

COUNTY OF ORLEANS

LOCAL LAW NO. 3 OF 2008

SECTION 1. ESTABLISHMENT OF THE ORLEANS COUNTY

ETHICS BOARD

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The County Legislature, pursuant to Article 18 of the General Municipal Law, hereby establishes the Orleans County Board of Ethics consisting of five members.

SECTION 2. ORLEANS COUNTY ETHICS BOARD MEMBERSHIP

1. Four members of the Board shall consist of members who are not officials, officers or employees of the County of Orleans nor municipalities wholly or partially located within the County.

2. One member of the Board shall be an elected or appointed officer or employee of Orleans County.

3. All Board members shall reside within Orleans County.

4. Members of the Board shall receive no salary or compensation for their services on the Board but shall be reimbursed for reasonable and necessary expenses in connection with their services in accordance with policies applicable to County officers and employees as established by the County Legislature.

5. Members shall be appointed by a two-thirds (2/3) vote of the Orleans County Legislature.

6. Members shall be construed under this law as subject to all the applicable ethics requirements of Orleans County.

SECTION 3. TERMS OF APPOINTMENT

1. Members shall serve staggered three-year terms provided, however, that initial appointments to the Board shall be as follows:  
one member to a term expiring on December 31, 2008  
two members to a term expiring on December 31, 2009  
two members to a term expiring on December 31, 2010  
provided further that each member shall holdover and serve until his or her successor has been appointed.

2. The County Legislature shall make initial appointments as soon as practicable after enactment of this local law, and subsequent appointments on or before February 15th of each calendar year thereafter.

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3. When a vacancy occurs during a member's term it shall be filled as soon as practicable for the unexpired portion of the respective term in the same manner as the original appointment.

SECTION 4. REMOVAL OF ETHICS BOARD MEMBERS

1. An ethics board member may be removed by the County Legislature after written notice and an opportunity to reply.

2. 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, conviction of a crime, or similar acts or omissions.

3. Notwithstanding the provisions of subdivision 1 above, a member shall automatically forfeit his or her office upon conviction of a felony as of the date thereof.

SECTION 5. ORLEANS COUNTY ETHICS BOARD MEETINGS AND QUORUM REQUIREMENT

1. At its first meeting each year, the Board of Ethics shall elect a chair from among its membership. Three members of the board shall constitute a quorum. A vote of at least three board members on the same side of a question shall be required for the board to take any action. The chair or any two members may call a meeting of the board.

2. The board shall hold a meeting before March 10th of each year, at which the board shall review the Orleans County Code of Ethics in effect at that time and Article 18 of the New York State General

Municipal Law. The 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.

#### SECTION 6. GENERAL POWERS AND DUTIES OF THE ORLEANS COUNTY BOARD OF ETHICS

1. The Board of Ethics shall possess all powers and duties authorized by Section 808 of General Municipal Law.

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2. The Board of Ethics shall make a determination on all ethical and related matters referred to it by the County Legislature and report its determination to the Legislature.

3. The Board of Ethics may advise and assist any local agency, local regulating agency, or any municipality located within Orleans County in establishing rules and regulations relating to possible conflicts between private interests and official duties of present and former local elected officials, officers and employees.

4. The Board of Ethics shall have authority to promulgate rules and regulations in furtherance of its powers and duties enumerated herein.

5. The Board of Ethics shall render advisory opinions to County officers and employees with respect to Article 18 of the General Municipal Law and the County Code of Ethics adopted pursuant thereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board may prescribe and shall have the advice of counsel employed by the board, or if none, the county attorney. In addition, it may make recommendations with respect to the drafting and adoption of any amendments to the County Code of Ethics upon the request of the Legislature.

6. Advisory opinions concerning particular officers, employees or officials shall not be made public or disclosed unless so required by the Freedom of Information Law (Public Officers Law Article 6) or required for use in a disciplinary proceeding, or proceeding under this Local Law involving the officer, employee or appointed official who requested the advisory opinion. Whenever a request for access to an advisory opinion herein is received, the officer, employee or appointed official who requested the opinion shall be notified of the request within forty-eight (48) hours of the receipt of the request. Nothing contained herein shall prohibit the issuance of general advisory opinions for the guidance of reporting individuals.

7. The Orleans County Attorney shall serve as counsel to the Board of Ethics.

8. The Ethics Board shall be empowered to request support staff assistance from the County Legislature to facilitate the performance of its duties and responsibilities.

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9. At the request of its municipal board, the County Board of Ethics may act as an ethics board to any municipality located within the County with respect to Article 18 of the General Municipal Law and any code of ethics adopted by such municipality pursuant thereto.

#### SECTION 7. APPLICABILITY; SEVERABILITY

1. This law shall be construed so as to comply with the applicable provisions of Article 18 of the General Municipal Law.

2. If any provision of this act 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 act.

3. Any prior resolutions adopted by the County of Orleans with respect to a Board of Ethics are hereby repealed.

#### SECTION 8. DISTRIBUTION AND POSTING

Within sixty days after the effective date of this act, the Chairman

of the County Legislature shall cause a copy of this act to be made available to every county elected official, county officer and employee, shall make it available to the public, and shall post a copy of this act. Every officer and employee elected or appointed thereafter shall be furnished a copy of this act within ten days after entering upon the duties of his or her position.

SECTION 9. EFFECTIVE DATE

This act shall take effect immediately upon filing with the Department of State as required by Law.

Moved, Callard; second, Johnson.

Roll Call:

7 ayes - Bower, Callard, Eick, Johnson, Kent, Rush, Smith; 0 nays; 0 absent.

Adopted.

RESOLUTION NO. 172-408