

# Chautauqua County Ethics Board Meeting Minutes

DATE: May 11, 2017

LOCATION: Room 341, Gerace Office Building, 3 N. Erie St., Mayville, New York 14757

TIME: 2:07 p.m. to 4:27 p.m.

## MEMBERS PRESENT:

John Lloyd  
Mary Kay Szwejbka  
Ben Webb

## MEMBERS ABSENT:

Susan Dilks  
Rose Sebouhian

## OTHERS PRESENT:

Steve Abdella (County Attorney's Office)  
Amanda Gallagher (Office of the County Executive)  
Kristen Wright (County Attorney's Office)

## CALL TO ORDER:

Mary Kay motioned to open the meeting at 2:07 p.m., seconded by John. Motion carried with all members in favor.

## PUBLIC NOTIFICATION:

Amanda confirmed proper public notification was completed as the legal notice for today's meeting was published in The Post-Journal on April 28 and in the Observer on April 29. The meeting notice was also emailed to local radio stations and posted on the county website.

## MEMBERSHIP:

The board welcomed new member Ben Webb. Ben was appointed to the board and Rose was successfully re-appointed. Both of their terms will expire on 1/31/2020.

## APPROVAL OF MINUTES:

Only two board members from today's meeting were present at the September 21, 2016 meeting. Mary Kay motioned that the board table the September 21, 2016 minutes for review and approval at the next meeting, which was seconded by Ben. Motion carried with all members in favor.

#### VOTING FOR CHAIR AND SECRETARY:

Mary Kay said Rose indicated she would be willing to continue to serve as chair. Ben motioned to approve Rose as the 2017 Chair for the Ethics Board, which was seconded by John. Motion carried with all members in favor.

There was then discussion on who would serve as Secretary. Ben indicated that on boards he has served on they usually have a non-voting member take the minutes so members can focus on the discussion at hand. He indicated that Amanda could take the minutes and then forward them on to the designated Secretary for review.

John said if we followed this new procedure he would be willing to serve as Secretary again. As John could not vote for himself, there was not a quorum to vote for the Secretary.

Mary Kay motioned the vote for Secretary be tabled until the next meeting, which was seconded by Ben. Motion carried with all members in favor.

#### CORRESPONDENCE:

John said he checked the P.O. Box and the only mail received was an advertisement for services, which he didn't have with him.

Amanda said the defendant signed and returned the letter regarding Case No. 2016-01 and the P.O. Box bill was received and renewed for another year. She also passed around a letter received from the Director of Human Resources, which verified the HR department issued the annual Code of Ethics Training to all employees.

Ben requested electronic copies of the Code of Ethics and Training PowerPoint. Amanda will email him copies.

#### UPDATE ON APPROVED CODE OF ETHICS:

Steve Abdella stopped in to provide the board with an update on the final Code of Ethics revisions that were approved by the County Legislature. He said once the Ethics Board made its recommendations, the Law Department reviewed it to prepare it for the Legislature's approval. He said all of the board's recommendations were adopted with the exception of one item. The Law Department also added Municipal Code language to the Code of Ethics for reference that in addition to the Code of Ethics, individuals must also adhere to the State Law provisions. The disclosure form was also modified as a one-stop form to contain the state disclosure as well so they added the Legislature Office as a place the form must also be filed. The language that was not included in the Amended Code was:

*County officers or employees must make a written disclosure to their supervisory authority (the County Executive or the County Legislature) of the names and titles of Related persons who are known to be employed by, or who are known to be applying to contract with or currently under contract with, the County. For new County officers and employees, the*

*disclosure must be made upon hire. For existing County officers and employees, the disclosure must be made upon learning of the employment or contract. If the Related person was employed by or contracted with the County at the time of passage of this Law, the disclosure must be made within thirty days of passage of this Law or upon discovery, whichever comes first. Upon receipt of a disclosure the supervisory authority shall take such steps as are deemed appropriate and necessary to avoid nepotism, maintain a positive work environment, and ensure compliance with applicable federal, state and local laws.*

Steve said this language would require all county employees and board members to provide a disclosure of any “Related persons” who work for the county, who are applying to contract with the county, or who are contracting with the county. He was concerned with this as the county has 1,600 employees in various departments who contract with different entities. For example, if this policy was in place, a secretary in the District Attorney’s Office who has a niece contracting with the Department of Public Facilities would need to file a disclosure. The “Related person” definition is very broad and families might not be as close to know that a cousin has a contract with the county. Another change the Law Department made was to add examples of material or pecuniary benefits so employees know what items are pecuniary benefits that they may need to recuse themselves from.

Steve thanked the Board for its hard work on reviewing and making recommendations to the Code and Mary Kay thanked Steve and Kristen for their work.

#### STATUS OF FINANCIAL DISCLOSURE STATEMENTS:

Amanda provided an overview update on the Financial Disclosure Statements. For the end of 2016, seven more forms were reviewed with the board reviewing a total of 276 forms in 2016. For 2017, 260 individuals were required to file. Of these forms, 91 were already reviewed and approved, 166 would be reviewed at today’s meeting, and 3 forms are still missing. She also said the two individuals who have signed Agreements to Settle in the past both had completed and turned in their forms by the April 30<sup>th</sup> deadline. There were 17 individuals that didn’t turn in their forms by the April 30<sup>th</sup> deadline. Of these individuals, 15 received a Final Notice letter from the Board Chair requesting their forms by May 17, 2 indicated their forms were on their way to the County Executive’s Office prior to April 30<sup>th</sup> and were not sent a final notice letter, and 1 individual is currently out on leave and will be required to file within 30 days of her return to work. At the time of the meeting, only two forms were missing and are due by May 17.

Amanda also mentioned a handout on the questions that were received during this year’s filing for the board’s review. Mary Kay motioned to table the questions until the next meeting, which was seconded by John. Motion carried with all members in favor.

#### REVIEW OF ANNUAL STATEMENTS OF FINANCIAL DISCLOSURE:

The board reviewed 166 forms. Any incomplete forms were given to Amanda. She will work with Rose to follow-up with these employees to properly complete their forms.

REVIEW OF ANNUAL REPORT:

Mary Kay motioned the board table the final review and approval of its 2016 Annual Report until the next meeting, which was seconded by John. Motion carried with all members in favor.

NEXT MEETING:

Amanda said the next meeting is scheduled for June 15, but Mary Kay and John had indicated they would have conflicts. The board discussed moving the meeting to another date. Amanda will send out an email to all members to see if a meeting sometime the week of June 25 will work instead.

MEETING ADJOURNED:

At 4:27 p.m., John motioned and Mary Kay seconded to adjourn the meeting. Motion carried with all members in favor.

Respectfully submitted, John Lloyd