

**Chapter 95. ETHICS: SCHENECTADY COUNTY ETHICS AND  
DISCLOSURE LAW**

[HISTORY: Adopted 4-14-2015 by Local Law 2-2015.]

**Section 95.01. Purpose.**

The purpose of this local law is to create the Schenectady County ethics and disclosure law in compliance with article 18 of the New York State General Municipal Law and to create the Schenectady County board of ethics as authorized by article 18 of the New York State General Municipal Law. The citizens of Schenectady County are entitled to the expectation of exemplary ethical behavior from their county officers, employees and appointed officials, and this law is intended to create the minimum standards which constitute that behavior. This legislation recognizes that varying degrees of professional and governmental responsibility warrant equitable requirements of disclosure in pursuit of official integrity, which must be balanced against individual constitutional rights. Any particulars not determined in this law shall be construed within the provisions of article 18 of the New York State General Municipal Law, as it may be from time to time amended.

**Section 95.02. Definitions.**

Unless otherwise indicated, the following terms shall be defined as follows for the purpose of the Schenectady County ethics and disclosure law:

- A. "Agency" means any of the divisions of county government, referred to in subdivision D of this section.
- B. "Appropriate body" means the board of ethics as herein established.
- C. "Child" means any son, daughter, step-son or step-daughter of a county officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee or appointed official as defined in the Internal Revenue Code section 152(a)(1) and (2) and any amendments thereto.
- D. "County" means the County of Schenectady or any department, board, executive division, institution, office, branch, bureau, commission, agency, legislature or other division or part thereof.
- E. "Interest" means a direct or indirect pecuniary or material benefit accruing to a county officer, employee or appointed official, his or her spouse, or child whether as the result of a contract with the county or otherwise. For the purpose of this law, a county officer, employee or appointed official shall be deemed to have an interest in the contract of:
  - 1. His or her spouse and children, except a contract of employment with the county;

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2. A firm, partnership or association of which such officer, employee or appointed official or his or her spouse or child is a member or employee;
  3. A corporation of which such officer, employee or appointed official, or his or her spouse or child is an officer or director; and
  4. The outstanding capital stock of a corporation which is owned by an officer, employee or appointed official, or his or her spouse or child.
- F. "Legislation" means a matter which appears upon the calendar or agenda of the county legislature of Schenectady County or upon a committee thereof upon which any official action has been taken and shall include adopted acts, local laws or resolutions.
- G. "Officer" or "employee" means any officer or employee of the County of Schenectady and any elected officials, appointed officials and heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the County of Schenectady whether paid or unpaid.
- H. "County elected official" means a county legislator, the county clerk, the district attorney or the sheriff.
- I. "Appointed official" means any individual who is appointed by the county manager or the county legislature to any agency, institution, department, office, branch, division, council, commission, board or bureau, whether paid or unpaid.
- J. "Relative" means a spouse or child of a county officer, employee or appointed official.
- K. "Reporting officer, employee or appointed official" means an officer, employee or appointed official or a candidate for county elected office who is required to complete and file an annual statement of financial disclosure pursuant to this local law.
- L. "Spouse" means the husband or wife of an officer, employee or appointed official subject to the provisions of this local law unless legally separated from such officer, employee or appointed official.
- M. "Jurisdiction" means having the authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the county agency (as defined above in section 95.02, subdivision A) in which he or she is an officer, employee or appointed official (as defined above in section 95.02, subdivision G).
- N. "Annual statement of financial disclosure" means a statement in the form as set forth, from time to time, by resolution of the county legislature in accordance with section 811 of the New York State General Municipal Law.

- O. "Chief elected official" means the chair of the county legislature or his or her designee.

**Section 95.03. Code of Ethics.**

A. Prohibited Activities.

It is the policy of the county legislature that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever an officer, employee or their relative as defined in this local law has an interest, direct or indirect, which conflicts with their duty to the county or which could adversely affect an individual's judgment in the discharge of his or her responsibilities.

B. No officer, employee or their relatives shall:

1. Take action or participate in any manner whatsoever in his or her official capacity in the discussion, negotiation or the awarding of any contract or in any business or professional dealings with the County of Schenectady or any agency thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or professional dealings.
2. Engage in, solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge of his or her official duties.
3. Solicit, directly or indirectly, any gifts, or receive or accept any gift having the value of seventy-five dollars (\$75), or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.<sup>1</sup>
4. Disclose confidential financial information acquired in the course of his or her official duties or use such information to further his or her personal interest.
5. Take action on a matter before the county or any department, board, executive division, institution, office, branch, bureau, commission, agency, legislature or other division or part thereof when, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit to himself or herself.

**Section 95.04. Board of Ethics.**

A. Establishment.

Pursuant to article 18 of the General Municipal Law, the Schenectady County board of ethics is hereby established. It shall be responsible for ensuring full compliance with the Schenectady County ethics and disclosure law.

B. Membership.

The board of ethics shall consist of 5 members.

1. Members shall be appointed by the county manager subject to confirmation by the county legislature.
2. No more than 2 members shall be of the same enrolled party affiliation.
3. No more than one member shall presently be a county officer or employee, and none shall presently hold elected office. The first meeting of the board of ethics in each calendar year shall be the organizational meeting; at such meeting the members shall elect a Chair who shall be a member thereof.
4. Members of the board of ethics shall serve without compensation, but shall be entitled to reimbursement of reasonable expenses in accordance with rules established by the county legislature.
5. The members of the board of ethics shall serve staggered 3 year terms.
6. In the event a vacancy occurs prior to the expiration of the 3 year term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms.
7. All members shall reside within the County of Schenectady.

C. Removal.

In addition to penalties defined herein specifically for violation of the Schenectady county ethics and disclosure law, and other pertinent sections of local, state and federal law, members of the board of ethics may be removed for cause by the county manager with the concurrence of two-thirds of the county legislature. Prior to removal, the board of ethics member shall be given written notice of the grounds for removal and an opportunity to reply.

D. Powers and Duties.

1. The board of ethics shall possess all powers and duties authorized by section 808 of the New York State General Municipal Law.
2. The board of ethics shall, on or before March 1 of each year, distribute the annual statement of financial disclosure to affected individuals with notice of

the date upon which the completed form is required to be filed with the board of ethics.

3. The board of ethics shall receive and decide appeals as provided by section 95.06 herein from persons required to provide financial disclosure.
4. The board of ethics shall be the repository for completed annual statements of financial disclosure, pursuant to section 808(5) of the New York State General Municipal Law and such written instruments, affidavits, and disclosures as required thereunder.
5. The board of ethics shall possess, exercise and enjoy all the rights, powers and privileges necessary and proper to the enforcement of the Schenectady County ethics and disclosure law and completion and filing by reporting officers, employees and appointed officials of the county of annual statements of financial disclosure required thereunder.
6. The board of ethics shall promulgate rules and regulations in furtherance of its powers and duties enumerated herein. Said rules and regulations shall include rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties as authorized in the Schenectady County ethics and disclosure law.
7. The county legislature may empower the board of ethics to subpoena any individual, whether or not a county officer, employee or appointed official, and any document or thing which the board of ethics deems necessary to the resolution of any pending adjudicatory proceeding or matter.
8. The board of ethics shall render advisory opinions in writing regarding specific matters pertaining to filings and reporting categories, to officers, employees and appointed officials of the county with respect to the Schenectady County ethics and disclosure law and article 18 of the New York State General Municipal Law. Such opinions shall be rendered only upon written request by the officer, employee or appointed official concerning only the subject of the inquiry as it pertains to the requesting individual's own filing requirements.
9. Such opinions shall not be made public or disclosed unless required by the Freedom of Information Law (article 6 of the New York State Public Officers Law) or required for use in a disciplinary proceeding or proceeding under the Schenectady County ethics and disclosure law involving the officer, employee or appointed official who requested the advisory opinion. Whenever a request for access to an advisory opinion herein is received, the officer, employee or appointed official who requested the opinion shall be notified of the request within 48 hours of the receipt of the request. Under no circumstances shall the reporting categories shown on the annual statement of financial disclosure filed by an individual be disclosed to the public.

10. The county manager shall designate an attorney admitted to practice in the State of New York or may designate the office of the county attorney to serve as counsel to the board of ethics.
11. The board of ethics shall be empowered to request support staff assistance from the county legislature or the county manager in furtherance of its duties and responsibilities.

**Section 95.05. Disclosure of Interest.**

- A. Any officer or their relative who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the legislature of the County of Schenectady or by any other official, board, agency, officer or employee of the County of Schenectady, and who participates in the discussion before or who gives an opinion or gives advice to any board, agency or individual considering the same, shall publicly disclose on the official record the nature and the extent of such interest.
- B. Any officer or employee of the County of Schenectady, or their relative, who has knowledge of any matter being considered by any board, agency, officer or employee of the County of Schenectady in which matter he or she has or will have or intends to acquire any direct or indirect interest, shall be required immediately to disclose, in writing, his or her interest to such board, agency, officer or employee, and the nature and the extent thereof, to the degree that such disclosure gives substantial notice of any potential conflict of interest.
  1. On or before January 31 of each year for which the employment is in effect, the chief elected official shall promulgate a list of all positions required to provide financial disclosure. Said list shall be determined by reference to article 18 of the New York State General Municipal Law.
  2. Financial disclosure shall be accomplished by completion of an annual statement of financial disclosure.
  3. A person who is subject to the filing requirements of this local law from more than one county, or of an equivalent provision under New York State Law, may satisfy the requirements by filing only one annual statement of financial disclosure, and filing with the County Ethics Board a notice that such filing has been made, inclusive of the date and place of the filing.
  4. Any person who is subject to the reporting requirements of this local law and who has or shall timely file with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year which would extend filing with the IRS beyond May 15 of that year shall be required to submit notice of said application on or before March 31 of the year in which the employment is in effect. Such person shall file a completed disclosure form, absent only the portions stated within the application for automatic

extension, on or before May 15 of the year for which the employment is in effect, and a supplementary statement for any item as so noted on the annual statement of financial disclosure, without liability under section 95.07 of this local law, if said supplementary statement is filed within 15 days of the expiration of the automatic extension.

5. Any person who is required to file an annual statement of financial disclosure may request, prior to May 1, of the year for which the employment is in effect, an extension of filing for an additional specific period of time. Such request shall be made in writing to the appropriate body, with approval based upon substantiation of justifiable cause or undue hardship. The appropriate body may grant or deny the request, by vote of the membership, and extensions shall be for the specific period of additional time requested.
6. Any person required to file an annual statement of financial disclosure who becomes so required, or experiences a change in reporting levels, or becomes a candidate for county elected office, after March 15 of the year for which the employment is in effect, shall file the appropriate annual statement within 30 days.

**Section 95.06. Appeal of Designation of Policy Making Position.**

Appeal may be taken by the filing of a written petition to the appropriate body in opposition to such designation within 30 days from the date that the designation was made by the chief elected official. Upon receipt of the petition, the appropriate body shall make a determination upon the merits of the application within 30 days. Such determination shall be a final agency determination.

**Section 95.07. Penalties.**

- A. A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly or willfully with intent to deceive makes a false statement or gives information which such individual knows 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 ten thousand dollars (\$10,000).
- B. Assessment of a civil penalty hereunder shall be made by the appropriate body. For a violation of this section, the appropriate body may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor.
- C. 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 falsely understated.
- D. Upon an appropriate determination and vote, the appropriate body may file a written recommendation with the chief elected official or other disciplinary body,

- establishing grounds for removal for cause, in accordance with other provisions of state and county law and contractual obligations of the county pertaining to officers, officials and employees and rules governing conduct.
- E. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to file, or for a false filing, of such statement, except that the county manager may impose disciplinary action as otherwise provided by law.
  - F. The appropriate body 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 3 of the New York State Administrative Procedure Act but such mechanisms need not be identical in terms or scope.
  - G. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the appropriate body pursuant to article 78 of the New York State Civil Practice Law and Rules.

**Section 95.08. Statutory construction.**

Except where the Schenectady county legislature exercised its Home Rule Authority pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, and the County law, the various elements of the Schenectady County ethics and disclosure law are explicitly intended to be construed within the application of article 18 of the New York State General Municipal Law.