

COUNTY OF TOMPKINS



CODE OF ETHICS

Adopted by Local Law No. 2 of 1997 - June 17, 1997
Revised by Local Law No. 2 of 1999 - April 6, 1999
Amended by Local Law No. 1 of 2008 - May 20, 2008
Amended by Local Law No. 2 of 2013 - July 16, 2013

**A local law establishing standards of conduct for officers and employees of the
County of Tompkins.**

Be it enacted by the Tompkins County Legislature of the County of Tompkins as follows;

Section 1. Chapter 32 of the Tompkins County Code is hereby amended to read as follows:

SECTION I - INTRODUCTION

Pursuant to the provisions of section 806 of the General Municipal Law, the Tompkins County Legislature recognizes that there is a need for clear and reasonable standards of ethical conduct. Public officers and employees must observe a high degree of moral conduct to maintain public confidence. It is the purpose of this local law to set forth these rules of ethical conduct for the officers and employees of Tompkins County. These rules shall serve as a guide for official conduct with regard to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, future employment, and such other standards as may be deemed advisable.

SECTION II - DEFINITIONS

(a) “Board” means the Tompkins County Legislature or any County administrative board, commission, or other agency or body of the County of Tompkins.

(b) “Code” means the Tompkins County Code of Ethics.

(c) “Confidential information” includes any information that would (i) affect current or imminent contract awards or collective bargaining negotiations, or (ii) interfere with law enforcement investigations or judicial proceedings, or (iii) deprive a person of his/her right to a fair trial or impartial adjudication, or (iv) constitute an unwarranted invasion of privacy, or (v) endanger the life or safety of any person, or (vi) provide civil service examination questions or answers or answers prior to administration of the examination, or (vii) reveal computer access codes, or (viii) provide any information that is specified as non-disclosable by federal or state law. Procedures that determine whether other information is confidential are described in the Tompkins County Administrative Policy Manual.

(d) “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 a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock. This definition shall not apply to a person serving as an unpaid member, director, or officer of a not-for-profit organization.

(e) “County” means Tompkins County.

(f) “County officer or employee” means a paid or unpaid officer or employee of Tompkins County, including, but not limited to, the members of any County board.

(g) “County resources” include, but are not limited to, County personnel and the County’s money, vehicles, equipment, materials, supplies, or other property.

(h) “Gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form.

(i) “Key Employees” means those employees of Tompkins County designated annually by Resolution of the Tompkins County Legislature as key employees who are required to file an Annual Financial Disclosure Form.

(j) “Relative” means a parent, step-parent, spouse, spouse equivalent, domestic partner, sibling, step-sibling, sibling’s spouse, child, step-child, grandparent, parent of spouse or spouse equivalent or domestic partner; including in-laws and members of the household of a County officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

SECTION III - STANDARDS OF CONDUCT

(a) General Prohibition on Use of Office or Employment for Private Gain

(1) A County officer or employee shall not use his or her official position or office, or take or fail to take any action, in a manner that he or she knows or has reason to know may result in a personal financial benefit for any of the following persons:

- (a) the County officer or employee;
- (b) his or her outside employer or business;
- (c) a customer or client;
- (d) a relative including a member of his or her household;
- (e) a person or entity with which the County officer or employee has had a financial relationship within the previous twelve months;
- (f) any person or entity from which the County officer or employee has received a gift, or any goods or services for less than fair market value, during the previous twelve months; or
- (g) a person from whom the County officer or employee has received election campaign contributions of more than five hundred dollars in the aggregate during the previous twenty-four months.

(2) A County officer or employee shall not use his or her official position to advance his or her private interest or the interest of others listed in subdivision (a)(1) to obtain any unwarranted privileges, exemptions, or advantages for any of the persons listed in subdivision (a)(1).

(3) A County officer or employee shall not use or permit the use of County resources for personal or private purposes. A County officer or employee shall not use County

letterhead, personnel, equipment, supplies, or resources for a non-governmental purpose nor engage in personal or private activities during times when he or she is required to work for the County. However, this subdivision shall not be construed as prohibiting:

- (a) any use of County resources authorized by law or County policy;
- (b) 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;
- (c) the occasional and incidental use during the business day of County telephones and computers for personal matters such as family care and changes in work schedule in accordance with any established County policy; or
- (d) Legislators from engaging in outside employment.

(4) No County officer or employee shall knowingly cause the County to spend more than is reasonably necessary for transportation, meals, or lodging in connection with official travel.

(5) No County officer or employee shall misuse his or her office to obtain a benefit for the employee or other persons or private entities.

(b) Recusal, Abstention, Disclosure of Conflicts of Interest

(1) A County officer or employee, whether paid or unpaid, who participates in the discussion of, or consideration of, or who gives an opinion on any legislation before the County Legislature must publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest that the officer or employee knows or should know exists.

(2) A Legislator with such a conflict can abstain from voting if the County Attorney so advises.

(3) A County officer or employee shall promptly recuse himself or herself from acting or discussing a matter before the County when acting on the matter, or failing to act on the matter, may financially affect any of the persons listed in subdivision III (a)(1). The act of recusal should be considered to be an abstention under the Rules of the Legislature.

(c) Confidential Information

For the purposes of the Code of Ethics, and as detailed in the Public Officers Law all information falls into one of three categories: the class of information which is never confidential, the class of information that is always confidential, and the class of information that may be confidential.

Never confidential: information that is

- the result of an external audit; or
- statistical data; or
- an instruction to staff that affects the public; or
- a final policy or determination made by the County or one of its departments.

Disclosure or use of such information is not restricted by the Code of Ethics.

Always confidential: information the disclosure of which would

- impair current or imminent contract awards or collective bargaining negotiations; or
- interfere with law enforcement investigations or judicial proceedings; or
- deprive a person of his or her right to a fair trial or impartial adjudication; or
- constitute an unwarranted invasion of privacy*; or
- endanger the life or safety of any person.

Information that is always confidential also includes

- civil service examination questions or answers prior to the administration of the exam; or
- computer access codes; or
- information that is specified as non-disclosable by federal or state law.

No employee or officer of the County may ever disclose such information or use such information to further a personal interest.

Any information that does not clearly fall into just one of the above categories may be confidential. To be certain of complying with the Code of Ethics, all officers and employees must first request and receive an official determination from the County Attorney that a given piece of information is not confidential before disclosing or making personal use of it.

The restrictions on disclosure and use of confidential information described herein apply without regard to the circumstances in which the information was acquired, and include information gained through means other than the possessor's association with the County.

(d) Nepotism

Except as otherwise required by law:

(1) No County officer or employee, either individually or as a member of a board may participate in any decision specifically to appoint, hire, promote, discipline, or discharge a relative for any County position or any County board.

(2) No County officer or employee may directly or indirectly supervise a relative in the performance of the relative's official duties unless such supervision is in compliance with an individual written plan that has been proposed by the affected Department in conjunction with the Commissioner of Personnel and reported to the appropriate Legislative Committee to which the particular Department reports. Nothing in this policy should be construed to interfere with the appointment of Election Commissioners and their appointed

* The legal issues involved in determining whether a given act constitutes an unwarranted invasion of personal privacy can be complicated and will not be addressed here. Interested persons may refer to Section 89, subdivision 2 of the aforementioned Public Officers Law of New York State as a starting point, or contact the County Attorney.

staff, although best practice would have them conform with this Nepotism portion of the Code.

(e) Gifts and Gratuities

(1) A County officer or employee shall not solicit a gift from any person who or entity that has received or sought a financial or material benefit from the County, nor accept a gift from any person who the County officer or employee knows or has reason to know has received or sought a financial benefit from the County or who will be seeking such a benefit in the future.

(2) A County officer or employee shall not request or accept anything from any person or entity other than the County for doing his or her County job.

(3) A County officer or employee shall not accept or receive any gifts having a value of fifty dollars (\$50) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be expected to influence the performance of official duties or was intended as a reward for any official action.

(f) Political Solicitations

(1) Exclusive of mass advertising or solicitations, a County officer or employee shall not directly or indirectly solicit, 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.

(2) A County officer or employee may not 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, or the awarding of any contract on the basis of giving and withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

(g) Investments in conflict with official duties

A County officer or employee shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with official duties. An investment in which a county officer or employee has an interest shall be exempt if such interest was acquired 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 or investment. Such contract or investment is of course subject to the disclosure and recusal provisions of the Code.

This section does not prohibit a County officer or employee from acquiring any other investments or the following assets:

- (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.

(h) Representation

A County officer or employee shall not represent any person or entity in any matter that is before the County nor represent any person or entity in any matter that involves the County. Excluded from this prohibition is a Legislator performing his or her normal duty of constituent representation and the County Attorney performing his or her official duties.

(i) Appearances

Except Legislators appearing with or for constituents, a County officer or employee shall not appear before any agency of the County, except on his or her own behalf or in his or her capacity as an employee of the County in furtherance of his or her official duties.

SECTION IV- DISCLOSURE

Elected officials and key employees of Tompkins County shall file by May 15 of each year an annual disclosure statement. This shall be submitted to the Clerk of the Tompkins County Legislature in the form prescribed by resolution of the Tompkins County Legislature upon recommendation of the Ethics Advisory Board. The Clerk shall retain the forms on behalf of the Ethics Advisory Board and make them available for inspection as detailed below.

The Clerk of the Tompkins County Legislature shall make the information submitted on Annual Disclosure Statements available, on request, to the members of the Ethics Advisory Board, County Attorney, County Administrator, Director of Finance, State Auditor, Commissioner of Personnel, District Attorney, and State Attorney General. The Clerk shall also make the information submitted on Annual Disclosure Statements available pursuant to the Freedom of Information Law.

The County Attorney shall confirm filing by all required filers. Requests for determination regarding conflicts shall be referred by the County Attorney to the Ethics Advisory Board. If the County Attorney determines that any required filers have not filed a correctly completed disclosure form the County Attorney shall report this to the appropriate supervisor. If a member of the Tompkins County Legislature has failed to complete and file an accurate and complete disclosure form, the County Attorney shall report this to the Chair of the Tompkins County Legislature or to the Vice Chair if the Chair is in default of filing.

SECTION V - ETHICS ADVISORY BOARD

(a) Membership and Eligibility - There shall be an Ethics Advisory Board that consists of five (5) members, each appointed by a majority vote of the Tompkins County Legislature. Each member shall be a resident of the Tompkins County. One of the members of

the Ethics Advisory Board shall be a member of the Tompkins County Legislature. None of the remaining members shall be an elected or appointed official of Tompkins County.

(b) Chair - The Chair of the Ethics Advisory Board shall be one of the appointed members of the Ethics Advisory Board selected by the Chair of the Tompkins County Legislature upon advice of the Ethics Advisory Board for a term of one (1) year.

(c) Term - The members of the Ethics Advisory Board will serve a term of four (4) years; however, two (2) of the original appointees shall be appointed to serve an initial term of two (2) years.

(d) Quorum - Three (3) members of the Ethics Advisory Board shall constitute a quorum, with the vote of four (4) members being required for action by the Board.

(e) Compensation - The members of the Ethics Advisory Board shall not be compensated; however, they may be reimbursed for reasonable expenses incurred in the performance of their duties.

(f) Bylaws - The Ethics Advisory Board may propose bylaws for its governance, which by law shall become effective upon approval by the Tompkins County Legislature.

(g) Responsibilities –

(1) Meetings

(a) The members of the Ethics Advisory Board will meet at least once a year and at such other times as the Chair of the Ethics Advisory Board shall convene them and within thirty (30) days after receipt of a written complaint.

(b) At each meeting of the Ethics Advisory Board, an opportunity shall be given to hear or receive complaints of alleged unethical practices, which may be brought in writing by any County employee or official. Any other person may submit a complaint to the County Attorney, who, if unable to resolve the complaint to the satisfaction of the complainant, shall submit the complaint to the Ethics Advisory Board.

(2) Review of Disclosure Statement

(a) No later than July 1 of each year, the Ethics Advisory Board shall review the report of the County Attorney on the filed Financial Disclosure Statements and the attestations that have been submitted by officials and employees and determine if any are not timely filed or are incomplete.

(b) The Ethics Advisory Board, or its designee, may grant limited extensions of time in which to file Financial Disclosure Statements due to justifiable cause or to undue hardship.

(c) The Ethics Advisory Board may permit an official or employee to delete from his/her Financial Disclosure Statement one or more items of information upon a finding by a majority of the entire Ethics Advisory Board that the information that would otherwise be required to be disclosed has no material bearing on the discharge of the duties of the official or employee. In this connection, the Ethics Advisory Board may, when requested, issue advisory opinions.

(3) Review of complaints and questions.

(a) The Ethics Advisory Board shall review all filed Disclosure Statements referred to it by the County Attorney and complaints received to ascertain whether a conflict of interest, actual or potential, exists between the public duties of the official or employee and his or her private activities pursuant to this chapter.

(b) The Ethics Advisory Board shall upon the written request of any individual receive, review, and hear all signed complaints that the Board determines to have merit alleging violations(s) of this chapter. Any such complaint must be signed by the individual complainant, and must include his/her address and telephone number.

Complaints from any person will be received in the following manner: A signed written complaint in the above form should be delivered to the County Attorney who, if unable to resolve the complaint to the satisfaction of the complainant, shall refer the complaint to the Ethics Advisory Board or to the Chair of the Ethics Advisory Board if the complainant so prefers.

(4) Authority to take testimony. The Ethics Advisory Board shall have the authority to take testimony under oath and to recommend to the Tompkins County Legislature that subpoenas be issued to compel the attendance of witnesses and to require the production of any books or records. The County Legislature shall take action on any such recommendation; a majority vote of the total membership of the Tompkins County Legislature shall be required for the issuance of a subpoena by the Ethics Advisory Board.

(5) Option to recommend resolution of conflict. In addition to such other powers conferred by this Section, the Ethics Advisory Board may recommend to the official or the employee of the County the manner in which the conflict of interest may be resolved. An affidavit by the official or employee detailing his or her compliance with the recommendations may be sufficient reason to rescind the Ethics Advisory Board's recommendation for disclosure or other action. The affidavit must be delivered to the Board at a specified time and place as set forth in the Board's certified, return- receipt-requested letter to such official or employee. If the official or employee fails to follow the recommendations of the Ethics Advisory Board in eliminating the conflict of interest, that fact shall also be

disclosed. Nothing herein contained shall be construed or interpreted to mean that the Ethics Advisory Board is under a duty to make such recommendations to the official or the employee.

(6) Rendering advisory opinions to other municipalities. The Ethics Advisory Board shall, as provided by State Law, render advisory opinions to officers and employees of municipalities wholly or partly within the County with respect to this article and any other applicable municipal code of ethics. The advisory opinion shall be rendered pursuant to a written request of any such officer or employee under such rules and regulations as the Board may prescribe and the Board shall have the advice of the County Attorney.

In addition, upon the request of the governing body of any municipality in the County, the Board may make recommendations with respect to the drafting and adoption of a code of ethics or amendment thereto for that municipality.

The County Ethics Advisory Board shall not act with respect to the officials or employees of any municipality located within the county or agency thereof, where such a municipality has established its own board of ethics, except that the local board may, at its option, refer the matter to the County Ethics Advisory Board.

(7) Written decision rendered. It is the intent of this Code of Ethics that complaints be resolved promptly and therefore a written decision should be forthcoming within 90 days after the conclusion of the fact-gathering process.

(8) Written record of actions and determinations. The Ethics Advisory Board shall state in writing the disposition of every request for opinion and every investigation it conducts, and the reasons for the disposition. All such statements and written requests shall be kept on file as public records.

(9) Review of Code of Ethics. The Ethics Advisory Board shall review the Code of Ethics and recommend to the County Legislature any changes that it deems appropriate. Any changes in this chapter that are recommended by the Ethics Advisory Board shall, to the extent reasonably consistent with the other responsibilities of the County Legislature, be discussed and acted upon by the County Legislature in open session at a regular meeting within two months of the issuance of the recommendations.

(10) Annual review of ethics training. The Ethics Advisory Board shall annually confer with the Commissioner of Personnel and review the training provided to employees as to ethics and provide any suggestions deemed appropriate.

SECTION VI - DISTRIBUTION OF CODE OF ETHICS

The Chair of the Tompkins County Legislature shall cause a copy of this Code of Ethics to be distributed electronically or by hard copy to every officer and employee of the County of Tompkins within thirty (30) days after the effective date of this local law. Each officer and employee elected or appointed thereafter shall be furnished an electronic or a hard copy before entering upon the duties of his/her office or employment.

A copy of the Code shall be available in each County department and posted on the County website. In addition each County officer and employee shall receive an annual reminder about the existence of the Code, where it can be accessed, and the importance of complying with it.

The failure of a County officer or employee to receive a copy of the Code or any other amendment thereto does not affect either the applicability or enforceability of the Code or amendments thereto.

SECTION VII - PENALTIES

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be censured, fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.

SECTION VIII - EFFECTIVE DATE

This local law shall take effect upon the filing as provided in section twenty-seven of the Municipal Home Rule Law.