



ONEIDA COUNTY BOARD OF LEGISLATORS

ONEIDA COUNTY OFFICE BUILDING ♦ 800 PARK AVENUE ♦ UTICA, N.Y. 13501-2977

Gerald J. Fiorini
Chairman
(315) 798-5900

Mikale Billard
Clerk
(315) 798-5404

George Joseph
Majority Leader

Philip M. Sacco
Minority Leader

ADDITIONAL COMMUNICATIONS FOR DISTRIBUTION
APRIL 12,, 2017

(Correspondence relating to upcoming legislation, appointments, etc.)

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ONEIDA COUNTY DEPARTMENT OF LAW

Oneida County Office Building
800 Park Avenue ♦ Utica, New York 13501-2975
(315) 798-5910 ♦ Fax (315) 798-5603

ANTHONY J. PICENTE JR.
COUNTY EXECUTIVE

PETER M. RAYHILL
COUNTY ATTORNEY

April 12, 2017

FN 20 17-168

The Honorable Anthony J. Picente, Jr.
Oneida County Executive
Oneida County Office Building
800 Park Avenue, 10th Floor
Utica, New York 13501

WAYS & MEANS

Re: Proposed Local Law Repealing Local Law No. 1 of 1991 and Creating the Ethics Law of the County of Oneida

Dear County Executive Picente:

Enclosed, please find a copy of proposed Local Law Repealing Local Law No. 1 of 1991 and Creating the Ethics Law of the County of Oneida in Compliance with Article 19 of the New York State General Municipal Law.

The enclosed proposes to repeal the County's prior ethics law in its entirety, and replace it with the provisions contained in this new ethics law which is account for changes in the State law since the 1991 local law was enacted. The enclosed will also bring our County law in line with the State law, as currently there are significant differences making it difficult for individuals subject to the laws to navigate. Last, the enclosed proposes to dissolve the current Ethics Board and form a new five-member board whose duties are more clearly detailed.

If the enclosed meets with your approval, I respectfully request that you forward the same to the Board of County Legislators for their consideration.

Sincerely,

Amanda Lynn Cortese
Special Assistant County Attorney

Reviewed and Approved for submittal to the
Oneida County Board of Legislators by

Anthony J. Picente, Jr.
County Executive

Enclosure

Date 4/12/17

INTRODUCTORY

F.N. 2017- 168

NO. 124

BOARD OF COUNTY LEGISLATORS

ONEIDA COUNTY

RESOLUTION NO.

INTRODUCED BY:

2ND BY:

LOCAL LAW INTRO. ____ OF 2017

LOCAL LAW NO. ____ OF 2017

A LOCAL LAW REPEALING LOCAL LAW NO. 1 OF 1991 AND CREATING THE ETHICS LAW OF THE COUNTY OF ONEIDA IN COMPLIANCE WITH ARTICLE 18 OF THE NEW YORK STATE GENERAL MUNICIPAL LAW.

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest; and

WHEREAS section 806 of the General Municipal Law requires the Board of County Legislators of the County of Oneida adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them; and

WHEREAS, section 806 of the General Municipal Law requires the code of ethics to be adopted by Board of County Legislators of the County of Oneida must set forth standards of conduct for the guidance of the officers and employees of the County with respect to disclosure of interests in legislation before the Board of County Legislators of the County of Oneida, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY LEGISLATORS OF THE COUNTY OF ONEIDA AS FOLLOWS:

Ethics Law of the County of Oneida

Section 1. Title. This local law shall be known and may be cited as the “Ethics Law of the County of Oneida.”

Section 2. Purpose.

A. The purposes of this local law are:

- I. To establish high standards of ethical conduct for officers, elected officials and employees of the County of Oneida;
- II. To afford officers, elected officials and employees of the County of Oneida clear guidance on such standards;
- III. To promote public confidence in the integrity of the governance and administration of the County of Oneida and its agencies and administrative offices;
- IV. By requiring public disclosure of financial interests that may influence or be perceived to influence the actions of County of Oneida officers, elected officials and employees, to facilitate consideration of potential ethical problems before they arise, minimize unwarranted suspicion, and enhance accountability of government to the people; and
- V. To provide for the fair and effective administration of this local law.

B. This local law is enacted pursuant to Section 806 of the General Municipal Law of the State of New York and section 10 of the Municipal Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law. This local law also supplements other provisions of law regulating ethics in local government, such as section 107 of the Civil Service Law of the State of New York.

Section 3. Supersession of General Municipal Law § 808; Repeal of existing County of Oneida Ethics Laws.

- A. To this extent that this local law is inconsistent with the provisions of Section 808 of the General Municipal Law, this local law shall supersede those provisions.
- B. Upon enactment of this Local Law, Local Law 1 of 1991 is repealed in its entirety.
- C. Upon enactment of this Local Law, the Ethics Board constituted pursuant to Local Law 1 of 1991 is hereby dissolved in its entirety.

Section 4. Ethics Law: Substantive Provisions.

A. Definitions. Unless otherwise stated or unless the context otherwise requires, when used herein:

- I. “Appear” and “appear before” mean communicating in any form, including, without limitation, personally, through another person, by letter, or by telephone.
- II. “Confidential Information” means any nonpublic information pertaining to County of Oneida business.
- III. “County of Oneida officer, elected official or employee” means any officer or employee of the County of Oneida, 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 of Oneida. “County of Oneida officer, elected official or employee” shall not include:
 - a. A judge, justice, officer, or employee of the New York State Unified Court System; or
 - b. A volunteer fire fighter or civil defense volunteer, except a fire chief or assistant fire chief.
- IV. “Customer or Client” means:
 - a. Any person to whom a County of Oneida officer, elected official or employee has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than \$1,000.00; or
 - b. Any person to whom a County of Oneida officer’s, elected official’s or employee’s outside employer or business has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than \$1,000.00, but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.
- V. “Ethics Board” means the Ethics Board of the County of Oneida established pursuant to Section 5, Part C herein.
- VI. “Gift” and “financial benefit” shall include any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, or any promise thereof, or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. “Gift” and “financial benefit” do not include campaign contributions authorized by law.

VII. "Interest" means a direct or indirect pecuniary or material benefit accruing to a County of Oneida officer, elected official or employee as the result of a contract with the County of Oneida which such County of Oneida officer, elected official or employee serves. For the purposes of this article a County of Oneida officer, elected official or employee shall be deemed to have an interest in the contract of (a) his spouse, minor children and dependents, except a contract of employment with the County of Oneida which such County of Oneida officer, elected official or employee serves, (b) a firm, partnership or association of which such County of Oneida officer, elected official or employee is a member or employee, (c) a corporation of which such County of Oneida officer, elected official or employee is an officer, director or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such County of Oneida officer, elected official or employee.

VIII. "Ministerial act" means an action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

IX. "Outside employer or business" means:

- a. Any activity other than service to the County of Oneida, from which the County of Oneida officer, elected official or employee receives compensation for services rendered or goods sold or produced;
- b. Any entity other than the County of Oneida, of which the County of Oneida officer, elected official 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
- c. Any entity in which the County of Oneida officer, elected official or employee has an ownership interest, except a corporation which the County of Oneida officer, elected official or employee owns less than five percent of outstanding stock.

For purposes of this definition "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

X. "Person" shall include both individuals and entities.

XI. "Relative" means a spouse, minor child, minor step-child, of the County of Oneida officer, elected official or employee, or a person claimed as a dependent on the County of Oneida officer's, elected official's or employee's latest individual state income tax return.

XII. "Subordinate" of a County of Oneida officer, elected official or employee shall mean another County of Oneida officer, elected official or employee over whose

activities he or she has direction, supervision, control, except those who serve in positions that are in the exempt classification under section 41 of the Civil Service Law of the State of New York or in the unclassified service under subdivisions (a) through (f) of section 35 of that law.

B. Code of Ethics for County of Oneida Officers, Elected Officials and Employees.

- I. **General Prohibition.** A County of Oneida officer, elected official or employee shall not use his or her official position or office in a manner in which he or she knows or has reason to know may result in a personal financial benefit for any of the following persons, nor shall a County of Oneida officer, elected official or employee take or fail to take any action, in a manner in which he or she knows or has reason to know may result in a personal financial benefit for any of the following persons:
 - a. Himself/herself;
 - b. His/her outside employer or business;
 - c. A member of his/her household;
 - d. A Customer or Client; or
 - e. A Relative.
- II. **Recusal.** A County of Oneida officer, elected official or employee shall promptly recuse himself or herself from acting on a matter before the County of Oneida when acting on the matter, or failing to act on the matter, may financially benefit any of the persons listed in Section 4(B)(I).
- III. **Gifts.** A County of Oneida officer, elected official or employee shall not solicit anything of value from any person who has received or sought a financial benefit from the County of Oneida, nor accept anything of value from any person who the County of Oneida officer, elected official or employee knows or has reason to know has received or sought a financial benefit from the County of Oneida within the previous twenty-four months.
- IV. **Representation.** A County of Oneida officer, elected official or employee shall not represent any other person in any matter that person has pending before the County of Oneida nor represent any other person in any matter against the interests of the County of Oneida.
- V. **Appearances.** A County of Oneida officer, elected official or employee shall not appear before any agency of the County of Oneida except on his or her own behalf or on behalf of the County of Oneida.

- VI. **Confidential Information.** County of Oneida officers, elected officials and employees and former County of Oneida officers, elected officials and employees shall not disclose any confidential information or use it to further his/her personal interests.
- VII. **Political Solicitation.** A County of Oneida officer, elected official or employee shall not knowingly request or knowingly authorize anyone else to request any subordinate of the officer, elected official or employee to participate in an election campaign or contribute to a political committee.
- IX. **Avoidance of Conflicts.** County of Oneida officers, elected officials 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.
- X. **Inducement of Others.** A County of Oneida officer, elected official or employee shall not induce or aid another officer or employee of the County of Oneida to violate any of the provisions of this Code of Ethics.

C. Transactional Disclosure.

- I. Whenever a County of Oneida officer, elected official or employee is required to recuse himself or herself under the Code of Ethics set forth in Section 4(B) herein, he or she:
 - a. Shall immediately refrain from participating further in the matter;
 - b. Shall promptly inform his or her superior, if any; and
 - c. Shall promptly file with the County Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall file said statement with the Clerk of the Board and state that information upon the public record of the board.
- II. A County of Oneida officer, elected official or employee shall not be required to file a disclosure statement pursuant to Section 4(C) herein if he or she, with respect to the same matter, has filed with the Oneida County Board of Legislators a disclosure statement complying with the requirements of Section 4(F) herein.

D. Exclusions from the Code of Ethics and from Transactional Disclosure. The provisions of Sections 4(B) and 4(C) herein shall not prohibit, or require recusal or Transactional Disclosure as a result of:

- I. An action specifically authorized by statute, rule or regulation of the State of New York or of the United States.

- II. A ministerial act.
 - III. Gifts
 - a. Received by the County of Oneida officer, elected official or employee from his or her parent, sibling, spouse or child; or
 - b. Having an aggregate value of \$75.00 or less during any twelve month period; or
 - c. Accepted on behalf of the County of Oneida and transferred to the County of Oneida.
 - IV. Gifts or benefits having a value of \$75.00 or less that are received by a County of Oneida officer, elected official 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.
 - V. Awards and plaques which are publicly presented in recognition of service as a County of Oneida officer, elected official or employee, or other service to the community.
 - VI. Receipt of County of Oneida services or benefits, or use of County of Oneida facilities that are generally available on the same terms and conditions to residents or a class or residents in the County of Oneida.
 - VII. Representation of constituents by elected officials without compensation in matters of public advocacy.
 - IX. Meals and refreshments provided when a County of Oneida officer, elected official or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.
- E. Inducement of Violations of the Code of Ethics.** No person, whether or not a County of Oneida officer, elected official or employee, shall induce or attempt to induce a County of Oneida officer, elected official or employee to violate any of the provisions of Sections 4(B) or 4(C) herein.
- F. Interests in Contracts with the County of Oneida.**
- I. **Prohibited Interests.** No County of Oneida officer, elected official or employee shall have an interest in a contract with the County of Oneida, 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 of Oneida 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.

- II. **Disclosable Interests.** Any County of Oneida officer, elected official or employee who has, will have, or later acquires an interest in any actual or proposed contract with the County of Oneida shall publically disclose the nature and extent of that interest in accordance with Section 803 of the General Municipal Law. The Clerk of the Board of Legislators shall cause a copy of that disclosure to be filed promptly with the Ethics Board.
- III. **Violations.** Any County of Oneida officer, elected official or employee who willfully and knowingly violates the provisions of Section 4(F) herein shall be guilty of a misdemeanor, to the extent provided by section 805 of the General Municipal Law.

G. Annual Financial Disclosure.

- I. **Officers and Employees Required to File.** Officers, elected officials and employees holding the job titles or positions listed in Appendix A shall be required to file a signed Annual Financial Disclosure Statement. In addition to those listed in Appendix A, any person, title or position designated by the County Executive pursuant to Section 5(A) herein, or designated by the Ethics Board pursuant to Section 5(H) herein, shall be required to file a signed Annual Financial Disclosure Statement. This requirement shall be accomplished by the completion of the Annual Financial Disclosure Statement attached to this law as "Appendix B" which is fully incorporated into this law by reference.
- II. **Time and Place for Filing.** Annual Financial Disclosure Statements shall be filed with the Ethics Board:
 - a. Within 120 days after the effective date of this law;
 - b. Within 30 days after becoming subject to the requirements of Section 4(H)(I); and
 - c. No later than May 15 of each year thereafter.
- III. **Changes in Disclosed Information.** Within thirty (30) days after a change in the information contained in his or her most recently filed annual financial disclosure statement, an officer or employee shall file a signed amendment to the statement indicating the change.
- IV. **Extension of Time to File Annual Financial Disclosure Statement.** Any person who is required to file an Annual Financial Disclosure Statement may request, prior to May 1, an extension of time to file the Statement for that year,

for additional specified period of time. Such request shall be made in writing to the Ethics Board. Approval of such a request may be granted upon good cause shown or an undue hardship. The Ethics Board may grant or deny the request by a majority vote of the Board. Extensions of the time to file shall be for no longer than the specific time period of additional time requested, and may be for a shorter period of time.

- V. **Good Faith Efforts.** Failure to disclose the information required by Appendix B - the Annual Financial Disclosure Statement, with respect to a County of Oneida officer's, elected official's or employee's spouse or other relative shall not constitute a violation of that subdivision if the officer, elected official or employee has made a good faith effort to obtain the information and he or she also sets forth those efforts in his or her disclosure statement.

H. Applicant Disclosure: Generally.

- I. Where a person requests the County of Oneida or a County of Oneida officer, elected official 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 County of Oneida officer, elected official or employee or one of the other persons listed in Section 4(B)(I) herein, the requestor shall disclose the names of any such persons, to the extent known to the requestor at the time of the request.
 - II. 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 writing filed with the County Clerk.
- I. Void Contracts.** Any contract or agreement entered into by or with the County of Oneida which results in or from a violation of any provision of Sections 4(B) or 4(C) herein shall be void unless ratified by the Oneida County Board of Legislators. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to Section 4 herein, or any other provision of law.

J. Penalties.

- I. **Disciplinary Action.** Any County of Oneida officer, elected official or employee who engages in any action that violates any provision of Section 4 herein may be warned or 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 Section 4(J) herein, or in any other provision of law.

- II. **Civil Fine.** Any County of Oneida officer, elected official or employee who violates any provision of Section 4 herein may be assessed a civil fine of up to \$1,500.00 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in Section 4(J) herein, other than a civil forfeiture pursuant to Section 4(J)(IV) herein. A civil fine may not be imposed for violation of Section 4(F) herein.
- III. **Damages.** Any person, whether or not a County of Oneida officer, elected official or employee, who violates any provision of Section 4 herein shall be liable in damages to the County of Oneida for any losses or increased costs incurred by the County of Oneida 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 Section 4(J) herein, other than a civil forfeiture pursuant to Section 4(J)(IV) herein.
- IV. **Civil Forfeiture.** Any person, whether or not a County of Oneida officer, elected official or employee, who intentionally or knowingly violates any provision of Section 4 herein may be subject to a civil forfeiture to the County of Oneida 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 Section 4(J) herein, other than a civil fine pursuant to Section 4(J)(II) herein or damages pursuant to Section 4(J)(III) herein. Civil forfeiture shall not be available for a violation of Section 4(F) herein.
- V. **Misdemeanor.** Any person, whether or not a County of Oneida officer, elected official or employee, who intentionally or knowingly violates any provision of Section 4 herein shall be guilty of a class A misdemeanor and, upon conviction thereof, if a County of Oneida officer, elected official or employee, shall forfeit his or her County of Oneida office or employment. This subdivision shall not apply to a violation of Section 4(F) herein.

K. Debarment.

- I. Any person, whether or not a County of Oneida officer, elected official or employee, who intentionally or knowingly violates any provision of Section 4 herein shall be prohibited from entering into any contract with the County of Oneida for a period not to exceed three (3) years, as provided in Section 5(J)(V) herein. Debarment may not be imposed for a violation of Section 4(F) herein.
- II. No person, whether or not a County of Oneida officer, elected official or employee, shall enter into a contract in violation of a bar imposed pursuant to Section 4(K)(I) herein.
- III. Nothing in Section 4(K) 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.

- IV. Under Section 4(K), 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 at the direction of the entity or in the execution of company policy or custom. A store, region, division or 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.

L. Injunctive Relief.

- I. Any County of Oneida resident, officer, elected official or employee may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin a County of Oneida officer, elected official or employee from violating Section 4 herein, or to compel a County of Oneida officer, elected official or employee to comply with the provisions of Section 4 herein. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.
- II. No action or special proceeding shall be prosecuted or maintained pursuant to Section 4(L)(I), unless:
- a. The plaintiff or petitioner shall have filed with the Ethics Board a sworn complaint alleging the violation by the County of Oneida officer, elected official or employee; and
 - 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 Board and that the Ethics Board has failed to file a determination in the matter; and
 - c. The action or special proceeding shall be commenced within ten months after the alleged violation occurred.

Section 5. Administrative Provisions.

A. Designation of Officers and Employees Required to File Annual Disclosure Statements. Within 90 days after the effective date of this local law, and during the month of March each year thereafter, the County Executive of the County of Oneida, or his/her designee, shall:

- I. Cause to be filed with the Ethics Board a list of the names and offices or positions of all County of Oneida officers, elected officials or employees required

to file annual financial disclosure statements pursuant to Section 4(G) herein; and

- II. Notify all such officers, elected officials and employees of their obligation to file an annual financial disclosure statement.

B. Maintenance of Disclosure Statements.

- I. The Clerk of the Board of County Legislators and the County Clerk shall transmit promptly to the Ethics Board each Transactional and Applicant disclosure Statement filed pursuant to Sections 4(C), 4(F), and 4(H) herein.
- II. The Ethics Board shall index and maintain on file for at least seven (7) years all disclosure statements filed with the Ethics Board pursuant to Sections 4(C), 4(F), 4(G), and 4(H) herein.

C. Ethics Board. Establishment; Qualifications of Members; Appointment of Members; Term of Office; Operation.

- I. There is hereby established an Ethics Board consisting of five members, two (2) of whom shall be nominated by the County Executive, one (1) of whom shall be nominated by the Chairman of the Board of County Legislators, one (1) of whom shall be nominated by the Majority Leader of the Board of County Legislators, and one (1) of whom shall be nominated by the Minority Leader of the Board of County Legislators. All shall be approved by majority vote of the entire Board of County Legislators. In the event of a failure to gain approval of a nomination, such succeeding member shall be appointed in the same manner as the original appointment by the original appointing authority.
- II. Of the total membership of the Ethics Board, no more than two shall be registered in the same political party.
- III. No Ethics Board members shall hold office in a political party, be employed or act as a lobbyist, or be employed by or hold elective office in the County of Oneida. An Ethics Board member may make campaign contributions but may not participate in any election campaign.
- IV. Within sixty (60) days after the effective date of this local law, and no later than December 31 of each year a term expires, the members of the Ethics Board shall be appointed.
- V. The term of office of Ethics Board members shall be three years and shall run from January 1 through December 31, except that, in order to establish staggered terms, of the members first appointed one member appointed by the County Executive shall serve until December 31 of the year in which the Ethics Board is established, the members appointed by the Majority and Minority Leaders of the Board of County Legislators shall serve until December 31 of the year following

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the establishment of the Ethics Board, and one member appointed by the County Executive and the member appointed by the Chairman of the Board of County Legislators shall serve until December 31 of the second year following the establishment of the Ethics Board.

- VI. An Ethics Board member shall serve until his or her successor has been appointed. Consecutive service on the Ethics Board shall not exceed two (2) full three-year terms.
- VII. The members of the Ethics Board shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.
- VIII. The Oneida County Attorney shall be counsel to the Ethics Board. In the event of a conflict involving the office of the Oneida County Attorney, the Ethics Board shall so advise the County Executive, who shall then designate an attorney admitted to practice law in the State of New York to serve as Counsel to the Ethics Board for the particular matter in which there is a conflict.
- IX. The Ethics Board shall be empowered to request support staff assistance from the Board of Legislators or the County Executive in furtherance of its duties and responsibilities.
- X. The Confidential Secretary to the County Attorney shall be the Secretary to the Ethics Board for the purpose of:
 - a. Receiving and filing all disclosure forms, correspondence and documentation on behalf of the Ethics Board;
 - b. Directing and disseminating correspondence, documents, notices, etc., to the Ethics Board members; and
 - c. Such other clerical duties as the Ethics Board may direct, to the extent that other clerical staff have not been provided by the Board of Legislators or County Executive.

D. Ethics Board: Vacancies. When a vacancy occurs in the membership of the Ethics Board, the vacancy shall, within sixty (60) days, be filled for the unexpired portion of the term in the same manner as the original appointment by the original appointing authority. Any person appointed to fill a vacancy on the Ethics Board shall meet the qualifications set forth in Section 5(C) herein.

E. Ethics Board: Removal of Members. An Ethics Board member may be removed from office upon recommendation of the County Executive, the Chairman of the Board of County Legislators, the Majority Leader of the Board of County Legislators or the Minority Leader of the Board of County Legislators, with two-thirds (2/3) vote of the

total membership of the Board of County Legislators, after written notice and opportunity for reply. Grounds for removal shall be:

- I. Failure to meet the qualifications set forth in Section 5(C) herein;
- II. Substantial neglect of duty;
- III. Gross misconduct in office;
- IV. Inability to discharge the powers or duties of office; or
- V. Violation of Section 4 herein.

F. Ethics Board: Meetings.

- I. The Ethics Board shall meet annually, in the month of January at a time and date set by the Ethics Board Members. At this meeting, the Ethics Board shall elect a chair from among its members.
- II. The Ethics Board shall meet at other times as necessary to fulfill its duties.
- III. A majority of the Ethics Board shall be required for the Ethics Board to take any action.
- IV. The chair or majority of the Ethics Board may call a meeting of the Ethics Board.

G. Ethics Board: Jurisdiction, Powers, Duties.

- I. The Ethics Board may only act with respect to:
 - a. County of Oneida officers, elected officials, or employees; or
 - b. Officers, elected officials, or employees of a municipality within Oneida County that does not have its own Ethics Law and Ethics Board.
- II. The termination of a municipal officer's, elected official's, or employee's term of office or employment with the County of Oneida shall not affect the jurisdiction of the Ethics Board over such individual with respect to the requirements imposed on him or her by Section 4 herein.
- III. The Ethics Board shall have the following powers and duties:
 - a. To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this law;
 - b. To appoint hearing officers to preside over hearings of the Ethics Board;

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- c. To appoint a Chairman and such other staff as are necessary to carry out its duties under Section 5 herein;
- d. To delegate authority to the Chairman to act in the name of the Ethics Board between meetings of the Ethics Board, provided that the delegation is in writing and the specific powers to be delegated are enumerated; and further provided that the Ethics Board shall not delegate the power to determine violations, recommend disciplinary action, impose any civil fine, refer any matter to a prosecutor, or render any advisory opinion;
- e. To review, index, and maintain on file lists of officers and employees, and all disclosure statements filed with the Ethics Board pursuant to Sections 4(C), 4(F), 4(G), 4(H), 5(A), 5(B) and herein;
- f. To review, index, maintain on file, and dispose of sworn complaints and to make notifications and conduct investigations pursuant to Sections 5(H) and 5(I) herein;
- g. To conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to Section 5(J) herein;
- h. To grant waivers pursuant to Section 5(K) herein;
- i. To render, index, and maintain on file advisory opinions pursuant to Section 5(L) herein;
- j. To provide training and education to County of Oneida officers, elected officials or employees pursuant to Section 5(N) herein;
- k. To prepare an annual report and recommend changes to this local law pursuant to Section 5(O) herein;
- L. To provide for public inspection of certain records pursuant to Section 5(P) herein; and
- m. To select provisions of this law for reproduction and distribution pursuant to Section 5(R) herein.

H. Review of Lists and Disclosure Statements.

- I. The Ethics Board shall review:
 - a. The lists of officers and employees, prepared pursuant to Section 5(A) to determine whether the lists are complete and accurate. The Ethics Board

shall add the name of any other officer or employee who the Ethics Board determines should appear on the list pursuant to Section 4(G) herein;

b. All Annual Financial 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 Section 4 herein;

c. All Transactional Disclosure statements.

II. If the Board determines that an Annual Financial Disclosure Statement or a Transactional Disclosure Statement is deficient or reveals a possible or potential violation of Section 4 herein, the Ethics Board shall notify the person in writing of the deficiency or possible violation and of the penalties for failure to comply with Section 4.

I. Investigations.

I. Upon receipt of a sworn complaint by any person alleging a violation of Section 4 herein, or upon determining on its own initiative that a violation of Section 4 may exist, the Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this law. In conducting any such investigation, the Ethics Board may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records which it may deem relevant and material.

II. 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.

a. All such statements and sworn complaints shall be indexed and maintained on file by the Ethics Board.

III. Any person filing a sworn complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.

IV. Nothing in Section 5(I) herein shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of Section 4 herein, or any other law, the Ethics Board shall promptly transmit a copy of the complaint to the Oneida County Board of Legislators.

J. Hearings; Assessment of Penalties; Injunctive Relief.

I. **Disciplinary Action.** 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 Board may recommend appropriate disciplinary action pursuant to Section 4(K)(I) herein.

- a. The recommendation of the Ethics Board shall be made to the appointing authority or person or body authorized by law to impose such sanctions.
- b. The Ethics Board shall conduct and complete its hearings with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the authority, person or body authorized by law to impose disciplinary action, or unless the Ethics Board refers the matter to the appropriate prosecutor.
 1. If such a referral is made, the Ethics Board may adjourn the matter pending determination by the authority, person, body or prosecutor.
 2. Upon determination by the authority, person, body or prosecutor, the Ethics Board may thereafter adopt such determination and consider the matter before it resolved, or resume its proceedings herein.

II. **Civil Fine.** In its discretion, and after a hearing providing for due process procedural mechanisms, the Ethics Board, pursuant to Section 4(K)(II) herein, may assess a civil fine, not to exceed \$1,500.00 for each violation, upon any municipal officer or employee found by the Board to have violated Section 4 herein.

- a. The Board shall conduct and complete the hearing with reasonable promptness.
- b. The civil fine shall be payable to the County of Oneida.

III. **Damages.** The Oneida County Board of Legislators may initiate an action in the court of appropriate jurisdiction to obtain damages, as provided in Section 4(J)(III) herein.

IV. **Civil Forfeiture.** The Oneida County Board of Legislators, or the Ethics Board on behalf of the County of Oneida, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction to obtain civil forfeiture, as provided in Section 4(J)(IV) herein.

V. **Debarment.** The Oneida County Board of Legislators, or the Ethics Board on behalf of the County of Oneida, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for an order of debarment, as provided in Section 4(K) herein.

19.

- VI. **Injunctive Relief.** The Oneida County Board of Legislators, or the Ethics Board on behalf of the County of Oneida, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin a violation of this law or to compel compliance with this law, as provided in Section 4(L) herein.
- VII. **Prosecutions.** The Ethics Board may refer any complaint to the appropriate prosecutor for possible criminal violations of this law. Nothing contained in Section 5 herein shall be construed to restrict the authority of any prosecutor to prosecute any violation of this law or of any other law.
- VIII. **Limit on Ethics Board.** Nothing in Section 5(J) herein shall be construed to permit the Ethics Board to take any action with respect to any alleged violation of Section 4, or of any other law, by the Ethics Board or by any member or staff member thereof.

K. Waivers.

- I. 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 subdivisions I through IX of Section 4(B) herein Section 4(C)(I)(a), Section 4(G), or Section 4(H) herein; provided, however, that no such waiver shall permit conduct otherwise prohibited by Article 18 of the General Municipal Law of the State of New York.
- II. Waivers shall be in writing and shall state the grounds upon which they are granted. Within ten (10) days after granting a waiver, the Ethics Board shall publish a notice setting forth the name of the person requesting the waiver and a general description of the nature of the waiver in the official newspaper designated by the County of Oneida for the publication of local laws, notices, and other matters required by law to be published. All applications, decisions, and other records and proceedings relating to waivers shall be indexed and maintained on file by the Ethics Board.

L. Advisory Opinions.

- I. Upon written request of any County of Oneida officer, elected official or employee, the Ethics Board may render a written advisory opinion with respect to the interpretation or application of this law or of Article 18 of the General Municipal Law of the State of New York.
 - a. Such requests may only be made regarding the County of Oneida officer's, elected official's or employee's own action or inaction.
 - b. Any other person may similarly request an advisory opinion but only with

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respect to whether his or her own action might violate a provision of this law or Article 18 of the General Municipal Law of the State of New York.

- II. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board.
- III. Any person aggrieved by an advisory opinion of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.
- IV. Any person who has submitted to the Ethics Board a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Ethics Board to issue the advisory opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with section 3001 of the Civil Practice Law and Rules determining the question posed in the request for the advisory opinion.
 - a. No action or special proceeding shall be prosecuted or maintained pursuant to this subdivision unless:
 - 1. It shall appear by and as an allegation in the petition or complaint that at least six (6) months have elapsed since the filing of the request; and
 - 2. That the Ethics Board has failed to file any determination in the matter.
 - b. The action or special proceeding shall be commenced within ten (10) months after the submission of the request for the advisory opinion.

M. Judicial Review. 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 of the State of New York.

N. Training and Education. The Ethics Board, or its designee:

- I. Shall make information concerning this Law and Article 18 of the General Municipal Law available to the County of Oneida officers, elected officials and employees, to the public, and to persons interested in doing business with the County of Oneida.
- II. Shall develop educational materials and an educational program for the County of Oneida officers, elected officials and employees on the provisions of this law and on Article 18 of the General Municipal Law.

21.

O. Annual Reports; Review of Ethics Law.

- I. The Ethics Board shall prepare and submit an annual report to the County Executive and the Board of County Legislators of the County of Oneida summarizing the activities of the Board by March 1, of each year. The report may also recommend changes to the text or administration of this law.
- II. The Ethics Board shall periodically review this law and the Board's rules, regulations and administrative procedures to determine whether they promote integrity, public confidence, and participation in County of Oneida government and whether they set forth clear and enforceable, common sense standards of conduct.

P. Public Inspection of Records; Public Access to Meetings.

- I. 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 of the State of New York or by some other State or Federal law or regulation.
- II. No meeting or proceeding of the Ethics Board concerning misconduct, non-feasance, or neglect in office by a County of Oneida officer, elected official or employee shall be open to the public, except upon the request of the County of Oneida officer, elected official or employee involved, or as required by the provisions of Article 7 of the Public Officers Law of the State of New York or by some other State or Federal law or regulation.

Q. Miscellaneous Provisions.

- I. No existing right or remedy shall be lost, impaired, or affected by reason of this law.
- II. If any 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 his law.

R. Distribution and Posting.

- I. Within ninety (90) days after the effective date of this law, the County Executive shall cause copies of the law to be posted conspicuously in every public building under the jurisdiction of the County of Oneida.
- II. Within ninety (90) days after the effective date of this law, the County Executive shall cause copies of the law to be distributed to every County of Oneida officer, elected official and employee, and made readily available to the public. Every County of Oneida officer, elected official and employee thereafter shall be

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furnished a copy of those provisions within twenty (20) days after entering upon the duties of his or her position.

a. Electronic distribution shall meet the requirements of this Section.

III. Failure of the County of Oneida to comply with the provisions of Section 5(R) herein, or failure of any County of Oneida officer, elected official or employee to receive a copy of the provisions of this law shall have no effect on the duty of compliance with this law or on the enforcement of its provisions.

Section 6. Effective Date. This local law shall take effect immediately upon filing in the office of the Secretary of State and in compliance with all applicable provisions of law.

APPENDIX A

OFFICERS, ELECTED OFFICIALS AND EMPLOYEES REQUIRED TO FILE A SIGNED ANNUAL FINANCIAL DISCLOSURE STATEMENT

1. ELECTED OFFICIALS

Chairman, Board of Legislators

County Clerk

County Comptroller

County Executive

County Legislators

District Attorney

Sheriff

2. STAFF OF ELECTED OFFICIALS

Assistant to the County Executive

Chief Deputy (Corrections)

Chief Deputy (Operations)

Chief Deputy (Task Force Operations)

Chief of Staff

Clerk, Board of Legislators

Community Services Coordinator

Deputy Clerk, Board of Legislators

Deputy Comptroller

Deputy Comptroller/Administration

Director of Workers Compensation

First Assistant District Attorney

First Deputy County Clerk

Motor Vehicle Bureau Supervisor

Undersheriff

3. DEPARTMENT HEADS

Civil Defender

Commissioner of Aviation

Commissioner of Election

Commissioner of Finance

Commissioner of Mental Health

Commissioner of Personnel

Commissioner of Planning

Commissioner of Public Works

Commissioner of Social Services

Commissioner of Water Quality and Water Pollution Control

County Attorney

Director of Budget

Director of Central Services

Director of Emergency Services

Director of Office for the Aging

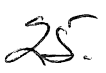
Director of Purchase

Director of Veterans Services Agency

Director of Weights and Measures B

Probation Director III

Public Defender



Public Health Director

Workforce Development Director II

Youth Bureau Director

4. **DEPARTMENT STAFF**

Aging Services Program Administrator

Assistant Director of Real Property Services

Assistant Director of Services

Budget Analyst

Chief Appellate Counsel

Chief Planner

Chief Social Services Attorney

Chief Trial Counsel

Chief Waste/Water Treatment Plant Operator

Deputy Commissioner of Aviation

Deputy Commissioner of Election

Deputy Commissioner of Finance

Deputy Commissioner of Finance – (Real Estate)

Deputy Commissioner of Mental Health

Deputy Commissioner of Public Works (Buildings & Grounds)

Deputy Commissioner of Public Works (Engineering)

Deputy Commissioner of Public Works (Highways & Bridges)

Deputy Commissioner of Social Services

Deputy Commissioner of Social Services – Administration

Deputy Director of Emergency Services

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Deputy Director of Weights and Measures B
Deputy Probation Director III
Deputy Public Health Director
Director of Administrative Services
Director of Adult Mental Health Services
Director of Civil Service Administration
Director of Clinic Services
Director of Early Intervention
Director of Income Maintenance
Director of Labor Relations
Director of Medical Services
Director of Real Property Tax Services III
Director of Services
Director of Special Children Services
Director of Substance Abuse Services
Director, Immigration Assistant Center (Criminal)
Director, Immigration Assistant Center (Immigration)
Environmental Health Director
First Assistant Public Defender – Civil
Fiscal Services Administrator
Forrester
Geographic Information Systems Coordinator
Grant Writing Specialist
Information Technology Project Manager
Job Development & Placement Manager

27.

Manager of Help Desk and Desktop Services
Manager of Infrastructure Services
Nutrition Services Coordinator
Principal Accounting Supervisor
Probation Supervisor
Resource Consultant
Special Assistant County Attorney
Stop DWI Coordinator
Supervising Public Health Nurse
Supervising Public Health Sanitarian
Technical Assistant Water Pollution Control
Transportation Program Manager
Workforce Development Special Project Coordinator
Youth Program Director

5. **APPOINTED AGENCIES, AUTHORITIES, BOARDS, COMMISSIONS, and COUNCILS**

Alcohol Beverage Control Board (Oneida County appointees only)
Alternatives to Incarceration Advisory Board
Community Alternative Placement Agency (Oneida County appointees only)
Conditional Release Commission Agency (Oneida County appointees only)
Cornell Cooperative Extension of Oneida County Board of Directors (Oneida County appointees only)
Correctional and Criminal Justice System Advisory Board
Drug Abuse Prevention Council (Oneida County appointees only)
Ethics Board

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Fire Advisory Board

Health Advisory Board

Herkimer-Oneida County Crime Control Advisory Board (Oneida County appointees only)

Herkimer-Oneida County Governmental Policy and Liaison Committee (Oneida County appointees only)

Insight House Board of Directors (Oneida County appointees only)

Mental Health Community Services Board

Mohawk Valley Community Action Agency, Inc. Board of Directors (Oneida County appointees only)

Mohawk Valley Community College Board of Trustees

Office of the Aging Advisory Council (Oneida County appointees only)

Oneida County Industrial Development Agency (Board Members and Directors)

Oneida County Soil & Water Conservation District (Oneida County appointees only)

Oneida County Sports Facility Authority

Oneida County Youth Bureau Advisory Board

Oneida-Herkimer Solid Waste Authority (Board of Directors - Oneida County appointees only, and Executive Director)

Part County Sewer District (Oneida County appointees only)

Planning Advisory Board

Private Industry Council

Rome Memorial Hospital Board of Trustees (Oneida County appointees only)

Traffic Safety Advisory Board

Upper Mohawk Valley Memorial Auditorium Authority

Upper Mohawk Valley Regional Water Board (Oneida County appointees only)

Water Quality and Water Pollution Control Advisory Board

Workforce Investment Board of Herkimer, Madison and Oneida Counties/ Workforce

29.

Development Board of Herkimer, Madison and Oneida Counties (Oneida County appointees only)

5. **MOHAWK VALLEY COMMUNITY COLLEGE**

Assistant Vice President and Dean, School of Business, Education and Liberal Arts

Assistant Vice President and Dean, School of STEM, Health and Social Sciences

Associate Vice President of Workforce Development and Dean of the Rome Campus

Controller

President

Vice President for Administrative Services

Vice President for Learning and Academic Affairs

Vice President for Student Affairs

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APPENDIX B

**ANNUAL FINANCIAL DISCLOSURE STATEMENT
UNDER THE COUNTY OF ONEIDA ETHICS LAW**

ANNUAL FINANCIAL DISCLOSURE STATEMENT
FOR _____
(year)

Last Name First Name Middle Initial

Title Department or Agency

Work Address Work Phone Number

If the answer to any of the following questions is "NONE," please so indicate. Attach additional pages if necessary.

For purposes of this disclosure, "**relative**" means your spouse, minor child, minor step-child, or a person you claimed as a dependent on your latest state income tax return.

1. REAL ESTATE.

List the address of each piece of real estate that you or your relatives own, in whole or in part, or have a financial interest in. List only real estate that is in the County of Oneida or within one mile of the boundary of the County of Oneida. For residential property, list as the address only the city, village or town in which the property is located.

| NAME OF FAMILY MEMBER | RELATIONSHIP TO YOU | ADDRESS OF REAL ESTATE | TYPE OF INTEREST |
|--------------------------|------------------------|---------------------------|------------------|
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| | | | |
| | | | |

31.

2. YOUR OUTSIDE EMPLOYER OR BUSINESS.

List the name of every employer or business, other than the County of Oneida, from which you received more than \$1,000.00 compensation for services rendered or goods sold or produced during the previous calendar year, or of which you are a member, officer, or employee. Also include any entity in which you have an ownership interest, except a corporation of which you own less than five percent (5%) of the outstanding stock or \$10,000, whichever is less. Identify the type of business such as a partnership, corporation, self-employment, or a sole proprietorship and list your relationship to the employer or business (i.e., owner, partner, officer, director, member, employee, or shareholder).

| NAME OF EMPLOYER OR BUSINESS | NATURE OF BUSINESS | TYPE OF BUSINESS | YOUR RELATIONSHIP |
|------------------------------|--------------------|------------------|-------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

3. YOUR RELATIVE'S EMPLOYER OR BUSINESS.

List the information requested in question 2 for your relatives as defined herein.

| NAME OF EMPLOYER OR BUSINESS | NATURE OF BUSINESS | TYPE OF BUSINESS | RELATIVE'S RELATIONSHIP |
|------------------------------|--------------------|------------------|-------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

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4. FUTURE EMPLOYMENT.

Describe any contract, promise or other agreement between you and anyone else with respect to and employment or business from which you expect to receive compensation for services rendered or goods sold or produced or of which you expect to be a member, officer, or employee with respect to the upcoming year, or after leaving your County of Oneida office or position.

5. VOLUNTEER POSITIONS.

List each volunteer office or position that you hold with any not-for-profit organization. Do not list entities of which you were a member only or for which you volunteered only in a non-policymaking, non-administrative capacity. Provide the same information for your spouse or registered domestic partner.

| YOUR OR SPOUSE/REGISTERED DOMESTIC PARTNER | NAME OF ENTITY | POSITION | NATURE OF BUSINESS |
|---|-----------------------|-----------------|---------------------------|
| | | | |
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| | | | |
| | | | |
| | | | |

33.

6. GIFTS.

List each gift that you or your spouse or registered domestic partner or child under the age of 18 and living with you received worth \$75.00 or more during the previous calendar year, except gifts from relatives as defined herein. The term “**gift**” means anything sought or received for less than fair market value, whether in the form of money, a service, a loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance, promise, or tickets, or in any other form. Separate gifts from the same or affiliated donors during the year must be added together for purposes of the \$75.00 rule.

| NAME OF FAMILY MEMBER RECEIVING GIFT | NAME AND ADDRESS OF DONOR | RELATIONSHIP TO DONOR | NATURE OF GIFT |
|--------------------------------------|---------------------------|-----------------------|----------------|
| | | | |
| | | | |
| | | | |
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| | | | |

7. INTEREST IN CONTRACTS.

Describe any interest you or your relative as defined herein have in any contract involving the County of Oneida or any municipality located within the County of Oneida.

| SELF/NAME OF RELATIVE | CONTRACT DESCRIPTION |
|-----------------------|----------------------|
| | |
| | |
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| | |

34.

8. DEBT OWED BY YOU. (ELECTED OFFICIALS AND COMPENSATED POLICYMAKERS ONLY).

List each person or entity to which you or your spouse or registered domestic partner owes \$10,000.00 or more. Do not list money owed to relatives as defined herein.

| DEBTOR | CREDITOR | TYPE OF OBLIGATION |
|--------|----------|--------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

9. DEBT OWED TO YOU. (ELECTED OFFICIALS AND COMPENSATED POLICYMAKERS ONLY).

List each person or entity that owes you or your spouse or registered domestic partner owes \$10,000.00 or more. Do not list money owed to relatives as defined herein.

| CREDITOR | DEBTOR | TYPE OF OBLIGATION |
|----------|--------|--------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

35.

10. POLITICAL PARTIES.

List any position you held within five (5) years as an officer of any political party, political committee, or political organization. The term "political organization" includes any independent body or organization that is affiliated with or a subsidiary of a political party.

I certify that all of the above information is true to the best of my knowledge.

Signature

Date

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