

February 1, 2017

**NOTICE OF ADOPTION OF  
LOCAL LAW NO. 1 OF 2017**

**ORANGE COUNTY ETHICS AND DISCLOSURE LAW**

In 2016, Orange County amended Local Law No. 5 of 2015, "The Orange County Ethics and Disclosure Law," pursuant to N.Y.S. General Municipal Law § 806. A copy of the Local Law No. 1 of 2017 shall be attached to all physically posted notices of this document and is available on the County website, [www.orangecountygov.com](http://www.orangecountygov.com).

The following provides highlights of amendments to the Ethics and Disclosure Law. Changes to the local law are underlined. This notice is not intended to amend or supplant Local Law No.1 of 2017.

**Purpose.** Adds the following language: "Officers and employees of the County of Orange hold their positions to serve and benefit the public and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The County of Orange recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct.

**Definitions.** Amends the following definitions:

**APPEAR or APPEAR BEFORE:** Communicating in any form, including, without limitation, personally, through another personal, by letter, or by telephone or electronic means for compensation or pro bono, other than those involving ministerial acts.

**CHILD:** means any son, daughter, stepson, stepdaughter of a county officer or employee.

**INTEREST:** A direct or indirect, pecuniary or material benefit accruing to a County officer or employee as the result of a contract with the County of Orange which such officer or employee serves. "Interest" does not include any benefit arising from the provision or receipt

of any services generally available to the residents or taxpayers of the County of Orange, any political subdivision of the County of Orange, or a lawful class of such residents or taxpayers. "Interest" does not include any benefits or entitlements that are procured for the benefit of county employees or officers. (For example, union membership, health insurance, vision and dental benefits, deferred compensation, disability benefits (Please note, this list is not exclusive.)

**INVESTMENT:** means an expenditure to acquire property or other assets in order to produce revenue for financial gain; the placing of capital or laying out of money in a way intended to secure income or profit from its employment.

**POLITICAL "PARTY:"** shall have the same meaning as contained in §1-104 of the N.Y.S. Election Law.

**SIBLING:** means any brother, sister, half-brother or half-sister, stepbrother or stepsister of a county officer or employee.

**"UNEMANCIPATED CHILD"** shall mean any son, daughter, stepson or stepdaughter of a county officer or employee under age eighteen, unmarried and living in the household of the reporting individual.

**Section 5 Board of Ethics.**

B. Powers and Duties of Ethics Board

(2) Receive Information and Act on Same.

This section has been reorganized for purposes of clarity.

(8) Waiver.

a. A county officer or employee may apply for a waiver request from any of the standards set forth herein upon a showing of compelling need, except as set forth herein in subdivision b.

b. NO WAIVER SHALL BE GRANTED FROM THE FILING OF THE ANNUAL DISCLOSURE STATEMENT.

c. The Board of Ethics shall acknowledge receipt of the waiver request within 5 business days of said receipt. The Board of Ethics shall endeavor

to render its decision to grant or deny the waiver within ten business days from the date in which the Board of Ethics determines that it has received sufficient information to render its decision. The request for a waiver shall be deemed abandoned if the county officer or employee fails to provide such information within the time frames established by the Board of Ethics.

d. A waiver request form will be available from the Secretary of the Board of Ethics.

**Standard of Conduct.** The Local Law sets forth prohibited activities, a Standard of Conduct for all County Officers and Employees, including standards established under New York State General Municipal Law, recusal on actions or matters in which the individual may have a direct or specific benefit, anti-nepotism (hiring of relatives) provisions and disclosure regarding contract relationships and county employment of relatives and family members and/or members of the household.

**Recusal.**

1. County officer or employees shall promptly recuse himself/herself from acting on matters, which may cause a direct or specific benefit to themselves, outside employers, businesses, or prospective employers for themselves, relatives or immediate family member.
2. Whenever a County officer or employee is required to recuse himself or herself under this Ethics Law, he or she shall:
  - (i) Promptly inform his or her immediate supervisor in writing;
  - (ii) Promptly file with the Board of Ethics a signed statement disclosing the nature and extent of the conflict which forms the basis for recusal; and
  - (iii) Immediately refrain from participating further in the particular matter.

**Prohibited Activities.<sup>1</sup>**

C. Representation. No county officer or employee shall appear as attorney or counsel against the interest of the County in any litigation in which the County is a party, or in any action or proceeding in which the County, or any other county officer or employee, acting in the course of official duties, is a complainant. This section shall not prohibit a county officer or employee from representing themselves in any action against the County. . . . For county officers who are not county employees, this prohibition shall apply only to the department or agency served by the county officer.

D. Appearances. A county officer shall not appear before any agency or department of the County except on his or her own behalf or on behalf of the County or on behalf of his or her constituent(s) in the case of an elected official or attorney therefore. A County officer shall not appear before the department or agency served by the county officer of the county except on his/her own behalf or on behalf of the County or on behalf of his or her constituent(s) in the case of an elected official or attorney thereof.

Hiring Practices and Disclosure: Hiring or causing the hiring of any relatives/immediate family member and/or member of the household for those county officers/employees who have actual authority to cause such hiring. (See, Section 6 E)

Acceptance of Gifts having an aggregate value of \$75 or more in any twelve month consecutive period from the same individual or entity and incorporates state law exemptions for public officials (examples of exemptions: gifts from family members, authorized travel reimbursement, and authorized meals and accommodations for professional or educational training/programs). (See, Section 6 F). Also amended is section 2. (xii) Increased the value of accepting food or beverage from \$15 to \$20 dollars or less and in no event shall that total value of such food or beverage except seventy-five (\$75.00) dollars in any twelve-month

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<sup>1</sup> Questions or concerns, please seek guidance from the Orange County Board of Ethics before taking any action...

consecutive period from the same individual or entity.

Prohibition on Political Solicitation. The Local Law incorporates N.Y.S. Civil Service Law § 107(3) which prohibits a county officer or employee from directly or indirectly using his or her authority or official influence to compel or induce any subordinate to participate in an election campaign or contribute to a political committee. (See, Section 7 G).

Maintenance and Disclosure of Confidential Information. This local law mandates the maintenance and disclosure of confidential information as required by N.Y.S. Freedom of Information Law (Public Officers Law § 87, 2) (See Section 7 H)

Inducement or aiding others to violate the local law is prohibited. (See Section 7 J).

Knowingly Holding Investments directly or indirectly in any business, financial, commercial or other private transaction doing business with the County of Orange which would create a conflict with his/her official duties. (See Section 6 K and Section 7 "Prohibition of Interests in Contracts")

(Please refer to Orange County Vendor List, which is available on the Dept. of General Services Orange County Website.)

DELETED: Section 6 M. Duty to Report Violations.

ADDED: Use of Official Name, Seal and Authority of County of Orange. No county officer or employee shall do any act or cause any act to be done which is a violation of the Orange County Local Law regulating the use of the official name, seal and authority of the County of Orange.

Prohibition of Interests in Contracts and Public Disclosure as set forth under N.Y.S. General Municipal Law § 801 *et. seq.* ("N.Y.S. Conflict of Interests Law") (See, Section 7)

**Penalties for Offenses:**

Impact on County Contracts. This local law makes null, void and unenforceable county contracts in which there is an interest prohibited by this local law; (See, Section 9 A)

Civil Penalties. Imposes civil penalties of up to \$10,000 for knowingly and willfully failing to file an annual financial disclosure form, or for knowingly and willfully, with intent to deceive making a false statement. In the alternative, a civil penalty may also be imposed based upon the value of any financial benefit obtained by the offender or the spouse, child or member of the household, whichever is greater.

Criminal Penalties Authorizes the Board of Ethics to refer a matter to the appropriate prosecutor for prosecution as a class "A" misdemeanor and authorizes the imposition of penalties.

Disciplinary Action. Authorizes disciplinary action in accordance with state law or the applicable collective bargaining agreement.

**Private Employment Prohibitions. Future Employment.**

Employment Solicitation. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or services creates a conflict or impairs the property discharge of his or her official duties.

A. Six Month Restriction for Appropriators of Authorizers. No county officer or employee Responsible for appropriating funds for the effectuation of, or negotiating or authorizing of a contract or signing a contract may ask for, pursue or accept a private post-government employment opportunity with any person or entity who actually received such contract while the matter is pending or within 180 days following the disposition of the matter. Appropriating funds for the effectuating of a contract shall relate to a specific matter, not voting generally on the annual County budget.

Two Year Restriction.

B. Two Year Restriction. Unless requested in writing by the County Executive or Chairman of

the Orange County Legislature, no county officer or employee, for the two-year period after serving as a county officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or agency for which he or she serves. The exercise of discretion does not relate to ministerial matters.

Open Meetings Law § 104 and within each County Department where public notices are posted for county employees.

Effective Date: February 1, 2017

*Gail Sicina, Chair Orange County Board of Ethics*

C. Waiver. Provisions relating to restrictions/prohibitions on future employment is subject to a waiver by the Board of Ethics upon a finding that:

i. an appropriating, negotiating or contracting person on behalf of the County had no direct involvement with the selection of the contractor or that the involvement was limited to issuing an approval of or appropriation for a recommended contract that the approver or appropriator was not otherwise involved with the selection of;

ii. The restrictions set for in Section 10 (Future employment) would create a financial hardship for the county officer or employee;

iii. The person seeking the waiver shall demonstrate their entitlement to it by clear and convincing evidence presented to the Board of Ethics.

**Training.** Department of Human Resources with the assistance of the Board of Ethics will provide training to all officers/employees of Orange County. (See Section 12)

### **Construal of Provisions.**

Amendment Section 14 (A) to read as follows:

- A. No existing right or remedy (including employees' rights provided for in collective bargaining agreements) shall be lost, impaired, or affected by reason of this Local Law.

**Posting.** Local Law No. 1 of 2017 shall be posted by the Clerk of the Orange County Legislature at public locations designated for the posting of public notices pursuant to N.Y.S.