

**SCHEDULE "A"**  
**COUNTY OF DELAWARE**

**RESOLUTION NO. 183-2015**

**DELAWARE COUNTY CODE OF ETHICS**

**BE IT ENACTED**, by the Board of Supervisors of the County of Delaware, New York that the Code of Ethics is hereby adopted as follows:

**Section 1.** Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Supervisors of the County of Delaware recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained, and if public confidence is to be maintained in our unit of local government. It is the purpose of the Code of Ethics to promulgate these rules of ethical conduct for the municipal officers and employees of the County of Delaware and shall replace and supersede the Delaware County Code of Ethics dated October 14, 1970. These rules shall serve as a guide for official conduct of the officers and employees of the County of Delaware. The rules of ethical conduct of this resolution as adopted shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of Delaware County.

**Section 2. DEFINITIONS:**

(a) "Municipal Officer or Employee" means an officer or employee of the County of Delaware, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

(b) "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

**Section 3. ANNUAL DISCLOSURE:**

(a) The officers and employees of Delaware County as set forth more particularly but not necessarily exhaustively on the representative list of such employees annexed hereto and incorporated herein as Appendix "A", shall be required to sign and file an annual disclosure statement. The form annual disclosure statement is annexed hereto and incorporated herein as Appendix "B".

(b) The annual disclosure statements shall be filed with the office of the Delaware County Clerk of the Board no later than the 31<sup>st</sup> of March each year. The first such filing pursuant to this policy shall be required no later than March 31, 2016.

**Section 4. STANDARDS OF CONDUCT:**

Every officer or employee of the County of Delaware shall be subject to and must abide by the following standards of conduct:

(a) Gifts: Officers or employees shall not directly or indirectly solicit any gift, bequest and/or gratuity; or accept or receive any gift, bequest and/or gratuity having a value of \$75.00 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 be reasonably inferred that the gift was intended to influence them, or could reasonably be expected to influence them, in the performance of their official duties or was intended as a reward for any official action on their part.

(b) Confidential Information: Officer or employees shall not disclose confidential information

acquired by them in the course of their official duties or use such information to further their personal interest.

(c) Representation Before One's Own Agency: Officers or employees shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which they are an officer, member or employee of any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer or employee.

(d) Representation Before Any Agency for a Contingent Fee: Officers or employees shall not receive or enter into any agreement, express or implies for compensation for services to be rendered in relation to any matter before any agency of their municipality, whereby their compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

(e) Disclosure of Interest in Legislation: To the extent that they know thereof, a member of the Board of Supervisors and any officer or employee of the County of Delaware, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Supervisors on any legislation before the Board of Supervisors shall publicly disclose on the official record the nature and extent of any direct or indirect financial interest or their private interest in such legislation.

(f) Investments in Conflict with Official Duties: Officers or employees shall not invest or hold any investment directly or indirectly in any financial business, commercial or other private transaction, which creates a conflict with their official duties.

(g) Private Employment: Officers or employees shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of their official duties.

(h) Future Employment: Officers or employees shall not, after the termination of service or employment with such municipality, appear before any board or agency of the County of Delaware in relation to any case, proceeding or application in which they personally participated during the period of their service or employment or which was under their active consideration.

#### **Section 5. POSTING AND DISTRIBUTION:**

The Delaware County Clerk of the Board or his or her designee must promptly cause a copy of this Policy, and a copy of any amendment to this Policy, to be posted publicly and conspicuously in each building under Delaware County's control. Each officer and employee elected or appointed shall be furnished a copy before entering upon the duties of their office or employment by the Personnel Department.

**Section 6.** Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand, or suit against the County of Delaware, or any agency, thereof, on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

#### **Section 7. 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 fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

#### **Section 8. EFFECTIVE DATE**

This Policy shall take effect January 1, 2016.

## APPENDIX "A"

The following Delaware County officers and employees shall be among those who must file a financial disclosure statement as provided by the Delaware County Code of Ethics:

### **Alcoholism Clinic**

Director, Alcoholism Clinic

### **Board of Elections**

Commissioners

Deputy Commissioners

### **Board of Supervisors**

Chairman, Board of Supervisors

Supervisors

### **Buildings**

Superintendent, Buildings and Grounds

### **OET/CDO Workforce**

Employment and Training Director

### **Clerk of the Board of Supervisors**

Clerk of the Board of Supervisors

Assistant Clerk of the Board of Supervisors

### **County Attorney**

County Attorney

First Assistant County Attorney

Assistant County Attorneys

### **County Clerk**

County Clerk

Deputy County Attorney

2<sup>nd</sup> Deputy County Clerk

3<sup>rd</sup> Deputy County Clerk

### **Solid Waste/Compost Facility**

Director of Solid Waste

Director of Compost Facility

### **County Treasurer**

County Treasurer

Deputy County Treasurer

### **Code Enforcement Officer**

Officer

**Department of Emergency Services**

Director of Emergency Services

**District Attorney**

District Attorney

First Assistant District Attorney

Assistant District Attorney

**Drug-Abuse**

Chemical Dependency Clinic Director

**Economic Development**

Director of Economic Development

Director of Industrial Development

**Information Technology**

Director, Information Technology

**Mental Health Clinic**

Director of Community Mental Health Services

Deputy Director of Community Mental Health Services

**Office for the Aging**

Director, Office for the Aging

**Personnel Department**

Personnel Officer

**Planning Board**

County Planning Director

**Probation Department**

Probation Director I

**Public Defender**

Director

Assistant Public Defender

Chief Assistant Public Defender

**Public Health**

Director of Public Health

**Department of Public Works Administration**

Department of Public Works Commissioner  
Deputy Department of Public Works Commissioner  
Assistant to Department of Public Works Commissioner  
General Highway Supervisor  
General Highway Supervisor II  
Safety and Training Manager

**Sealer of Weights and Measures**

Director of Weights and Measures I

**Sheriff's Office**

Sheriff  
Undersheriff

**Social Services Department**

Commissioner of Social Services  
Director of Social Services  
Director of Programs/Deputy Commissioner  
Director of Fiscal Management, Grade B

**Tax & Assessment**

Director of Real Property Tax Services I

**Veteran Services**

Director of Veteran Service Agency

**Watershed Affairs**

Commissioner of Watershed Affairs  
Assistant to Commissioner of Watershed Affairs

**RESOLUTION NO.**

**TITLE: RESOLUTION ADOPTING THE ETHICS AND DISCLOSURE POLICY FOR DELAWARE COUNTY**

**WHEREAS, the Board of Supervisors for Delaware County has determined that it is appropriate to update and clarify the Delaware County Ethics and Disclosure Policy and said revisions are reflected in Schedule "A" annexed hereto, and the Human Resources Committee has recommended that the same be advanced to the full Board of Supervisors for consideration; and**

**WHEREAS, the updated and clarified Delaware County Ethics and Disclosure Policy is included with this resolution as Schedule "A".**

**NOW, THEREFORE, BE IT RESOLVED, that the proposed 2016 Ethics and Disclosure Policy for Delaware County, annexed hereto as Schedule "A", be and the same is hereby adopted as the official policy for Delaware County; and**

**BE IT FURTHER RESOLVED, that any and all prior Ethics and Disclosure Policies, Resolutions or parts thereof inconsistent with the 2016 Ethics and Disclosure Policy are hereby repealed effective January 1, 2016.**

**APPENDIX "B"**

**Municipality: Delaware County**

**Officer's Name and Title:** \_\_\_\_\_, **affirms that:**

- a. I have received a copy of the Delaware County Ethics Disclosure Policy (the "Policy").
- b. I have read and understand the Policy;
- c. I agree to comply with the Policy.

**SECTION 1: Private – Municipal Transactions**

Have you, or a "related party,"<sup>i</sup> during the January 1, 2022 through December 31, 2022 engaged in any "business transaction"<sup>ii</sup> to which Delaware County was a party?

Please circle one: Yes or No. If you circle yes, please describe the business transaction on the lines below.

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**SECTION 2: Private Employment**

Please list your and your spouse's private employer(s) and position(s).

| <u>Individual</u> | <u>Employer</u> | <u>Position</u> |
|-------------------|-----------------|-----------------|
| _____             | _____           | _____           |
| _____             | _____           | _____           |
| _____             | _____           | _____           |

None

**SECTION 3: Private Business Interests**

Please list your and your spouse’s private business interests, excluding corporations in which you or your spouse own or control less than 5% of the outstanding stock.

| <u>Individual</u> | <u>Name of Business</u> | <u>Form of Business</u> <sup>iii</sup> | <u>Nature of Interest</u> <sup>iv</sup> |
|-------------------|-------------------------|--|---|
| _____             | _____                   | _____                                  | _____                                   |
| _____             | _____                   | _____                                  | _____                                   |
| _____             | _____                   | _____                                  | _____                                   |

None

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_

<sup>i</sup> The term “related party” means: (a) your spouse, minor children and dependents; (b) a firm, partnership or association of which you are a member or employee; (c) a corporation of which you are an officer, director or employee; or (d) a corporation of which you directly or indirectly own or control any stock.

<sup>ii</sup> The term “business transaction” means any express or implied claim, account or demand against, or agreement with the municipality, including but not limited to submission of a voucher for payment by the municipality, designation of a depository of public funds, and designation of a newspaper for the publication of municipal notices, resolutions, ordinances etc. authorized or required by law, but does not include vouchers submitted for reimbursement of actual and necessary expenses occurred in the performance of official duties.

<sup>iii</sup> Enter the manner in which the business or organized, e.g. sole proprietorship, partnership, corporation, etc.

<sup>iv</sup> Enter the relationship between you or your spouse and the business, e.g. owner, member, partner, stockholder, director, officer, employee etc.