

**RESOLUTION NO. 278 LOCAL LAW INTRODUCTORY NO. 2, YEAR 2021
GENESEE COUNTY NY, TO REPEAL AND REPLACE THE COUNTY OF GENESEE
ETHICS AND DISCLOSURE LAW**

Legislator Clattenburg offered the following resolution:

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 governing body of each County, city (other than the City of New York), town, village, school district and fire district¹ to 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 also authorizes the governing body of any other municipality to adopt such a Code of Ethics, and

WHEREAS, a Code of Ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, 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, and

WHEREAS, pursuant to Local Law No. 4, Year 1990, the County of Genesee Legislature did adopt a County Ethics and Disclosure Law, and

WHEREAS, this County Ethics and Disclosure Law was amended by Local Law No. 3, Year 1991 and Local Law No. 1, Year 1992 (hereinafter jointly "Amendments"), and

WHEREAS, the Following Proposed Local Law Introductory No. 2, Year 2021 was duly introduced to the Genesee County Legislature in accordance with the Law: **LOCAL LAW INTRODUCTORY NO. 2, YEAR 2021 OF THE COUNTY OF GENESEE, NY TO REPEAL AND REPLACE THE COUNTY OF GENESEE ETHICS AND DISCLOSURE LAW**

BE IT ENACTED by the Genesee County Legislature as follows:

Section 1. REPEAL AND REPLACE

Local Law No. 4, 1990: as well as the two Amendments thereto, are hereby repealed and declared null and void, and the County Ethics and Disclosure Law shall be revised in full, to read as set forth herein.

Section 2. CODE OF ETHICS

1. Purpose: Officers and employees of the County of Genesee hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Genesee County Legislature recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes those standards.

2. Definitions: Unless otherwise indicated, the following terms shall be defined for the purposes of the Code of Ethics in this Section 2 only, as follows;

(a) "Board" means the County of Genesee Legislature and any of its administrative boards (e.g. planning board), commissions, or other agency or body comprised of two or more municipal officers or employees.

(b) "Code" means this Code of Ethics.

(c) "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the County, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

(d) "Municipality" means the County of Genesee. The word "municipal" refers to the municipality.

(e) "Municipal officer or employee" means a paid or unpaid officer or employee of the County of Genesee, including, but not limited to, the members of any County board.

(f) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

3. Applicability: This Code of Ethics applies to the officers and employees of the County of Genesee and shall supersede any prior municipal Code of Ethics. The provisions of this Code of Ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and Ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the County of Genesee.

4. Prohibition on use of municipal position for personal or private gain: No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

5. Disclosure of interest in legislation and other matters:

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made to the relevant department head or his/her designee, when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the County Legislature. In all other cases, the disclosure shall be filed with the person's department head or his/her designee. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the

board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

6. Recusal and abstention:

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this paragraph prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) If the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

7. Prohibition inapplicable; disclosure, recusal and abstention not required:

(a) This Code's prohibition on use of a municipal position (paragraph 4), disclosure requirements (paragraph 5), and requirements relating to recusal and abstention (paragraph 6), shall not apply with respect to the following matters:

(1) adoption of the municipality's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality; or

(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by paragraph 6 of this Code;

(2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this Code and the matter cannot be lawfully delegated to another person.

8. Investments in conflict with official duties:

- (a) No municipal officer or employee may acquire the following investments:
 - (1) Investments that can be reasonably expected to require more than sporadic recusal and abstention under paragraph 6 of this Code; or
 - (2) Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- (b) This paragraph does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
 - (1) Real property located within the municipality and used as his or her personal residence;
 - (2) less than five percent of the stock of a publicly traded corporation; or
 - (3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

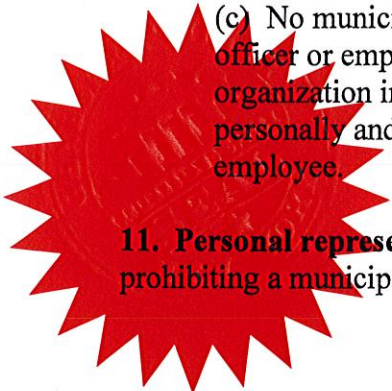
9. Private employment in conflict with official duties: No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (a) Can be reasonably expected to require more than sporadic recusal and abstention pursuant to paragraph 6 of this Code;
- (b) Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- (c) Violates section 805-a(1)(c) or (d) of the General Municipal Law; or
- (d) Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

10. Future employment:

- (a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.
- (c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

11. Personal representations and claims permitted: This Code shall not be construed as prohibiting a municipal officer or employee from:



- (a) representing himself or herself, or his or her spouse or minor children before the municipality; or
- (b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

12. Use of municipal resources:

- (a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.
- (b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - (1) any use of municipal resources authorized by law or municipal policy;
 - (2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
 - (3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
- (c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

13. Interests in Contracts:

- (a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.
- (b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

14. Nepotism: Except as otherwise required by law:

- (a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
- (b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties; with the following exception. When the potential circumstance arises, the supervising relative shall immediately notify the County Manager in writing, and the County Manager may approve an exemption in his or her sole discretion.

15. Political Solicitations:

- (a) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the

basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

16. Confidential Information: No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

17. Gifts:

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

(1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(f) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(g) This section does not prohibit any other gift, including:

(1) gifts made to the municipality;

(2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;

(3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or

(6) meals and refreshments provided when a municipal officer 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.

18. Posting and distribution:

(a) The County Manager or his or her designee must promptly cause a copy of this Code, and a copy of any amendment to this Code, to be posted publicly and conspicuously in each building under the municipality's control. The Code must be posted within ten days following the date on which the Code takes effect. An amendment to the Code must be posted within ten days (10) following the date on which the amendment takes effect.

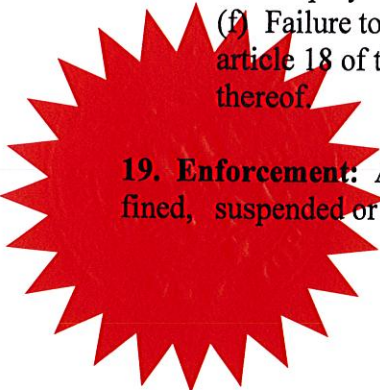
(b) The County Manager or his or her designee must promptly cause a copy of this Code, including any amendments to the Code, to be distributed to every person who is or becomes an officer and employee of the County of Genesee.

(c) Every municipal officer or employee who receives a copy of this Code or an amendment to the Code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Clerk of the Legislature who must maintain such acknowledgments as a public record.

(d) The failure to post this Code or an amendment to the Code does not affect either the applicability or enforceability of the Code or the amendment. The failure of a municipal officer or employee to receive a copy of this Code of Ethics or an amendment to the Code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the Code or amendment to the Code.

(e) The County Manager or his or her designee shall cause a copy of Sections 800 through 809 of the General Municipal Law to be kept posted in each public building under the jurisdiction of the County of Genesee, in a place conspicuous to its officers and employees.

(f) Failure to post any such copy shall have no effect on the duty of compliance with article 18 of the General Municipal Law, nor with the enforcement of the provisions thereof.



19. Enforcement: Any municipal officer or employee who violates this Code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

20. Annual Code of Ethics Review: On or before May 31 of every year, every official and employee of the County of Genesee is required to attest on an annual basis that he or she has reviewed the Code of Ethics.

Section 3. BOARD OF ETHICS

- 1. Establishment:** There is hereby established pursuant to Section 808 of the General Municipal Law, the County of Genesee Board of Ethics. Said Board of Ethics shall consist of five (5) members, a majority of whom shall not be officers or employees of the County of Genesee or any of the municipalities located in the County of Genesee. At least one member of said Board shall be an elected or appointed officer or employee of the County of Genesee or a municipality located in the County of Genesee
- 2. Membership:** The membership of the Board of Ethics shall be appointed by the County of Genesee Legislature and shall serve at the pleasure of the Legislature. The members of the Board of Ethics shall receive no salary or compensation, but may be reimbursed for reasonable expenses and mileage incurred in the performance of their duties. In the event of a vacancy, either the Board President or the Board Secretary shall notify the Clerk of the Legislature of such vacancy, within ninety (90) days thereafter, the County of Genesee Legislature shall appoint a replacement. The members of the Board of Ethics, for the purposes of this Local Law only, shall be considered local officers within the meaning of subdivision 3 of Section 810 of the General Municipal law.
- 3. Powers and Duties:** The Board of Ethics shall render advisory opinions to officers and employees of municipalities wholly or partly within the County of Genesee with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant thereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee. The Board of Ethics shall have the advice of Counsel employed by the Board or if none, the County Attorney. In addition, the Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto, upon the request of the County of Genesee Legislature; provided further that the Board of Ethics shall review the Code at least every five (5) years starting in 2026.
- 4. Procedures:**
 - (a) Every five (5) years commencing in 2026, the Board of Ethics shall elect the following officers;
 - (1) The President shall schedule the date for any meetings and preside at such meetings
 - (2) The Vice President shall act when the President is not available.
 - (3) The Secretary shall keep minutes of any meetings and submit any communications as needed to the Clerk of the Legislature or others.
 - (b) The Board of Ethics shall meet at least once every year on or before August 31 and at such other times as necessary to complete its duties.
 - (c) At the annual meeting, the Board of Ethics shall receive and review all completed Annual Statements of Financial Disclosure together with any other written instruments, affidavits, and disclosures as required under this Local Law.
 - (d) Prior to its annual meeting, the Board of Ethics will be provided with information from the Treasurer's Office listing all vendors that are currently doing business with the County of Genesee.
 - (e) The Board of Ethics shall compare this listing with interests disclosed in the Annual

- Statement of Financial Disclosure to determine potential conflicts of interest.
- (f) Within fifteen (15) days of its annual meeting, the Board of Ethics shall provide to the Clerk of the Legislature for transmittal to the County Legislature, a list of all individuals that have either not completed the requires Annual Statements of Financial Disclosure or have not answered all of the questions as required. This will be done for the purpose of allowing the County of Genesee Legislature to consider remedial, enforcement or punitive measures.
 - (g) Within fifteen (15) days of the annual meeting of the Board of Ethics, it shall provide to the Clerk of the Legislature for forwarding to the Legislature a listing of any potential conflicts appearing from its review of the Annual Statements of Financial Disclosure by comparison to the list of vendors.

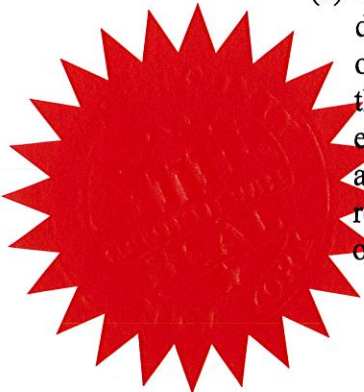
Section 4. FINANCIAL DISCLOSURE AND ANNUAL STATEMENTS OF DISCLOSURE

1. **Definitions:** Unless otherwise indicated, the following terms shall be defined for the purposes of financial disclosure in this Section 3 only, as follows; “Agency” means any of the subdivisions of County Government, referred to in subdivision (d) of this section except the Legislature
 - (a) “Agency” means any of the subdivisions of County Government, referred to in subdivision (d) of this section except the Legislature.
 - (b) “Appropriate body” pursuant to Article 18 of General Municipal Law means the Board of Ethics of the County of Genesee.
 - (c) “Child” means any son, daughter, step-son or step-daughter of a County officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee or appointed official as defined in the Internal Revenue Code Section 152(a)(1) and (2) and any amendments thereto.
 - (d) “County” means the County of Genesee or any department, board, executive division, Institution, office, branch, bureau, commission, agency, legislature or other division or part thereof.
 - (e) “Officer” or employee” means any officer or employee of the County of Genesee and any elected officials, appointed officials and heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the County of Genesee, whether paid or unpaid.
 - (f) “County elected official” means a County Legislator, the County Clerk, the District Attorney, the County Treasurer, or the Sheriff.
 - (g) “Appointed official” means any individual who is appointed by the County Legislature to any agency, institution, department, office, branch, division, council, commission, board or bureau, whether unpaid or paid.
 - (h) “Relative” means a spouse or child of a County officer, employee or appointed official.
 - (i) “Reporting officer, employee or appointed official” means an officer, employee or appointed official who is required to complete and file an Annual Statements of Financial Disclosure pursuant to this Local Law.
 - (j) “Spouse” means the husband or wife of an officer, employee or appointed official, subject to the provisions of this Local Law, unless legally separated from such officer, employee or appointed official.

- (k) "Jurisdiction" shall mean having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the County agency in which she/he is an officer, employee or appointed official.
- (l) "Policy-making position" means an officer or employee whose majority duties are not ministerial in nature, as designated to be "policy making" by the County of Genesee Legislature.
- (m) "Reporting Category" for the purpose of completing the Annual Statements of Financial Disclosure report pursuant to this Section 4, means the category of interest, income, value or worth of said reported items. No exact dollar amounts are to be included in the completion of the Annual Statements of Financial Disclosure; rather all amounts are to be indicated using the following categories:
 - "A", Under \$5,000
 - "B", \$5,001 - \$10,000
 - "C", \$10,001 - \$25,000
 - "D", \$25,001 - \$50,000
 - "E", \$50,000 - \$100,000
 - "F", Over \$100,000
- (n) "Reporting Period" when referenced on the Annual Statements of Financial Disclosure shall mean the entire calendar year immediately preceding the calendar year in which the Annual Statement of Financial Disclosure is completed.

2. Obligation to file Annual Statement of Financial Disclosure:

- (a) An Annual Statement of Financial Disclosure shall be completed and filed with the Clerk of the Legislature on or before May 31 of each year,
- (b) The Annual Statement of Financial Disclosure shall contain the information and shall be in the form set forth and attached to this Local Law which may be amended by resolution or by Local Law.
- (c) The Annual Statement of Financial Disclosure shall be filed by the following;
 - (i) County Elected Officials
 - (ii) County Department Heads and their Deputies
 - (iii) County Officers and Employees holding policy-making positions
- (d) On or before February 28 of each year, the County of Genesee Legislature shall pass a resolution that sets forth an all-inclusive list of all of the individuals by their titles or by the names of the agency of the County, upon which they serve, that need to complete and file an Annual Statement of Financial Disclosure by May 31st of that year.
- (e) On or before January 31 of every year, each appointed authority or department head shall determine if there are any other individuals, officers or employees within their department that hold policy-making positions or that no longer hold policy-making positions. On or before January 31 of every year, the County Attorney shall determine if there are any other agencies of the County that render policy-making decisions or no longer render policy-making decisions. These lists shall be provided to the Clerk of the County Legislature as recommendations to be added to, or subtracted



from, the list of the County Legislature for reporting individuals for that year.

- (f) A person who is subject to the filing requirements of this Local Law from more than one County may satisfy the requirements by filing only one Annual Statement of Financial Disclosure, and filing with the other(s) a notice that such filing has been made, inclusive of the date and place of the filing.
- (g) Any person who is subject to the reporting requirements of this Local Law and who has or shall timely file with the Internal Revenue Service an application for automatic extension of time in which to file his/her individual income tax return for the immediately preceding calendar or fiscal year, shall be required to submit an Annual Statement of Financial Disclosure on or before March 31 of the year in which employment is in effect. Such person shall file a supplementary statement for any item as so noted on the Annual Statement of Financial Disclosure, without liability under Section 4 of this Local Law, if said supplementary statement is filed within fifteen (15) days of the expiration of the automatic extension.
- (h) Any person who is required to file an Annual Statement of Financial Disclosure may request, prior to May 31, of the year for which the employment is in effect, an extension of filing for an additional specific periods of time. Such request shall be made in writing to the Board of Ethics, with approval based upon substantiation of justifiable cause or undue hardship. The Board of Ethics may grant or deny the request, by vote of the membership, and extensions shall be for the specific period of additional time requested.
- (i) Any person required to file an Annual Statement of Financial Disclosure who becomes so required, or experience a change in reporting levels after May 15, of the year for which the employment is in effect, shall file the appropriate annually statement within thirty (30) days.

Section 5. WHISTLEBLOWER PROTECTIONS

1. **Policy:** It is the policy of the County of Genesee that illegal or unethical activity, including but not limited to corruption, fraud, criminal activity, abuse and conflict of interest by members, officers or employees of any County Department, or any person having dealing with any County Department, will not be permitted, tolerated, or condoned.
2. **Retaliation prohibited:** An employee may not be discharged, or discriminated against, in retaliation for making a complaint, instituting a proceeding, providing evidence or testifying at a proceeding concerning a violation of any law, rule regulation, gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. Any employee or employees who, in good faith, report a false claim are protected against discharge, demotion, suspension, threats, harassment, and other discrimination by their employer.

Section 6. PENALTIES:



1. **Violations:** The County of Genesee Legislature, upon a determination that a reporting individual knowingly and willfully failed to file an Annual Statement of Financial Disclosure or who knowingly and willfully with intent to deceive, made a false statement or gives information, which such individual knows to be false, on such Annual Statement of Financial Disclosure, that has been filed pursuant to this Local Law; may take in its sole discretion any of the following actions:
 - (a) Assess a civil penalty in an amount not to exceed Ten Thousand dollars (\$10,000).
 - (b) Other than for conduct which constitutes a violation of Section 73(12) of the Public Officers Law, in lieu of the civil penalty, may refer a violation to the appropriate prosecutor, and upon such conviction, but only after such referral, such violation shall be punishable as a Class A Misdemeanor.
 - (c) Terminate any individual who sits on a reporting Agency of the County.
 - (d) Impose disciplinary action as otherwise provided by law.
 - (e) A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported pursuant to this Local Law, is incorrect, unless such reported information is falsely understated.
2. **APPEALS:**
 - (a) An appeal may be taken to the Board of Ethics in opposition to any designation made by the County of Genesee Legislature, which requires an individual to file an Annual Statement of Financial Disclosure or in opposition to any penalty determination made by the County of Genesee Legislature.
 - (b) Any appeal must be made in writing to the Board of Ethics within thirty (30) days of the designation determination or the assessment of a penalty.
 - (c) Upon receipt of the appeal document, the Board of Ethics shall make a determination upon the merits of the application within forty-five (45) days.
 - (d) Prior to this determination, the Board of Ethics shall conduct a hearing, at which time the individual shall have an opportunity to be heard.
 - (e) The Secretary of the Board of Ethics shall make an audio recording of this hearing.
 - (f) If the Party decides to appeal the determination of the Board of Ethics, it must be done pursuant to Article 78 of the Civil Practice Law and R

Section 7. EFFECTIVE DATE:

This Local Law shall take effect upon proper filing with the Office of the Secretary of State.

WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of Public Hearing on said proposed Local Law on the bulletin board in the Old Courthouse, and

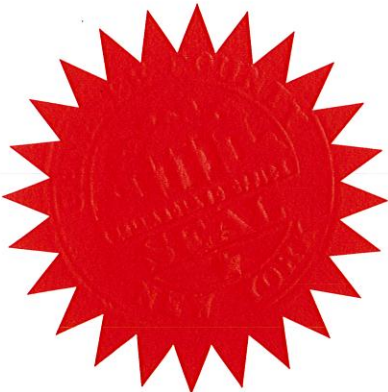
WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the *Batavia Daily News*, the official newspaper of the County of Genesee, the notice of Public Hearing on Local Law Introductory Number 2, Year 2021, and

WHEREAS, a Public Hearing was held at 5:30 on June 23, 2021 in the Legislature Chambers of

the Old Courthouse and via Zoom, Batavia, New York, at which time all interested persons who wished to speak were heard, Now therefore Be it

RESOLVED, that "LOCAL LAW INTRODUCTORY NO. 2, YEAR 2021 GENESEE COUNTY NY, TO REPEAL AND REPLACE THE COUNTY OF GENESEE ETHICS AND DISCLOSURE LAW" be known as Local Law No. 4 Year 2021, for the County of Genesee as introduced June 9, 2021, be and hereby is adopted.

Legislator Maha seconded the resolution which was adopted by 326 votes.



**State of New York
County of Genesee**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Genesee County Legislature on the 23 day of June 2021.

Dated, Batavia, New York

June 24, 2021

Samela LaFron

Clerk of the Genesee County Legislature