after public notice and upon competitive bidding.

k. In addition to any penalty contained in any provision of law, any person who shall knowingly and intentionally violate this section may be fired, suspended or removed from office or employment in the manner provided by law.

Section 7. Non prescribed activities.

Nothing contained in this section shall be construed as prohibiting an elected official, officer or employee from:

a. participating in public discussions or advocating any position in any manner in an official or in another capacity without compensation, including but not limited to acting as a public advocate whether or not on behalf of constituents.

b. appearing, unless otherwise prohibited, before all designated courts of law or agencies of the county in a representative capacity if such appearance before such agency is incident to a ministerial matter or with a matter not involved in the normal function or scope of duties of his office or position.

c. appearing before an agency of the county in a representative capacity on behalf of an employee organization in any manner where such appearance is authorized by an employee organization. This proscription does not apply to elected officials.

d. representing or filing any action against an agency of the county, or officer or employee thereof, in which the subject matter involves the normal functions or is within the scope of duties of his office or position.

Section 8. Disclosure.

a. Every employee of the county of Erie, other than those person required to make annual financial disclosures under subdivision b of this section, shall file, within ten days of taking office, or within ten days of appointment to a position of employment with Erie county, and annually on the fifteenth day of April in every year, the following disclosure statement:

COUNTY OF ERIE
EMPLOYEE DISCLSOURE FORM

File this form with your department head. Every section must be filled out. If you have no employment or interest to disclose, write "NOT APPLICABLE" in the first line of that section.

NAME:_____
POSITION:_____
DEPARTMENT:_____
WORK: ADDRESS:_____
HOME ADDRESS:_____
WORK TELEPHONE:_____ HOME TELEPHONE:_____

1. State every employment for pay which you hold, whether full time or part time, other than your employment with the County of Erie:

EMPLOYER:_____
ADDRESS:_____
TELEPHONE:_____
YOUR POSITION:_____
YOUR USUAL WORK HOURS:_____

2. State the name of any firm or partnership of which you are a member:

BUSINESS NAME:_____
ADDRESS:_____
TELEPHONE:_____
NATURE OF BUSINESS:_____
USUAL HOURS OF WORK:_____

3. State any self employment or business of which you own or operate personally:

BUSINESS NAME:_____
ADDRESS:_____
TELEPHONE:_____
NATURE OF BUSINESS:_____
USUAL HOURS OF WORK:_____

4. State the Name of corporation in which you, your spouse or your minor children hold five per cent or more of the stock::

CORPORATE NAME:_____
ADDRESS:_____
TELEPHONE:_____
NATURE OF BUSINESS:_____
YOUR POSITION WITH CORPORATION:_____

I file this statement pursuant to Section 8 of the Erie County Code of Ethics. Any false statement or failure to provide required information shall be punishable under the laws prohibiting filing of a false statement.

Date:_____ _____
Signature

Such disclosure form shall be filed with the Erie county department of personnel, and shall be held in the permanent personnel record of the employee or officer. Such record shall be made available to the Erie county board of ethics at any time, upon request of the board.

b. The following form of financial disclosure shall be filed annually by every elected official; officer or employee; political party official; and candidate for elected office, as those terms are defined

in section three of this local law, and such disclosure shall be filed regardless of whether such individual is employed, a member of a board or commission, or otherwise affiliated with the county at the time the request for disclosure is made; however, the Erie county board of ethics shall annually review the form and may, in their sole discretion, modify the same as they deem necessary:

ANNUAL STATEMENT OF FINANCIAL DISCLSOURE
County of Erie
For Calendar Year _____

1. Name - _____

2. (a) Title of Position - _____
(b) Department, Agency or other Governmental Entity –
_____
(c) Address of Present Office - _____
_____
(d) Office Telephone Number - _____

3. (a) Marital Status - _____. If married, please give spouse's full name including maiden name where applicable. _____
_____
(b) List the names of all unemancipated children
_____ _____
_____ _____
_____ _____

Answer each of the following questions completely, with respect to calendar year _____, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following categories: Category A - under $20,000; Category B - $20,000 to under $50,000, Category C - $50,000 to under $100,000; Category D - $100,000 to under $250,000; Category E - $250,000 to under $500,000; and Category F - $500,000 or over. A reporting individual shall indicate the category by letter only.

For the purpose of this of this statement, anywhere the term "local agency" shall appear such term shall mean a local agency, as defined in section eight hundred ten of the general municipal law of the political subdivision for which this financial statement disclosure statement has been filed.

4. (a) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the County of Erie. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matter before, any state or local agency, list the name of the agency.

Position	Organization	State or Local Agency

(b) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matter before, any state or local agency, list the name of the agency.

Position	Organization	State or Local Agency

5. (a) List the name, address and description of any occupation, employment, trade, business profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of such agency.

Position	Name and Address of Organization	Description	State or Local Agency

(b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of such agency.

Position	Name and Address of Organization	Description	State or Local Agency

6. List any interest, in excess of $1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract except guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding or a process for competitive request for proposals.

Self, Spouse Or Child	Entity Which Held Interest in Contract	Relationship to Entity & Interest In Contract	Contracting State or Local Agency	Category of Value of Contract

7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political party town or zone leader. The term "party" shall have the same meaning as "party" in the election law. The term "political" organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party of independent body.

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the name of the individual clients, customers or patients.

(b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of $1,000 excluding investments in securities and interest in real property.

9. List each source of gifts, excluding campaign contributions, in excess of $1,000 received by the reporting individual or such individual's spouse or unemanicpated child from the same donor excluding gifts from a relative. Include the name and address of the donor. The term "gifts" does not include reimbursement which term is defined in item 10. Indicate the value and nature of each such gift.

Self, Spouse Or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift

10. Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures in connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of $1,000 from each such source. For purpose of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding event. The term "reimbursements" does not include gifts reported under item 9.

Source	Description

11. List the identity and value of each interest in a trust, estate or other beneficial interest, including retirement plans other than retirement plans of the State of New York or the City of New York and deferred compensation plans established in accordance with the United States internal revenue code, in

which the reporting individual held a beneficial interest in excess of $1,000 at any time during the preceding year. Do not report interests in a trust, estate or other beneficial interest established by, or the estate of, a relative

12. (a) Describe the terms of, and the parties to, any contract, promise, or other agreement between the reporting individual and any person, firm or corporation with respect to the employment of such individual after leaving office or position, including than a leave of absence.

(b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the reporting individual in excess of $1,000 from a prior employer other than the political subdivision for which this statement is filed. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments, etc.)

13. List below the nature and amount of any income in excess of $1,000 from each source for the taxable year last occurring prior to the date of filing. Nature of includes, but is not limited to, salary for government employment, income from other compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Self/Spouse	Source	Nature	Category of Amount

14. List the sources of any deferred income in excess of $1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the practice of a profession shall be in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Source	Category of amount

15. List each assignment of income in excess of $1,000 and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of $1,000 which would otherwise be required to be reported herein and is not or has not been so reported.

Item Assigned or Transferred	Assigned or Transferred to	Category of Value

16. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in excess of $1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust of the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership if the reporting person or the reporting person's spouse holds more than five percent of the stock of a corporation in which the stock is publicly traded or more than ten percent of the stick if a corporation in which the stock is not publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent of

the stock of which is owned or controlled by the reporting individual or individual's spouse. For the purpose of this item the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stock of any class, investment interests ion limited or general partnerships and certificates of deposits and such other evidences of indebtedness and certificates if interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if security is corporate stock, not publicly traded, in a trade or business of a reporting individual or reporting individual's spouse.

Self/ Spouse	Issuing Entity	Type of Security	Category of Market Value Value as of the close of the taxable year last occurring prior to the filing of this statement	Percentage of Corporate stock owned or controlled

17. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in excess of $1,000 is held by the reporting individual or reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do not list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

Self/ Spouse Other Party	Location	Size	General Nature	Acquisition Date	Category of Market Value	Percentage of Ownership

18. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of the filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in excess of $1,000, including the name of the debtor, type of obligation, date due and nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

Type of Obligation

Name of Debtor	Date Due & nature of Collateral, if any	Category of Amount

19. List below all liabilities of the reporting individual and such individual's spouse, in excess of $5,000 as of the date of filing of this statement, other than liabilities to a relative. Do not list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or individual's spouse has an interest, when incurred or made on the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action; alimony or child support payments. Revolving charge account information shall only be set forth if liability thereon is in excess of $5,000 at the time of filing. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Name of Creditor of Guarantor	Type of Liability & Collateral, if any	Category of Amount

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements

Signature of Reporting _____ Date (month/day/year) _____

d. c. Any elected official or candidate for elected office who, either as an individual or as a member or employee of a private entity, organization or for-profit professional association of any kind, that is hired by a third party individual, association, organization, corporation or other entity to provide any type of service, and regardless of whether the elected official or candidate for elected office performs any services for said third party, the elected official or candidate for elected office is required to disclose the identity of that third party to the Erie County attorney's office and the Erie County board of ethics within five days of the hiring or retention if that third party is seeking any action, determination, ruling or lack of action from any department, administrative unit, or other board of the

county, whether or not the elected official or candidate for elected office has personally provided the service to the third party. Such disclosure shall be required irrespective of the service being provided to the third party by the elected official, or candidate for elected office, or their private entity, organization or for-profit professional association. Within seven days of any then currently elected official being retained or hired in a position of employment by any private entity, organization or individual, in whatever form, the elected official must disclose the retention and hiring to the Erie county board of ethics and Erie county attorney's office. The Erie county board of ethics shall, within thirty days of receiving notice of such disclosure, review the details of the compensation and the services or products rendered for such compensation and determine that there is no prohibition in this code of ethics for the receipt of said compensation or for rendering such services. This provision shall apply to any elected official who is retained or hired as a member of a professional association, including, without limitation, to a partnership, trusteeship, corporation, firm or agency of any nature and receives compensation from a private entity, organization or individual, directly or indirectly. Such review by the Erie county board of ethics, to the extent allowable by law, shall be made public.

Section 9. Penalties.

a. Any individual, required to file a disclosure statement pursuant to section 8(a) or 8(b), who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows or should have known to be false on such statement of financial disclosure filed pursuant to this section, shall be assessed a civil penalty in an amount not to exceed twenty thousand dollars. Assessment of a civil penalty hereunder shall be made by the Erie county board of ethics. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is knowingly understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for failure to file or false filing of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Erie county board of ethics, pursuant to article seventy-eight of the civil practice law and rules.

b. For a violation of any section of this local law other than as described in sub-section 9 (a), the board of ethics may, in lieu of a civil penalty, refer a violation to the district attorney and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor.

c. The Erie county board of ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope.

Section 10. Erie county board of ethics.

a. The Erie county board of ethics, heretofore created by resolution of the Erie county legislature adopted the twenty-ninth day of December nineteen hundred seventy, and continued in existence by Erie county local law number seven of nineteen hundred seventy-three, and continued in existence by Erie county local law number ten of nineteen hundred eighty-nine, is continued in existence subject to the provision of this section.

b. The Erie county board of ethics shall consist of five members who shall serve five-year terms of office, one such term expiring each year. Members shall be appointed by the county executive subject to confirmation by the county legislature. In the event a vacancy occurs prior to the expiration of a five-year term of office, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. No more than three members of the same political party shall serve on the board at any time. No member shall be an elected official, a political party officer, a member of a political party committee or have substantial business interests with the county of Erie. One member shall be a county officer or employee, who shall be a non-voting member of the Erie county board of ethics. All members shall reside in Erie county. All members shall serve without compensation, except that any member who is a county officer or employee shall be entitled to his usual compensation when attending upon the business of the board. In addition to the five members described above, there shall by two non-voting ex-officio members, one appointed by the Erie county attorney and one by the chairman of the legislature, who shall serve two-year terms of office.

c. The voting members shall elect a chairperson, a vice chairperson and secretary from among themselves.

d. The Erie county board of ethics shall be the repository for completed annual statement of financial disclosure required by this local law.

e. The Erie county board of ethics shall have all the powers and duties ascribed to a board of ethics by article eighteen of the general municipal law.

f. Any county officer or employee may make written request to the board to render an advisory opinion as to any question concerning the application of the Erie county code of ethics or article eighteen of the general municipal law to his own affairs, or if he be the head of a county department, administrative unit, or other agency of the county, the affairs of any of his subordinates. The Erie county board of ethics shall disclose its opinion only to the person who has requested it or in relation to those affairs the opinion has been requested. To the extent that it can do so without disclosing the identity of the person who has requested the opinion or in relation to those whose affairs the opinion has been requested, and subject to such omissions as may be appropriate to protect personal privacy, the Erie county board of ethics shall make its opinions a matter of public record.

g. The Erie county board of ethics may adopt and amend such rules of procedure as are appropriate.

h. There shall be an Executive Director, appointed by the county executive subject to confirmation by the county legislature, responsible for assisting the Erie county board of ethics in carrying out its duties. The Executive Director shall serve a fixed five-year term of office and not be an elected official, the relative of an elected official, officer of the county, the relative of an officer of the county, a political party official, the relative of a political party official, or have any business interest with the County of Erie or any other municipality. The Executive Director shall be a resident of Erie county and may be an employee of the County of Erie at the time of his or her appointment

i. The Erie county attorney's office shall act as counsel to the Erie county board of ethics and shall have the power to hire outside counsel to assist the board of ethics in its matters if, in its sole discretion, it believes retention of outside counsel is necessary for whatever reason.

j. The members comprising the Erie county board of ethics in effect as of the date this Local Law takes effect shall remain in effect and the terms of office for those members shall continue pursuant to their original dates of appointment.

Section 11. Duty to report.

Every county officer or employee shall report to the Erie county board of ethics, district attorney and county attorney any action which may reasonably be interpreted as an improper attempt to influence him in the conduct of his office.

Section 12. Validity of claims.

Nothing in this code of ethics shall be deemed to bar or prevent the timely filing by a current or former county officer of employee of any claim, account, demand, or suit against the county of Erie or any agency or officer thereof on behalf of himself or any member of his family arising out of personal injury, property damage, or any lawful right of benefit authorized or permitted by law.

Section 13. Compilation and distribution of this code.

The county executive shall cause a copy of this code to be compiled with article eighteen of the general municipal law and such other material as he shall deem relevant and shall cause a copy of such compilation to be distributed to every officer and employee of the county within thirty days after the effective date of this local law or as soon thereafter as may be practicable. Every officer and employee elected or appointed thereafter shall be furnished a copy of such compilation within ten days after entering upon the duties of his office of employment.

Section 14. Laws repealed.

Erie county local law number ten of nineteen hundred eighty-nine as amended by Erie county local law number four of nineteen hundred ninety-four and Erie county local law number four – two of two thousand and fifteen, constituting the Erie county code of ethics, is hereby repealed.

Section 15. Effective date.

The local law shall be effective immediately.

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