

**REGULAR BOARD MEETING
WEDNESDAY, JULY 25, 2018
1:30 P.M.**

ROLL CALL

The roll was called showing all members present except Mr. Davis (Portage).

PLEDGE OF ALLEGIANCE

The County Administrator introduced Roy B. Meissner:

Roy Meissner was born in Buffalo, New York and graduated from West Seneca High School. Roy enlisted in the United States Navy on January 11, 1966 and was Honorably Discharged as an E-5, Petty Officer Second Class Machinist Mate on November 7, 1969.

Roy completed his basic training at Recruit Training Command and Naval Training Center Machinist's Mate "A" School in Great Lakes, Illinois. Upon completion of his training, Roy's tenure in the Navy was on board the Vulcan class repair ship USS HECTOR (AR-7) homeported in Long Beach, California. While station on board he was deployed on three WESTPAC cruises. During the Vietnam era, he helped maintain a high state of readiness and provided ship repair services throughout the Philippines, Taiwan, and Japan and included R &R stops in Hong Kong. His military honors include the National Defense Service Medal.

Upon completion of his military service, Roy used his experience to work at several locations to include Bethlehem Steel, Mobil Oil Refinery in Buffalo, Kodak Elmgrove Plant, Seward Pump Co., and started working at SUNY Geneseo in 1988 where he retired from in 2010. Since 2012 he served as Assistant Chaplain and is current Chaplain of the USS HECTOR (AR-7) Reunion Association.

Roy Meissner currently resides in South Lima with his wife Ranée (Ray-Knee). They have two children, and five grandchildren.

Roy B. Meissner, led the Pledge of Allegiance.

The County Administrator and Chairman LeFeber, on behalf of the Livingston County Board of Supervisors, presented a Certificate of Appreciation to Roy B. Meissner. The audience presented a standing ovation.

APPROVAL OF MINUTES

Minutes of 7/11/18 Regular Meeting were approved as presented.

PUBLIC HEARING

1. LOCAL LAW NO. B OF THE YEAR 2018 – A LOCAL LAW AMENDING AND RESTATING LOCAL LAW 4 OF THE YEAR 1990, ENTITLED “LIVINGSTON COUNTY ETHICS AND DISCLOSURE LAW”

Chairman LeFeber asked the County Attorney to comment on the local law.

County Attorney Shannon Hillier explained that this local law is simply a restatement of the 1990 version of the law with a few key amendments. The law was originally passed in 1990 due to a change in state law requiring the creation of a County ethics board. The Board essentially monitors conflicts of interest between the County and County employees and officials. Some of the notable amendments to the local law include requiring recusal from any official actions that could result in financial benefit to County employees or officials, addressing the use of municipal resources to ensure they are not used for personal or private purposes, outlining the protocol when an employee or County official fails to file an annual conflict disclosure statement and finally, clarifying the investigation process when there is an alleged violation of the law.

Chairman LeFeber declared the Public Hearing open and stated anyone interested in speaking to please come forward and sign in at the podium. No one wished to speak. The Chairman asked if any Supervisor wished to comment. The Chairman announced that the public hearing would remain open until the end of the meeting.

COMMUNICATIONS

1. The NYSAC 2018 Fall Conference Registration is now open for September 24-26, 2018 in Monroe County at

the Hyatt Regency/Riverside Convention Center. Please notify the Clerk if you plan to attend and whether you will be commuting or a room will be necessary. Rooms need to be reserved ASAP.

ABSTRACT OF CLAIMS

RESOLUTION NO. 2018-250 APPROVING ABSTRACT OF CLAIMS #7B-JULY 25, 2018

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #7B dated July 25, 2018 in the total amount of \$2,026,376.71.

Dated at Geneseo, New York

July 25, 2018

Ways and Means Committee

The roll was called as follows: Ayes-1,980; Noes-0; Absent-Davis, 29; Adopted.

PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE

RESOLUTION NO. 2018-251 DECLARING SURPLUS PROPERTY – SHERIFF’S OFFICE

WHEREAS, the County of Livingston owns surplus personal property that is no longer necessary for public use, now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby declares the following item(s) as surplus property to be disposed of as determined by the County Administrator:

Sheriff’s Office

Quantity	Year, Make & Model	Mileage	Serial #
1	2008 Chevy Tahoe	235,663	1GNFK03008R269467
1	2008 Chevy Tahoe	204,804	1GNFK030X8R269475
1	2011 Chevy Tahoe	196,725	1GNSK2E04BR342533

Dated at Geneseo, New York

July 25, 2018

Ways and Means Committee

PREFERRED AGENDA VOTE

There being no further discussion on the foregoing resolutions, Chairman LeFeber asked for a motion to present the Preferred Agenda.

Motion made by Mr. Pangrazio and seconded by Mr. Deming to move the Preferred Agenda. Carried.

The roll was called as follows: Ayes-1,980; Noes-0; Absent-Davis, 29; Adopted.

RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE

County Administrator/Budget Officer

RESOLUTION NO. 2018-252 AMENDING 2018 LIVINGSTON COUNTY BUDGET – OFFICE FOR THE AGING

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the Livingston County Treasurer is authorized and directed to make the requested Budget Amendments per the Budget Amendment entries, which have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

July 25, 2018

Ways and Means Committee

The roll was called as follows: Ayes-1,980; Noes-0; Absent-Davis, 29; Adopted.

Personnel

RESOLUTION NO. 2018-253 AMENDING THE 2018 SALARY SCHEDULE: CENTER FOR NURSING AND REHABILITATION & COUNTY HISTORIAN

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the 2018 Department Head Salary Schedule is amended as follows:

Center for Nursing and Rehabilitation:

- Create one full-time Staffing Services Specialist position at a salary range of \$45,000.00-\$52,000.00.

County Historian

- Convert one part-time Deputy Historian position to full-time at a wage grade 7 effective August 6, 2018.

Dated at Geneseo, New York

July 25, 2018

Ways and Means Committee

The roll was called as follows: Ayes-1,980; Noes-0; Absent-Davis, 29; Adopted.

Chairman LeFeber congratulated Holly Watson on her appointment as Deputy County Historian.

CLOSE PUBLIC HEARING

Chairman LeFeber asked if anyone wished to comment regarding the public hearing. No one wished to speak. The Chairman asked if any Supervisor wished to comment. No one wished to speak.

The Chairman declared the public hearing closed.

MOTION TO MOVE LOCAL LAW NO. B – 2018 LOCAL LAW NO. B OF THE YEAR 2018 – A LOCAL LAW AMENDING AND RESTATING LOCAL LAW 4 OF THE YEAR 1990, ENTITLED “LIVINGSTON COUNTY ETHICS AND DISCLOSURE LAW”

Mr. Wadsworth moved and Mr. Schuster seconded to move the proposed local law to the table for a vote. Carried.

VOTE ON LOCAL LAW**A LOCAL LAW AMENDING AND RESTATING LOCAL LAW NO. 4 OF THE YEAR 1990 TO AMEND “LIVINGSTON COUNTY ETHICS AND DISCLOSURE LAW”**

Section 1. The Livingston County Ethics and Disclosure Law, as enacted by Local Law 1990-4, is hereby amended and restated to read as follows:

LIVINGSTON COUNTY ETHICS AND DISCLOSURE LAW**I: PURPOSE**

The purpose of this law is to create the Livingston County Ethics and Disclosure Law in compliance with Article 18 of the New York State General Municipal Law. The citizenry of Livingston County are entitled to the expectation of exemplary ethical behavior from County Officials and employees. 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 General Municipal Law Article 18.

II. DEFINITIONS

Unless otherwise indicated, the following terms shall be defined such for the purpose of the Livingston County Ethics Law:

- "Agency" for the purposes of this law, means any of the divisions of County government, referred to in subdivision (e) of this section except the Board of Supervisors.
- "Appropriate body" pursuant to Article 18 of General Municipal Law means the Board of Ethics of the County of Livingston.
- "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 applicable sections of the Internal Revenue Code.
- "Chief Elected Official" means the Chairman of the Board of Supervisors or his or her designee.
- "County" means the County of Livingston or any department, board, executive division, institution, office, branch, bureau, commission, agency, or other division or part thereof.
- "County Official" means the following for purposes of this law only.
 - All "local officers or employees," meaning the heads (other than local elected officials) of any agency, department, division, council, board, commission, or bureau of Livingston

County and their deputies and assistants, whether paid or not, and any other officers and employees of such agencies, departments, divisions, boards, bureaus, commissions, or councils who hold policy making positions, whether unpaid or not, as annually determined by the appointing authority and set forth in a written list which shall be promulgated by the Chairman of the Board each year, prior to January 31st after conferring with the relevant department heads. This list shall include the office, title or job classification of such officers and employees. The term "local officer or employee" shall not mean a Judge, Justice, officer or employee of the Unified Court System.

2. All "local elected officials," meaning the County Supervisors, the County Clerk, District Attorney, County Treasurer, County Sheriff and County Coroner.
 3. All officers and employees whose duties are not of a majority ministerial in nature, or which include duties involving the negotiation, authorization or approval of:
 - i. contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses as defined in section seventy three of the public officers law;
 - ii. the purchase, sale, rental or lease of real property, goods or services, or a contract therefor;
 - iii. the obtaining of grants of money or loans, or
 - iv. the adoption or repeal of any rule or regulation having the force and effect of law.
- G. "Dependent" means any person related or unrelated living in the same household with a County Officer, employee or appointed official and claimed as a dependent for Income Tax Purposes by said County Officer, employee or appointed official.
- H. "Employee" or "Employees", means any employee or officer of the County of Livingston other than those designated as County Officials herein.
- I. "Interest" means a direct or indirect pecuniary or material benefit accruing to a County official, his or her spouse, child or dependent whether as the result of a contract with the County or otherwise. For the purpose of this chapter, a County Official shall be deemed to have an interest in the contract of (I) his/her spouse, children or dependents, except a contract of employment with the County (ii) a firm, partnership or association of which such County Official or his/her spouse, child or dependent is a member or employee; (iii) a corporation of which such County Official or his/her spouse, child or dependent is an officer or director; and (iv) the outstanding capital stock of a corporation which is owned by a County Official or his/her spouse, child or other dependent.
- J. "Jurisdiction" shall mean having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the county agency in which the County Official or employee is employed.
- K. "Legislation" means a matter which appears upon the calendar or agenda of the Board of Supervisors of Livingston County or upon that of a committee thereof upon which any official action has been taken and shall include adopted acts, local laws, ordinances or resolutions.
- L. "Policy-making position" means an official or employee whose duties are not of majority ministerial in nature or which include duties involving the negotiation, authorization, or approval of any matters listed in section (f) (3) above.
- M. "Relative" means a spouse or child of a County Official or employee.
- N. "Reporting Category" for the purpose of completing the financial disclosure statements pursuant to Article IV, this law means the category of interest, income, value or worth of said reported items. No exact dollar amounts are to be included in the completion of the statements of financial disclosure; rather all amounts are to be indicated using the following categories:
 1. \$0 - \$5,000.00
 2. \$5,001.00 - \$10,000.00
 3. \$10,001.00 - \$ 25,000.00
 4. \$25,001.00 - \$ 50,000.00
 5. \$50,001.00 - \$100,000.00
 6. OVER \$100,001.00
- O. "Reporting Person" means a County Official who files an annual disclosure statement or a statement indicating

a conflict of interest pursuant to section iv (1) and (2) herein, or an employee who files such a conflict of interest statement pursuant to section IV (1) and (2) herein.

- P. "Spouse" means the husband or wife of a County Official or employee subject to the provisions of this Local Law unless legally separated from such County Official or employee.

III. CODE OF ETHICS

It is the policy of the Board of Supervisors that all County Officials and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever a County Official or employee or his or her spouse, relative or dependent has an interest, direct or indirect, which conflicts with the County Official's or employee's duty to the County or which could adversely affect his or her judgment in the discharge of his or her responsibilities.

No County Official or employee shall:

A. Prohibited Activities

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 Livingston County or any agency thereof in which the County 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 (\$75.00) Dollars, 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.
4. Disclose confidential (financial or other) information acquired in the course of his or her official duties or use such information to further his or her personal interest.
5. Serve on any committee or county body charged with the oversight of any matter in which a spouse, relative or dependent may be directly or indirectly affected. This shall include but not be limited to serving on a committee of the Board of Supervisors which oversees a department in which a spouse, relative or dependent is employed or who is employed by an individual or entity doing business with such department.
6. Participate, either individually or as a member of a board, in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the County or a County board. No County Official or employee may supervise a relative in the performance of the relative's official powers or duties.
7. Compel or induce a subordinate County Official or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
8. 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 Official or employee, or an applicant for a position as a County Official or employee, on the basis of the giving or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.
9. Participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, or his or her spouse, relative or dependent, or any private organization in which he or she is deemed to have an interest. In the event this subsection prohibits a County Official or employee from exercising or performing a power or duty:
 - i. If the power or duty is vested in a County Official or employee as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

- ii. If the power or duty that is vested in a County Official individually, then the power or duty shall be exercised or performed by his or her deputy or, if the official does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function; or
- iii. If the power or duty is vested in a County employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

B. Use of Municipal Resources

- 1. Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, money, vehicles, equipment, materials, supplies or other property.
- 2. No County Official or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - i. any use of municipal resources authorized by law or municipal policy;
 - ii. the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
 - iii. the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

IV. DISCLOSURE OF INTEREST

- A. Any County Official or other employee, who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the Board of Supervisors or by any other County Official, Board or Agency or employee of the County 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 County Official or other employee of the County who has knowledge of any matter being considered by any Board, Agency, officer or employee of the County in which matter he or she or his or her spouse, relative or dependent has or will have or intends to acquire any direct or indirect interest, shall be required immediately to disclose, in writing, his or her or their 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.
- C. All County Officials must annually file with the Livingston County Ethics Board a statement of financial disclosure. The statement adopted by the Board shall be completed and returned to the Ethics Board on or before May 15th of the year for which the employment is in effect. The Clerk of the Board of Supervisors shall index and maintain on file for use by the Ethics Board each disclosure statement filed pursuant to this local law.
- D. A County Official who is subject to the filing requirements of this local law from more than one county may satisfy the requirements by filing only one annual statement of financial disclosure and filing with the other(s) a notice that such filing has been made, inclusive of the date and place of the filing.
- E. Any County Official 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 shall be required to submit an annual statement of financial disclosure on or before May 15th of the year in which the employment is in effect. Such person shall file a supplementary statement for any item as so noted on the annual statement of financial disclosure, without liability under Article VII of this local law, if said supplementary statement is filed within fifteen (15) days of the expiration of the automatic extension.
- F. Any County Official who is required to file an annual statement of financial disclosure may request, prior to May 1st 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 Livingston County Ethics Board with approval based upon substantiation of justifiable cause or undue hardship. The Board of Ethics may grant or deny the request, by vote of the membership, and extensions shall be for the specific period of additional time requested.
- G. Any County Official required to file an annual statement of financial disclosure who becomes so required after May 15th of the year for which the employment is in effect shall file the appropriate annual statement within thirty (30) days.
- H. If a person required to file a financial disclosure statement with the Ethics Board fails to file a financial disclosure statement or files a deficient statement, the Ethics Board shall notify the person in writing, state the

failure to file or detail the deficiency, provide the person with a fifteen (15) day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Ethics Board shall send a notice of delinquency to the County Administrator.

- I. In the event there is a change in the information contained in a recently filed annual disclosure statement, the reporting person shall file a signed amendment to the statement indicating the change within thirty (30) days thereof.

V. PROMULGATION OF CODE OF ETHICS REVIEW

- A. Upon entering office or employment, every County Official and every other employee shall receive a copy of the Livingston County Code of Ethics with the annual disclosure statement attached. The Livingston County Personnel Officer shall include a copy of the Code in each County Official or employee's personnel package and shall have each County Official or employee sign a receipt for the copy of the Code. All current County Officials and other employees shall receive a copy of the Code by the Personnel Officer within ten (10) business days after this Code becomes law.

VI. INDUCEMENT OF VIOLATIONS

- A. A County Official or employee, who intentionally induces any County Official or employee to take any action or to refrain from taking any action, which action or inaction violates any provision of this law, and who knows or should have known that such action or inaction violates any provision of this law, shall be hereby deemed to have violated this law.

VII. CIVIL AND ADMINISTRATIVE PENALTIES

Any County Official or employee who engages in any action that violates any provision of this law may be warned, reprimanded, suspended, or removed from office or employment or be subject to any other sanction authorized by law. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this law or in any other provision of law.

- A. A County Official 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 to be false on a statement of financial disclosure shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the Livingston 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 falsely understated. Upon an appropriate determination and vote, the Ethics Board may file a written recommendation with the Chief Elected Official or other disciplinary body establishing grounds for removal for cause, in accordance with other County laws pertaining to officers, officials and employees and policies governing conduct. 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 except that the appointing authority may impose disciplinary action as otherwise provided by law or policy.

The 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. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty (30) 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 Board of Ethics pursuant to Article seventy-eight of the Civil Practice Laws and Rules.

VIII. ESTABLISHMENT OF THE LIVINGSTON COUNTY ETHICS BOARD

The Board of Supervisors hereby establishes an Ethics Board consisting of three (3) members.

IX. QUALIFICATIONS OF LIVINGSTON COUNTY ETHICS BOARD MEMBER

- A. No Ethics Board member shall hold office in any political party or be employed as a lobbyist. An Ethics Board member may make campaign contributions but may not participate in any election campaign.
- B. No more than two members of the Ethics Board may be members of the same political party. For purposes of this section, political party shall mean the two major political parties.
- C. Ethics Board members shall be reimbursed for reasonable and necessary expenses.
- D. All Ethics Board members shall reside in Livingston County.

- E. A majority of the Ethics Board shall not be County Officials or employees of the County or officers or employees of any municipalities wholly or partially located in the County of Livingston, but shall include at least one member who is either a County Official or employee of the County or an officer or employee of any municipality within the County.

X. APPOINTMENT OF LIVINGSTON COUNTY ETHICS BOARD MEMBERS

- A. The members of the Livingston County Ethics Board shall be appointed within sixty days of the establishment of the Ethics Board and no later than January 20 of each year thereafter.
- B. Each member of the Ethics Board shall be appointed as follows:
 - 1. The Board of Supervisors shall appoint three (3) Ethics Board members.
 - 2. The term of office of Ethics Board members shall be three years. Each member shall serve until his or her successor has been appointed, except that the three members first appointed shall serve for terms of office which shall expire on December 31 of the year in which the Ethics Board is established and the first and second years thereafter. No member shall serve for more than two full three year terms.

XI. LIVINGSTON COUNTY ETHICS BOARD VACANCIES

- A. When a vacancy occurs in the membership of the Ethics Board it shall be filled for the unexpired term in the same manner as the original appointment no later than thirty (30) days after the vacancy occurs.

XII. REMOVAL OF ETHICS BOARD MEMBERS

- A. An Ethics Board member may be removed by the Chairman of the Livingston County Board of Supervisors upon the advice and consent of the Board of Supervisors.
- B. Grounds for removal of Ethics Board members will be substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this law, after written notice and opportunity for reply.

XIII. LIVINGSTON COUNTY ETHICS BOARD MEETINGS & QUORUM REQUIREMENTS

- A. At its first meeting each year, the Ethics Board shall elect a chair from among its membership. Two members of the Ethics Board shall constitute a quorum. A vote of at least two Ethics Board members shall be required for the board to take any action. The chair or any two members may call a meeting of the Ethics Board.
- B. The Ethics Board shall hold a meeting before April 30 of each year, at which the Ethics Board shall review the list of Livingston County Officials required to make annual disclosure and shall hold a meeting before May 30 of each year, at which the Ethics Board shall review the annual disclosure statements. The Ethics Board may hold as many additional meetings per year as it shall deem necessary or as shall be called by the chair or any two members, provided that a meeting of the Ethics Board shall be held within three (3) days after the filing of a complaint alleging a violation of this law, at which meeting such complaint shall be considered by the Ethics Board, as well as any other matters before it.

XIV. POWERS AND DUTIES OF THE LIVINGSTON COUNTY ETHICS BOARD

- A. The Ethics Board may act only with respect to County Officials and employees of Livingston County.
- B. The termination of a County Official or employee from a Livingston County office or from employment with Livingston County shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed by this section.
- C. The Ethics Board shall have the following powers and duties:
 - 1. to prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this law;
 - 2. to review lists of County Officials and their disclosure statements;
 - 3. to conduct investigations;
 - 4. to conduct hearings, issue subpoenas if necessary, recommend disciplinary action, assess penalties, and initiate appropriate actions and proceedings;
 - 5. to grant waivers;
 - 6. to render advisory opinions;
 - 7. to provide training, education, and support to County Officials and employees regarding the requirements of the Code of Ethics.
 - 8. to prepare an annual report and recommend any changes to the Livingston County Ethics and Disclosure Law.

- D. The Board of Supervisors may prescribe additional powers and duties for the Ethics Board, by resolution, provided that such additional powers and duties do not conflict with this Law or any other applicable provisions of law.
- E. The only records of the Ethics Board which shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law or by some other State or Federal law or regulation.

XV. REVIEW OF LISTS AND DISCLOSURE STATEMENTS

- A. The Ethics Board shall review the list of Livingston County Officials to determine whether the list is complete and accurate. The Ethics Board shall recommend to the Chairman of the Board of Supervisors for addition to the appropriate list the name of any other employee whom the Ethics Board determines to be a subject to disclosure requirements. After review by the appropriate Department Head, if necessary, and review by the full Board, such name or names shall be added to the list if appropriate.
- B. The Ethics Board shall review all annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this law.
- C. The Ethics Board shall promptly review all transactional disclosure statements filed pursuant to section IV (A) and (B). If the Ethics Board determines that a statement is deficient or reveals a possible or potential violation of this law, it shall notify the person in writing of the deficiency or potential violation and of the penalties for failure to comply with the law. A copy of such notice shall be provided to the County Administrator.
- D. From time to time the Ethics Board may draft instructions for the completing of Annual Disclosure Statements by all County Officials and may recommend such instructions for approval by the Livingston County Board of Supervisors.

XVI. INVESTIGATIONS OF ALLEGED VIOLATIONS

- A. Upon receipt of a sworn complaint of any person alleging a violation of this law, or upon determining on its own initiative that a violation of this law may exist, the Ethics Board shall have the power and duty to conduct an investigation. In conducting any such investigation, the Ethics Board may hold hearings, administer oaths or affirmations, subpoena witnesses, compel attendance, and require the production of any books or records which it may deem relevant and material.
- B. Upon receipt of a sworn complaint alleging a violation, or if the Ethics Board determines on its own initiative to investigate a possible violation, the Ethics Board shall notify the named County Official or employee in writing, describe the possible or alleged violation of this law and provide the person with a fifteen (15) day period in which to submit a written response setting forth information relating to the activities cited as an alleged violation of law. If the Ethics Board thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard.
- C. The Ethics Board shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all sworn complaints shall be indexed and maintained on file with the Clerk of the Board of Supervisors.
- D. Any person aggrieved by a decision of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules.
- E. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or any of its members or staff. If the Ethics Board receives a complaint alleging that the Board or any of its members has violated any provision of this local law, or any other law, the Board shall promptly transmit a copy of said complaint to the Board of Supervisors.

XVII. RECOMMENDED ACTIONS

In its discretion, and after a hearing held in accordance with article three of the State Administrative Procedure Act, and subject to any applicable provisions of state law and collective bargaining agreements, the Ethics Board may recommend appropriate disciplinary action to the appointing authority or person or body authorized by law to impose such sanctions.

- A. In its discretion and after a hearing in accordance with article three of the State Administrative Procedure Act, the Ethics Board may assess a civil fine pursuant to section VII of this law for each violation upon any County Official or employee found to have violated this law. The civil fine shall be payable to Livingston County.
- B. The Ethics Board may institute a suit in the Supreme Court of the State of New York for injunctive relief to enjoin a violation or to compel compliance with the provisions of this law.

- C. The Ethics Board may initiate a proceeding in the Supreme Court of the State of New York to obtain a civil forfeiture pursuant to the provisions of this law. The civil forfeiture shall be payable to Livingston County
- D. The Ethics Board may initiate an action in the Supreme Court of the State of New York to obtain damages as provided in this law.
- E. Nothing in this section shall be construed to permit the Ethics Board to take any action with respect to any alleged violation of this law, or of any other law, by the Ethics Board or any member thereof.

XVIII. WAIVERS

- A. Waivers may be granted by the Ethics Board.
- B. Upon written application and upon a showing of compelling need by the applicant, the Ethics Board may in exceptional circumstances grant the applicant a waiver of any of the provisions of this local law, provided, however, that no such waiver shall permit conduct otherwise prohibited by Article 18 of the General Municipal Law. Waivers shall be in writing and shall state the grounds upon which they are granted.
- C. All applications, decisions, and other records and proceedings relating to waivers shall be indexed and maintained on file with the Clerk of the Board of Supervisors.

XIX. ADVISORY OPINIONS

- A. Upon written request of any County official or employee, the Livingston County Ethics Board may render written advisory opinions with respect to the interpretation or application of this law.

XX. TRAINING AND EDUCATION BY ETHICS BOARD

- A. The Ethics Board may develop educational materials and an educational program concerning the provisions of this law. The Ethics Board shall: (a) assist Livingston County in conducting training programs on compliance with this law; and (b) make information concerning this law known and available to all County Officials and employees, to the public, and to any person who is interested in doing business with Livingston County.

XXI. ANNUAL REPORTS; RECOMMENDATIONS

- A. The Ethics Board shall prepare and submit an annual report to the Livingston County Administrator and the Board of Supervisors reflecting the activities of the Ethics Board. The report may also recommend changes or amendments to the text or administration of the Livingston County Ethics and Disclosure Law.

XXII. MISCELLANEOUS PROVISIONS

- A. No existing right or remedy shall be lost, impaired, or affected by reason of this Livingston County Ethics and Disclosure Law.
- B. Nothing in this law shall be deemed to bar or prevent the timely filing by a present or former County Official or employee of any claim, account, demand, or suit against the County on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.
- C. If any particular provision of this law is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of the law.

XXIII. DISTRIBUTION AND POSTING

- A. Within ten (10) days after the effective date of this law, the County Administrator through the County Personnel Officer shall cause a copy of this law to be readily available to the public and shall post notice of this law conspicuously in each Livingston County building. As provided in section V above, every County Official and employee thereafter shall be furnished a copy of this law upon entering the duties of his or her position.
- B. Every County Official or employee shall file with the County Personnel Officer a signed receipt acknowledging that he or she has received and read the law. Such receipts shall be maintained by the County Personnel Officer.
- C. Failure to distribute a copy, failure of any County Official or employee to receive a copy, failure to file a signed receipt, or failure to keep posted a copy of the law shall have no effect on the duty of compliance with this law nor the enforcement provisions hereof.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of the State of New York.

June 27, 2018 Introduced

July 25, 2018 Adopted

The roll was called as follows: Ayes-1,980; Noes-0; Absent-Davis, 29; Adopted.

OTHER BUSINESS

1. County Attorney gave an update on the Sciarrino parcel pulled from the foreclosure list and the other parcel that may be pulled by the judge.
2. County Administrator gave an update on sales tax receipts and the county taxable value update. All of the Grants Intermunicipal agreements have been received. The applications for shared services will be coming this week for submittal. There is no guarantee that we will receive reimbursement. The Administrative Intern starts next week. He will be working on hotel/motel tax short term rentals, County Land Bank and public information/communications. He also discussed the Public Market and that he sent the Board an FAQs document last week and that based on BOS feedback that we will be pursuing a USDA technical assistance (free) grant opportunity versus a CFA at this time.

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. Mahus to adjourn until Wednesday, August 8, 2018 at 1:30 p.m. Carried.

The Board adjourned at 1:47 p.m.