

CODE OF ETHICS POLICY

1. Generally. This Code of Ethics Policy (“Policy”) applies to Members, officers and employees of Albany County Pine Hills Land Authority (the “Authority”). The purpose of this Policy is to promote honest and ethical conduct and compliance with the law.
2. Definition. As used in this section the term “authority employee” shall mean any Member, officer, or employee of the authority.
3. Rule with respect to conflicts of interest. No authority employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of such authority employee’s duties in the public interest.
4. Standards.
 - (a) No authority employee shall accept other employment which will impair such authority employee’s independence of judgment in the exercise of such authority employee’s official duties.
 - (b) No authority employee shall accept employment or engage in any business or professional activity which will require such authority employee to disclose confidential information which such authority employee has gained by reason of such authority employee’s official position or authority.
 - (c) No authority employee shall disclose confidential information acquired by such authority employee in the course of such authority employee’s official duties nor use such information to further such authority employee’s personal interests.
 - (d) No authority employee shall use or attempt to use such authority employee’s official position to secure unwarranted privileges or exemptions for such authority employee or others.
 - (e) No authority employee shall engage in any transaction as representative or agent of the authority with any business entity in which such authority employee has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of such authority employee’s official duties.
 - (f) An authority employee shall not by such authority employee’s conduct give reasonable basis for the impression that any person can improperly influence such authority employee or unduly enjoy such authority employee’s favor in the performance of such authority employee’s official duties, or that such authority employee is affected by the kinship, rank, position or influence of any party or person.
 - (g) An authority employee shall abstain from making personal investments in enterprises which such authority employee has reason to believe may be directly involved in decisions to be made by such authority employee or which will otherwise create substantial conflict between such authority employee’s duty in the public interest and such authority employee’s private interest.
 - (h) An authority employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that such authority employee is likely to be engaged in acts that are in violation of such authority employee’s trust.
 - (i) No authority employee employed on a full-time basis nor any firm or association of which

such authority employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such authority employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the authority in which such authority employee serves or is employed.

- (j) If any authority employee shall have a financial interest, direct or indirect, having a value of ten thousand dollars or more in any activity which is subject to the jurisdiction of a regulatory agency, such authority employee shall file with the secretary of state a written statement that such authority employee has such a financial interest in such activity which statement shall be open to public inspection.

5. Albany County Code of Ethics. In addition to the standards contained in this Policy, and pursuant to the Section 2676-c of the Authority's Enabling Legislation, Members of the Authority shall also be required to comply with the Albany County Code of Ethics (attached hereto as Exhibit A). Pursuant to Exhibit A, Authority Members shall complete/file Annual Financial Disclosure Forms with the Albany County Ethics Commission on or before May 15th of each year (an extension may be requested). The Financial Disclosure Forms (and related instructions) can be found on the website of the Albany County Ethics Commission.
6. Violations. In addition to any penalty contained in any other provision of law any such Member or employee who shall knowingly and intentionally violate any of the provisions of this Policy may be fined, suspended or removed from office or employment in the manner provided by law.

Exhibit A

ALBANY COUNTY CODE OF ETHICS

LOCAL LAW NO. 8 FOR 2011

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK
ESTABLISHING A NEW CODE OF ETHICS AND FINANCIAL
DISCLOSURE LAW FOR OFFICIALS AND EMPLOYEES OF ALBANY
COUNTY GOVERNMENT**

Introduced: 2/11/08

By Messrs. Horstmyer, Nichols, Higgins, Mss. Maffia-Tobler, McKnight, Messrs. Clay, Clenahan, Steck, Aylward, Bullock, Timmins, Mayo, Domalewicz, Commisso, Beston, Joyce, Gordon, Reilly, Ms. Connolly, Messrs. Ethier, Infante, McCoy, Morse, Ward, Ms. Benedict, Messrs. Carman, Clouse, Hoblock, Ms. Lockart, Messrs. Mendick, Tunny and Zeilman:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

SECTION 1. Title.

This local law shall be known and may be cited as the "Code of Ethics and Financial Disclosure Law of the County of Albany."

SECTION 2. Repeal of Existing County Ethics Laws.

Local Law No. 8 for 1992 is hereby repealed and replaced by this local law.

SECTION 3. Purpose.

The purposes of this local law are:

- (a) To establish high standards of ethical conduct for officers and employees of the County;
- (b) To afford officers and employees of the County clear guidance on such standards;
- (c) To promote the integrity of the governance and administration of the County and its agencies and administrative offices, and public confidence in the same, by requiring members, officials and employees of the County, whether elected or appointed, paid or unpaid, to be independent, impartial

and free from conflicts of interest in fulfilling their public responsibilities;

(d) To facilitate consideration of potential ethical problems before they arise, minimize unwarranted suspicion, and enhance the accountability of government to the people by requiring public disclosure of financial interests that may influence or be perceived to influence the actions of County officers and employees; and

(e) To provide for the fair and effective administration of this local law.

SECTION 4. Definitions.

Unless otherwise stated or unless the context otherwise requires, when used in this local law:

1. “Ability to influence”, as used in this local law, shall mean that a County officer or employee has the power or duty to individually, or as a member of the County Legislature or a board of the County:
 - (a) negotiate, draft, authorize or approve a contract or agreement as between the County and a person engaged in business dealings with the County;
 - (b) authorize or approve payment to a person engaged in business dealings with the County under such contract or agreement with the County;
 - (c) audit bills or claims under such contract or agreement with the County; or
 - (d) appoint an officer or employee who has any of the powers or duties set forth above.
2. “Allowable gift value growth factor” shall mean the sum of one plus the inflation factor.
3. “Appear” and “appear before” shall mean communicating in any form, including, without limitation, personally, through another person, by letter, by telephone, or by electronic correspondence.
4. “Business” shall mean a commercial enterprise carried on for profit.
5. “Business dealings with the County” shall mean any transaction with the County involving the sale, purchase, rental, disposition or exchange of any goods, services, or property, any license, permit, grant or benefit, and any performance of or litigation with respect to any of the foregoing, but shall not include any ministerial act.
6. “Business relationship” shall mean a contract or agreement with another person whereby one party to the dealing would receive services or goods in exchange for the payment from the other of a sum, fee, charge, or commission.
7. “Candidate” shall mean any person who, in an attempt to hold an elective position in the County Legislature or one of the Countywide elective offices set forth in Article 8 of the County Law: a) receives the nomination of a

political party, b) files a designating petition for nomination at a primary election, c) seeks independent nomination and who obtains the requisite number of signatures on an independent nominating petition as required by Election Law section 6-142(2), or d) receives the designation of a committee to fill vacancies pursuant to Election Law sections 6-148 and 6-152. The terms “party”, “designation”, “primary election”, “nomination” and “independent nomination” as used in this Local Law shall have the same meanings as those contained in New York Election Law section 1-104 and New York Election Law section 6-140.

8. “Confidential Information” shall mean any data acquired through the course of employment or public office with the County of Albany that is protected from disclosure by law.
9. “Corporation” shall include an artificial person or being, endowed by law with the capacity of perpetual succession, and shall include corporations organized as public, private, charitable, civil, domestic, foreign, close, open, municipal and not-for-profit institutions.
10. “County” means the County of Albany but shall not include the County Court.
11. “County officer or employee” shall mean any officer or employee of the County whether paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the County. “County officer or employee” shall not include:
 - (i) A judge, justice, officer, or employee of the unified court system; or
 - (ii) A member of an advisory board of the County if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the County, or to restrict the authority of the County to act. No entity established pursuant to the General Municipal Law of the State of New York shall be deemed an advisory board for purposes of this paragraph.
12. “Customer or client” shall mean (a) any person or entity to which a County officer or employee has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than one-thousand two-hundred fifty dollars (\$1,250), or (b) any person or entity to which the outside employer or business of a County officer or employee has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than one-thousand two-hundred fifty dollars (\$1,250), but only if the County officer or employee knows or has reason to know that his or her outside employer or business supplied such goods or services.
13. “Employer” shall mean any person who controls and directs a worker under an express or implied contract of hire.
14. “Ethics Commission” shall mean the Ethics Commission of the County of Albany established pursuant to this local law.

15. "Gift" shall mean anything of more than fifteen dollars (\$15) in value given to a County officer or employee in the aggregate on an annual basis in any form including, but not limited to money, service, loan, travel, lodging, means, refreshments, entertainment, discount, forbearance, or promise, having a monetary value. The gift value provided for in this paragraph shall be adjusted by the Ethics Commission in the manner provided for in section 18(6) of this local law and shall be referred to as the "allowable gift value limit". The "allowable gift value limit" shall never exceed seventy-five dollars.

The following are excluded from the definition of a gift:

- (i) complimentary attendance, including food and beverage, at bona fide charitable or political events;
- (ii) complimentary attendance, food and beverage offered by the sponsor of a widely attended event. The term "widely attended event" shall mean an event: (A) which at least twenty-five individuals other than officers or employees of the County attend or were, in good faith, invited to attend, and (B) which is related to the attendee's duties or responsibilities or which allows the County officer or employee to perform a ceremonial function appropriate to his or her position. For the purposes of this exclusion, a County officer or employee's duties or responsibilities shall include but not be limited to either (1) attending an event or a meeting at which a speaker or attendee addresses an issue of public interest or concern as a significant activity at such event or meeting; or (2) for elected County officials, or their staff attending with or on behalf of such elected officials, attending an event or a meeting at which more than one-half of the attendees, or persons invited in good faith to attend, are residents of the County;
- (iii) awards, plaques, and other ceremonial items which are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances, and further provided that the functionality of such items shall not determine whether such items are permitted under this paragraph;
- (iv) an honorary degree bestowed upon an officer or employee by a public or private college or university;
- (v) promotional items having no substantial resale value such as pens, mugs, calendars, hats, and t-shirts which bear an organization's name, logo, or message in a manner which promotes the organization's cause;
- (vi) goods and services, or discounts for goods and services, offered to the general public or a segment of the general public defined on a basis other than status as an officer or employee and offered on

the same terms and conditions as the goods or services are offered to the general public or segment thereof;

- (vii) gifts from a relative, member of the same household, or person with a personal relationship with the County officer or employee, including invitations to attend personal or family social events, when the circumstances establish that it is the family, household, or personal relationship that is the primary motivating factor; in determining motivation, the following factors shall be among those considered: (A) the history and nature of the relationship between the donor and the recipient, including whether or not items have previously been exchanged; (B) whether the item was purchased by the donor; and (C) whether or not the donor at the same time gave similar items to other County officers or employees; the transfer shall not be considered to be motivated by a family, household, or personal relationship if the donor seeks to charge or deduct the value of such item as a business expense or seeks reimbursement from a client;
- (viii) contributions reportable under article fourteen of the election law, including contributions made in violation of that article of the election law;
- (ix) payment for meals for an attendee, panelist or speaker at an informational event or informational meeting when such payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus;
- (x) provision of local transportation to inspect or tour facilities, operations or property located in Albany County, provided, however, that such inspection or tour is related to the individual's official duties or responsibilities and that payment or reimbursement for expenses for lodging, meals or travel expenses to and from the locality where such facilities, operations or property are located shall be considered to be gifts unless otherwise permitted under this local law;
- (xi) meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants; and
- (xii) food and beverage valued at thirty-five dollars (\$35) or less in the aggregate on an annual basis.

16. "High-ranking County position" shall mean any elected County office, any commissioner or deputy commissioner position, as well as Policy Making Official positions within the County Legislature, Office of the County Executive, Office of Management and Budget, and Office of Audit and Control, or the equivalents of such positions.

17. "Household" shall mean a person or group of people occupying a single

dwelling.

18. "Inflation factor" shall mean the quotient of: (i) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending one month prior to the start of the coming fiscal year minus the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending one month prior to the start of the prior fiscal year, divided by: (ii) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending one month prior to the start of the prior fiscal year, with the result expressed as a decimal to four places.
19. "Ministerial act" shall mean an action performed in a prescribed manner without the exercise of judgment or substantial personal discretion as to the propriety of the act.
20. "Official action" shall mean any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending before the County, or which may by law be brought before any County officer or employee, in the official capacity of such County officer or employee.
21. "Outside employer or business" shall mean:
 - (i) Any activity, other than service to the County from which the County officer or employee receives compensation for services rendered or goods sold or produced;
 - (ii) Any entity, other than the County of which the County officer or employee is a member, officer, director, or employee and from which he or she receives compensation for services rendered or goods sold or produced; or
 - (iii) Any entity in which the County officer or employee has an ownership interest, except a corporation of which the County officer or employee owns less than five percent of the outstanding stock. For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.
22. "Particular matter" shall mean any case, proceeding, application, or transaction.
23. "Person" shall mean both individuals and entities, including a charity, business, or corporation.
24. "Personally identifiable information" shall mean information that can be used to uniquely identify, contact, or locate a single person or can be used with other sources to uniquely identify a single individual.
25. "Policy Making Official" shall mean those County officers or employees involved in the negotiation, authorization, or approval of County laws, rules, contracts, licenses, and permits.
26. "Professional license" shall mean a privilege granted by the State of New York to conduct an occupation or trade. For the purposes of this local law a professional license shall not include a license that permits a person to

engage in practice as a physician, dentist, optometrist, podiatrist, pharmacist or chiropractor or other professional who provides services under title eleven of Article five of the Social Services Law.

27. "Referred to the firm" as used in this local law shall mean having intentionally and knowingly taken a specific act or series of acts to intentionally procure for a firm or knowingly solicit or direct to such firm in whole or substantial part, a person or entity that becomes the client of such firm for the purposes of representation for a matter as defined in paragraphs (i) through (v) of subsection six (6) of subdivision four (4) of Section 11 of this local law, as the result of such procurement, solicitation or direction.
28. "Relative" shall mean the spouse, child, stepchild, parent or step-parent, sibling or step-sibling, or grandparent or grandchild of either a County official or the spouse of the County officer or employee, or any person claimed as a dependent by a County officer or employee on his or her latest income tax return, and the spouses or registered domestic partners of such relatives.
29. "Spouse" shall mean the husband, wife, or registered domestic partner of the reporting individual unless living separate and apart from the reporting individual pursuant to: (i) a judicial order, decree or a judgment, or (ii) a legally binding separation agreement.
30. "Subordinate officer or employee" shall mean a County officer or employee ranking below and performing under the direction of another officer or employee. For the purposes of this local law, an officer or employee, unless elected to his or her County position, is considered subordinate to each member and employee of the County Legislature.

SECTION 5. Code of Ethics for County Officers and Employees.

1. General prohibition.

A County officer or employee shall not use his or her official position or office, or take or fail to take any official action, in a manner which he or she knows or has reason to know may result in a personal financial benefit, not shared with a substantial segment of the population of the County, for any of the following persons:

- (a) the County officer or employee;
- (b) a member of his or her household, including a spouse and his or her dependents, or the employer or business of any of these people;
- (c) a relative, or the employer or business of a relative;
- (d) his or her outside employer or business;
- (e) a customer or client;
- (f) a person from whom he or she has received any gift during the

- preceding twelve (12) months.
- (g) a person to whom he or she owes more than one-thousand dollars (\$1,000);
 - (h) a person who owes the County officer or employee more than two-hundred fifty dollars (\$250); and
 - (i) a nongovernmental civic group, union, social, charitable, or religious organization of which a member of his or her household is an officer or director.

2. Recusal.

A County officer or employee shall promptly recuse himself or herself from acting on a matter before the County when acting on the matter, or failing to act on the matter, may financially benefit any of the persons listed in subdivision one (1) of this section.

3. Gifts.

(a) A County officer or employee shall not solicit or accept a gift from any person whose business dealings with the County such County officer or employee has had the ability to influence within the previous twenty-four (24) months unless under the circumstances it is not reasonable to infer that the gift was intended to influence such County officer or employee.

(b) A County officer or employee shall not solicit or accept a gift from any person who the County officer or employee knows or has reason to know has had business dealings within the previous twenty-four (24) months with the County agency by which such County officer or employee is employed unless under the circumstances it is not reasonable to infer that the gift was intended to influence such County officer or employee.

4. Representation.

A County officer or employee shall not represent any other person in any matter that person has before the County nor represent any other person in any matter against the interests of the County.

5. Appearances.

A County officer or employee shall not appear before any agency of the County, except on his or her own behalf or on behalf of the County agency or County office with which such officer or employee is employed.

6. Confidential information.

A County officer or employee and any former County officer or employee shall not disclose any confidential information or use any such confidential information to further the personal or pecuniary interests of any person.

7. Use of County property.

No County officer or employee shall use or permit the use of County property (including land, vehicles, equipment, materials and any other property) for personal convenience or profit, except when such use is available to County citizens generally or is provided as a matter of written County policy.

8. Political solicitation.

Unless otherwise prohibited by law, officers and employees shall not be denied the right to support or refuse to support a political party or committee, or a candidate for public office. Officers or employees shall not coerce, or request or authorize another to coerce, any County officer or employee, consumer of County services, or County contractor to support or refuse to support a political party or committee, or a candidate for public office. Officers or employees shall not make use of a County workplace to request, or authorize another to use a County workplace to request, that any person participate in an election campaign or contribute to a political party or committee.

9. Revolving door.

A County officer or employee holding a high-ranking County position shall not appear or practice before the County, except on his or her own behalf, for a period of one year after the termination of his or her County service or employment in such high ranking position. As to any particular matter on which the County officer or employee personally and substantially participated while in County service such County officer or employee shall never appear or practice before the County and shall never receive compensation for working on any such matter.

10. Use of name or image prior to election.

The name or image of a County officer or employee shall not appear on any newsletter mailed or distributed to County residents, or in any advertisement published widely in the County, the cost of which is incurred by the County, within 75 days of any election for public office in which the County officer or employee is a candidate for such office.

11. Public safety.

(a) No officer or employee of the Albany County Sheriff's Department shall have any interest in or be employed in the County of Albany by any business, company, corporation, partnership, association or individual for the purpose of providing private investigations, accident reconstruction, fire prevention, or fire inspection or any other activity related to such Public Safety officer's employment with the County of Albany except as provided in paragraph (b) hereof.

(b) Paragraph (a) hereof shall not be construed as prohibiting membership or service in volunteer fire or emergency medical organizations. Additionally, public safety officers may be employed in the County of Albany for the purpose of providing security or traffic services.

12. Purchase of office.

A County officer or employee shall not give or promise to give anything of value to any person or entity for being elected or appointed to any public office or for receiving a promotion or raise in any public entity.

13. Business relationships with subordinate officers or employees.

A County officer or employee shall adhere to all rules promulgated by the Ethics Commission that pertain to the formation of business relationships as between subordinate and superior County officers or employees.

14. Gratuities.

A County officer or employee shall not request or accept anything of more than nominal value from any person or entity other than the County in consideration for the performance of the duties of his or her County position.

15. Professionally licensed County Officials and Employees.

A County official or employee with a professional license shall not knowingly have an ownership interest of five-percent (5%) or greater in any business, partnership, firm or corporation that has a contract with any County agency or any public benefit corporation whose members are appointed by the County Executive or the County Legislature.

16. County officials and employees authorized to conduct inspections and issue permits

A County official or employee with the authority to conduct inspections or issue permit approvals shall not have an ownership interest of five-percent (5%) or greater in any business, partnership, firm or corporation that is engaged in business

within the County of Albany where such business, partnership, firm or corporation conducts, as a regular and significant part of its business, matters requiring such inspections or such permits.

17. Avoidance of conflicts.

County officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would put them in violation of this Code of Ethics.

SECTION 6. Transactional Disclosure.

1. Whenever a County officer or employee is required to recuse himself or herself under the Code of Ethics set forth in Section Five of this local law, he or she:

- (i) shall immediately refrain from participating further in the matter,
- (ii) shall promptly inform his or her superior, if any, and
- (iii) shall promptly file with the Ethics Commission a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of the board.

2. The County Legislature may choose to exempt certain County officers or employees from the requirements of this section in instances in which a County officer or employee, with respect to the same matter, has filed with the Ethics Commission a disclosure statement complying with requirements of this local law.

SECTION 7. Exclusions from the Code of Ethics and from Transactional Disclosure.

The provisions of this local law shall not prohibit, or require recusal or transactional disclosure as a result of:

1. An action specifically authorized by statute, rule, or regulation of the state of New York or of the United States.
2. A ministerial act.
3. Gifts or benefits having a value of \$100 or less that are received by a County officer or employee listed in section 11 of the Domestic Relations Law of the State of New York for the solemnization of a marriage by that officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.
4. Receipt of County services or benefits, or use of County facilities that

are generally available on the same terms and conditions to residents or a class of residents in the County.

5. Representation of constituents by elected officials without compensation in matters of public advocacy, excluding conduct described in subdivision one (1) of Section 5.

6. Representation of County residents by County officials without compensation before any agency of the County (i) in matters regarding the delivery of County services or benefits on the same terms and conditions as the public generally, or (ii) in relation to an application for employment with the County, excluding conduct described in subdivision one (1) of Section 5.

7. County officers or employees appearing or practicing before the County or receiving compensation for working on a matter before the County after termination of their County service or employment where they performed only ministerial acts while working for the County.

8. Representation by an attorney employed by any department of the County or the County Legislature on behalf of such department, or member or members of the County Legislature against the interests of the County or a department of the County in matters in which the subject pertains solely to an official action of the County or such other agency, office, officer or employee of the County.

9. Action by a County officer or employee on the County budget, except that such County officer or employee shall not use his or her official position or office, or take or fail to take any action, to address a particular budget matter in a manner which he or she knows or has reason to know may result in a personal financial benefit for any of the persons listed in subdivision one (1) of Section 5 of this local law.

10. Approval only by a County officer or employee of the imposition of a rate of tax on sales and uses of tangible personal property and of services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

11. Actions covered by subdivision nine (9) of Section 5 of this local law by persons who separated from County service prior to the effective date of this local law.

12. Gifts received prior to the effective date of this local law. Nothing in this paragraph shall permit gifts otherwise prohibited by state or federal law.

SECTION 8. Inducement of Violations of the Code of Ethics.

No person, whether or not a County officer or employee, shall induce or attempt to induce a County officer or employee to violate any of the provisions of this local law.

SECTION 9. Interests in Contracts with the County.

1. Prohibited interests.

No County officer or employee shall have an interest in a contract with the County, or an interest in a bank or trust company, that is prohibited by section 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the County in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by section 804 of that law.

2. Disclosable interests.

Any County officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the County shall publicly disclose the nature and extent of that interest to the extent required by section 803 of the General Municipal Law. The Clerk of the County Legislature shall cause a copy of that disclosure to be filed promptly with the Ethics Commission.

3. Violations.

Any County officer or employee who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by section 805 of the General Municipal Law.

SECTION 10. Appearances by Outside Employers and Businesses of County Officers and Employees.

1. Except as provided in subdivision three (3) of this section, the outside employer or business of a County officer or employee shall not appear before the particular agency, board or commission, including the County Legislature, served by such County officer or employee, or by which he or she is employed.

2. Nothing in this section shall be construed to prohibit the outside employer or business of a County officer or employee from

(a) Appearing on its own behalf, or on behalf of the County before a County agency;

(b) Seeking or obtaining a ministerial act; or

(c) Receiving a County service or benefit, or using a County facility, which is generally available to the public.

3. In instances in which the outside employer or business of a County officer or employee appears before any agency, department, or office of the County, the County officer or employee that is employed by such outside

employer or business shall refrain from participating in any matter that is the subject of such appearance.

SECTION 11. Annual Disclosure.

1. Officers and employees required to file.

- (a) In January of each year, the Commissioner of Human Resources shall provide the Ethics Commission with a list of recommended titles, names, offices, and positions of all County officers and employees who are required, pursuant to this local law, to file an annual disclosure statement for the prior year.
- (b) As soon as possible after the receipt of such list, the Ethics Commission shall review and adopt, subject to modification, the list of the titles, names, offices, and positions of all County officers and employees who are required, pursuant to this local law, to file an annual disclosure statements for the prior year (“Annual FDS Filer List”).
- (c) On or before March 1 of each year, the Ethics Commission shall file the Annual FDS Filer List with the County Clerk and Chairman of the Legislature for recording and distribution to the various agencies, departments, boards, commissions, and offices of the County, including the Board of Elections.
- (d) The Board of Elections shall take reasonable measures to attempt to identify and notify candidates for elected County office who are required to file an annual disclosure statement for the prior year pursuant to this local law.
- (e) On or before May 15 of each year, the persons identified in the Annual FDS Filer List and any qualified candidates for office shall notarize and submit the annual financial disclosure statement to the Clerk of the Legislature.

2. Time and place for filing.

Annual disclosure statements shall be filed with the Ethics Commission:

- (a) Within forty-five (45) days after becoming subject to the requirements of subdivision one (1) of this section, unless the person is a candidate as defined in subdivision seven (7) Section 4 of this local

law, in which case the annual disclosure form shall be filed within twenty (20) days after the filing by or on the behalf of such candidate with the Albany County Board of Elections of designating or independent nominating petitions for County office; and

(b) No later than the fifteenth (15th) day of May of each year thereafter.

3. Extension of time for Filing a County of Albany Annual Financial Disclosure Statement

1. The Ethics Commission shall be empowered to grant extensions of time for filing the financial disclosure statements. In order for the Ethics Commission to grant a request for an extension of time to file the financial disclosure statement beyond the May 15th deadline, the Commission shall find that there is justifiable cause for filing after the deadline or that application of the deadline will impose an undue hardship.

2. A request for an extension of time shall be filed with the Ethics Commission prior to the deadline for filing such annual financial disclosure statement, in Form C.

4. Annual disclosure forms.

1. There shall be three forms of the annual statement of financial disclosure which shall contain all of the information in the forms at the end of this local law. Form A, as drafted by the Department of Human Resources in accordance with subsection four (4) of this subdivision, shall be completed by each Policy Making Official as defined in subdivision twenty-five (25) of Section 4 of this local law, and each candidate as defined in subdivision seven (7) of Section 4 of this local law, except that Form B, as drafted by the Department of Human Resources in accordance with subsection five (5) of this subdivision, shall be completed by individuals who voluntarily serve on County boards, commissions and advisory councils. Form C, as drafted by the Department of Human Resources in accordance with subsection six (6) of this subdivision, shall be the form completed by each County officer and employee holding a high ranking County position, and each candidate as defined in subdivision seven (7) of Section 4 of this local law, who personally provides services to any person or entity, or works as a member or employee of a partnership or corporation that provides such services (referred to hereinafter as a "firm"). Form C shall require only disclosure of the identity of new clients or customers for whom services are provided on or after the effective date of this local law, or for new matters for existing clients or customers with respect to those services that are provided on or after the effective date of this local law. The Department of Human Resources shall

draft a Form D, which shall be used by individuals requesting an extension of time for filing an annual statement of financial disclosure.

2. A copy of the appropriate financial disclosure form shall be included with every letter of appointment to paid reporting officers and volunteers to a County board or commission.

3. A comprehensible and concise document, the form and content of which shall be determined by the Ethics Commission, which provides instructions on the proper completion of an annual disclosure statement shall accompany any copy of an annual disclosure statement distributed by the County.

4. Form A, as described in subsection one (1) of this subdivision, shall require disclosure of the following:

- (a) The name of the County officer, employee, or candidate, the County position held or sought by such person, and the home address of such person;
- (b) With respect to each outside employer or business of the County officer, employee, or candidate:
 - (i) Its name (if any);
 - (ii) The nature of its business;
 - (iii) Whether it is self employment, a sole proprietorship, or an entity and, if an entity, what type of entity; and
 - (iv) The relationship of the officer or employee to it, such as owner, partner, officer, director, member, employee, or shareholder;
- (c) With respect to each outside employer or business of the spouse, or household members of the County officer, employee, or candidate, the information required by paragraph (a) of this subsection;
- (d) The location only of any real property within the County, or within one mile of the boundary of the County, in which the County officer, employee, or candidate, or his or her relative, has a financial interest;
- (e) The name of any entity in which the County officer, employee, or candidate, or his or her spouse has an investment of at least five-percent (5%) of the stock, with such disclosure identifying the nature of the business and the type of business;
- (f) The name and position of any relative in County service; and
- (g) Each volunteer office or position that a County

officer, employee, or candidate, or his or her spouse held during the previous twelve (12) months with any not-for-profit organization for which the officer or employee volunteered in a policymaking or administrative capacity.

5. Form B, as described in subsection one (1) of this subdivision, shall require disclosure of the following:

- (a) The name of the County board or commission member, the County position held by such person, and the home address of such person;
- (b) With respect to each outside employer or business of the voluntary member of County board or commission:
 - (i) Its name (if any);
 - (ii) The nature of its business;
 - (iii) Whether it is self employment, a sole proprietorship, or an entity and, if an entity, what type of entity; and
 - (iv) The relationship of the County officer or employee to it, such as owner, partner, officer, director, member, employee, or shareholder;
- (c) With respect to each outside employer or business of the spouse, or household members of the voluntary member of County board or commission, the information required by paragraph (b) of this subsection;
- (d) The location only of any real property within the County, or within one mile of the boundary of the County, in which the voluntary member of County board or commission, or his or her relative, has a financial interest;
- (e) The name of any entity in which the voluntary member of County board or commission, or his or her spouse has an investment of at least five-percent (5%) of the stock or debt of the entity; and
- (f) The name and position of any relative in County service that is a subordinate to such voluntary member of County board or commission.

6. Form C, as described in subsection one (1) of this subdivision, shall require disclosure of the following:

- (a) The name of the County officer, employee, or candidate, the County position held or sought by such person, and the home address of such person;
- (b) The name and address of each client or customer whom was personally provided services by such County officer or employee holding a high-ranking County

position or candidate for County officer, or who was referred to the firm by such official or candidate, and from whom such official or candidate or the firm of such official candidate earned in excess of two-hundred fifty dollars (\$250) during the preceding twelve (12) months for such services rendered in direct connection with:

- (i) A proposed local law or resolution in the County legislature during the preceding twelve (12) months;
- (ii) A contract from the County or any County agency for
 - (1) Equipment, commodities, or goods in an amount totaling \$10,000 or more;
 - (2) Public works in an amount totaling \$20,000 or more; or
 - (3) Professional services or consultant work in an amount totaling \$20,000 or more;
- (iii) A grant of \$5,000 or more from the County or any County agency during the preceding twelve (12) months;
- (iv) A grant obtained through a legislative initiative during the preceding twelve (12) months; or
- (v) A case, proceeding, application or other matter that is not a ministerial matter before a County agency during the preceding twelve (12) months.

7. Subsection six (6) of this subdivision shall not require disclosure of any lawful activity by a County officer or employee holding a high-ranking County position or a candidate for County office that is solely related to a ministerial act, the advocacy of any position in any matter in an official County capacity, provided that such advocacy is not performed for compensation by a person or entity other than the County, or the advocacy of any position in any matter in an official County capacity by a chairman of a County political committee. Subsection six (6) of this subdivision shall not require disclosure of clients or customers receiving medical or dental services, mental health services, residential real estate brokering services, or insurance brokering services from a County officer or employee holding a high-ranking County position or candidate for County office or the firm of such official or candidate. A County officer or employee holding a high-ranking County position or candidate for County office need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities,

bankruptcy, or domestic relations matters. With respect to clients represented in other matters, where disclosure of a client identity is likely to cause harm, a high-ranking County official or candidate for County office shall seek a waiver from the Ethics Commission pursuant to Section 22 of this local law of the requirements of subsection six (6) of this subdivision. Only a County officer or employee holding a high-ranking County position who first enters public office on or after the effective date of this local law need not report clients or customers with respect to matters for which such officer or employee or his or her firm was retained prior to assuming such high-ranking County position.

5. Actual knowledge required.

Failure to disclose the information required by this section with respect to a County officer's or employee's spouse or other relative shall not constitute a violation of that subdivision if the officer or employee does not have actual knowledge of such information.

SECTION 12. Applicant Disclosure:

1. Generally.

(a) Where a person requests the County or a County officer or employee to take or refrain from taking any action (other than a ministerial act) that may result in a financial benefit both to the requestor and to either any officer or employee of the County or any other person identified in the Annual FDS Filer List, the requestor shall disclose the names of any such persons, to the extent known to the requestor at the time of the request.

(b) If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in a writing filed with the County Clerk.

(c) A person shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed a disclosure statement complying with requirements subdivision two (2) of this section.

(d) All persons or entities engaged in business dealings with the County shall disclose whether he or she, or any executive, officer, or director of any such organization or business, or person holding an ownership interest in such business of greater than five-percent (5%) holds a position as an officer in a countywide political party committee.

2. Land use matters.

Every application, petition, or request submitted for a variance, amendment, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the planning regulations of the County shall state the information required, to the extent required, by section 809 of the General Municipal Law of the State of New York.

3. Violations

Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by section 809 of the General Municipal Law.

SECTION 13. Void Contracts.

1. Any contract or agreement entered into by or with the County which results in or from a violation of any provision of this local law shall be void unless ratified by the County Legislature. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this local law or any other provision of law.

2. No contract or agreement entered into or otherwise executed by or with the County which results in or from a violation of section 801 of the General Municipal Law shall be ratified in any manner by the County Legislature or any County agency, office, board, commission, public authority, or officer or employee of the County.

3. Any person, whether or not a County officer or employee, who intentionally or knowingly violates any provision of this local law shall be prohibited from entering into any contract with the County for a period not to exceed three years, as provided in this local law.

4. No person, whether or not a County officer or employee, shall enter into a contract in violation of a bar imposed pursuant to subdivision three (3) of this section.

5. Nothing in this section shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, which is generally available to the public.

6. The County Legislature, or the Ethics Commission on behalf of the County, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction to obtain civil forfeiture as provided for in subdivisions three (3) and four (4) of this section.

7. Under this section, a corporation, partnership, or other entity shall not be held vicariously liable for the actions of an employee. A corporation, partnership, or other entity shall not be debarred because of the actions of an employee unless the employee acted in the execution of company policy or custom. A store, region,

division, or other unit of an entity shall not be debarred because of the actions of an employee of that unit unless the employee acted at the direction, or with the actual knowledge or approval, of the manager of the unit.

SECTION 14. Penalties; Hearings; Assessment of Penalties.

1. Disciplinary action.

(a) Any County officer or employee who engages in any action that violates any provision of this local law may be counseled, warned, admonished, reprimanded or suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this local law or in any other provision of law.

(b) In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Commission may recommend appropriate disciplinary action pursuant to this local law. The recommendation of the Ethics Commission shall be made to the appointing authority or person or body authorized by law to impose such sanctions. The Ethics Commission shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Commission refers the matter to the authority or person or body authorized by law to impose disciplinary action or unless the Commission refers the matter to the appropriate prosecutor. If such a referral is made, the Commission may adjourn the matter pending determination by the authority, person, body, or prosecutor.

2. Civil penalty.

(a) Any County officer or employee who violates any provision of this local law may be subject to a civil penalty of up to twenty-five hundred dollars (\$2,500) for each violation. A civil penalty may be imposed in addition to any other penalty contained in any other provision of law or in this local law, other than a civil forfeiture pursuant to subdivision four (4) of this section. A civil penalty may not be imposed for a violation of section 9 of this local law.

(b) In its discretion and after a hearing providing for due process procedural mechanisms, the Ethics Commission may assess a civil penalty, as authorized by paragraph (a) of this subdivision, upon any County officer or employee found by the Ethics Commission to have violated this local law. The Ethics Commission shall conduct and complete the hearing with reasonable

promptness. The civil penalty shall be payable to the County.

3. Damages.

(a) Any person, whether or not a County officer or employee, who violates any provision of this local law shall be liable in damages to the County for any losses or increased costs incurred by the County as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this local law, other than a civil forfeiture pursuant to subdivision 4 of this section.

(b) The County Legislature, or the Ethics Commission on behalf of the County, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction to obtain damages as provided in paragraph (a) of this subdivision.

4. Civil forfeiture.

(a) Any person, whether or not a County officer or employee, who intentionally or knowingly violates any provision of this local law may be subject to a civil forfeiture to the County of a sum equal to three times the value of any financial benefit he or she received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this local law, other than a civil penalty pursuant to subdivision two (2) or damages pursuant to subdivision three (3) of this section. Civil forfeiture shall not be available for a violation of Section 9 of this local law.

(b) The County Legislature, or the Ethics Commission on behalf of the County, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction to obtain civil forfeiture as provided in paragraph (a) of this subdivision.

SECTION 15. Injunctive Relief.

1. Any resident, officer, or employee of the County may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin an officer or employee of the County from violating this local law or to compel an officer or employee of the County to comply with the provisions of this local law. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.

2. No action or special proceeding shall be prosecuted or maintained pursuant to subdivision 1 of this section, unless (a) the plaintiff or petitioner

shall have filed with the Ethics Commission a sworn complaint alleging the violation by the officer or employee, or the Ethics Commission has made an initial determination that there is probable cause to believe that a public servant has violated a provision of this local law, (b) it shall appear by and as an allegation in the complaint or petition filed with the court that at least six months have elapsed since the filing of the complaint with the Ethics Commission or issuance of a finding of probable cause by the Ethics Commission and that the Ethics Commission has failed to file a final determination in the matter, and (c) the action or special proceeding shall be commenced within ten months after the alleged violation occurred.

SECTION 16. Duties of the County Clerk.

The County Clerk shall maintain a copy of the following documents:

- (1) A copy of the County's code of ethics and amendments thereto;
- (2) A statement that the County has established the Ethics Commission and the composition of the Ethics Commission;
- (3) A copy of the County's form of annual statement of financial disclosure;
- (4) The County Clerk shall transmit promptly to the Ethics Commission each transactional and applicant disclosure statement filed pursuant to this local law; and
- (5) The Ethics Commission shall index and maintain on file for at least seven (7) years all disclosure statements filed with the Commission.

SECTION 17. Designation of Officers and Employees Required to File Annual Disclosure Statements; Assistance by the Board of Elections.

1. Within sixty (60) days after the effective date of this section, and no later than the first day of March of each year thereafter, each elected executive branch official shall:

- (a) Cause to be filed with the Ethics Commission a list of the names and offices or positions of all County officers and employees subordinate to said elected official that are required to file annual disclosure statements pursuant to this local law; and
- (b) Notify, in a manner established by rule of the Ethics Commission, all such officers and employees of their obligation to file an annual disclosure statement.

2. Within sixty (60) days after the effective date of this section, and no later than the first day of March of each year thereafter, the Clerk of the Legislature shall:

- (a) Cause to be filed with the Ethics Commission a list of the names and offices or positions of all officers and employees of the County Legislature that are required to file annual disclosure statements pursuant to this local law; and

(b) Notify, in a manner established by rule of the Ethics Commission, all such officers and employees of their obligation to file an annual disclosure statement.

3. Within twenty (20) days of the filings required in subdivisions one (1) and two (2) of this section, the Ethics Commission shall:

(a) meet to determine whether the list of names and offices or positions provided to the Ethics Commission pursuant to subdivisions one (1) and two (2) of this section are complete and proper;

(b) add or subtract names and offices or positions from said lists as the Ethics Commission deems appropriate; and

(c) inform executive branch elected officials or the Clerk of the Legislature of any additional County officials or employees subordinate to or within the departments of said officials that shall be required to file an annual financial disclosure statement pursuant to this local law.

4. The Ethics Commission shall take reasonable measures to attempt to identify and notify candidates required to file an annual disclosure statement pursuant to this local law.