

CHAUTAUQUA COUNTY ETHICS BOARD MEETING MINUTES

DATE: May 23, 2018

LOCATION: County Executive's Conference Room, Room 341, 3 North Erie Street,
Mayville, New York 14757

TIME: 3: 06 – 5:40 p.m.

MEMBERS PRESENT: Susan Dilks
John Lloyd
Rose Sebouhian
Mary Kay Szejbka

MEMBERS ABSENT: None

OTHERS PRESENT: Amanda Gallagher from the County Executive's Office
Kristen Wright from the County Law Department

PUBLIC NOTIFICATION:

Amanda confirmed proper public notification was completed as the legal notice for today's meeting was published in the Observer on May 8, 2018 and in the Post- Journal on May 17, 2018. The meeting notice was also emailed to local radio stations and posted on the county website.

REVIEW CORRESPONDENCE AND COMPLAINTS:

Kristen requested everyone review the draft frequently asked questions document and the draft question and answer that is proposed regarding a former employee receiving compensation for services and accepting a job with another company.

EXECUTIVE SESSION:

Rose motioned to go into executive session regarding the employment history of a particular person or matters leading to the discipline of a particular person, which was seconded by John. All members in favor. Board entered into executive session at 3:15 p.m.

Rose motioned to leave executive session at 3:40 p.m., which was seconded by John. All members in favor.

REVIEW OF CORRESPONDENCE AND COMPLAINTS:

Rose motioned to approve a letter to be sent to Mr. Carlson in response to his letter to the Ethics Board, which was seconded by Susan. All in favor.

Amanda asked if the board wished to review the other questions that came up this year about the form.

Rose said the other questions can be reviewed at the June meeting.

MEMBERSHIP:

Amanda said that Ben Webb resigned from the board on 4/10/18 and the County Executive is working on finding a replacement to fill the remainder of his term, which expires on 1/31/2020.

VOTE FOR CHAIR AND SECRETARY:

Rose said she would be willing to serve as Chair again. She said she won't serve on the board again after her term is up in January 2020.

Mary Kay motioned to keep the current arrangement with Rose as Chair and John as Secretary, which was seconded by Susan. All in favor.

APPROVAL OF MINUTES:

Mary Kay moved to approve the minutes of the October 19, 2017 meeting, which was seconded John. All in favor.

ANNUAL REPORT:

Rose asked if everyone had time to review the annual report and if any additional changes were needed. With no additional changes, Mary Kay motioned to approve the 2017 Annual Report, which was seconded by John. All in favor.

CODE OF ETHICS AND STATEMENT OF FINANCIAL DISCLOSURE UPDATED:

Amanda reported that the board's suggested changes to the Code of Ethics and the Statement of Financial Disclosure form were successfully approved by the legislature and the changes were incorporated into the training that was issued earlier this year. Changes to the Code included modifications in the definition of a Related Person and additional titles were added to Section 9 regarding officials required to file a form by title.

The board requested that it begin its annual review of the Code of Ethics at its September meeting.

PROPOSED STATE ETHICS LAW CHANGES:

Amanda provided an informational handout on potential changes to the State Ethics Law.

Kristen said she was unsure if changes would be approved at the state level, but she felt the board should be aware of it. Particularly, she noted that the proposed change could impact County Ethics Board responsibilities.

NEW CODE OF ETHICS VIOLATION REPORTING FORM:

Amanda reported that she and Kristen developed a Code of Ethics Violation Reporting Form in October 2017. The form, which is available on the county website, is intended to

help individuals file a complaint with the board as they can provide the name of the potential violator and the section of the Code they believe is potentially being violated. Amanda also indicated that no complaints were received from Greg Rater.

STATUS OF FINANCIAL DISCLOSURE FORMS AND QUESTIONS:

Amanda said an incident came up where she had legislators complete their annual statements in January because they were re-appointed to new terms as legislators. After checking with Kristen and County Attorney Steve Abdella it was determined that current employees who are re-elected into the same position do not need to complete the form within 30 days of their official re-appointment. As long as the individual's position is still the same, they just need to complete the annual filing in April.

Kristen said we also had an issue this year where an employee with a county-issued credit card didn't want to file a Statement of Financial Disclosure. She said the issue ended up working itself out as the employee ended up being hired by another county department where he was not required to have a credit card so he no longer had to file.

Susan said when she was reviewing forms earlier in the year it seemed odd that many individuals did not list any outside employment on their forms.

Kristen said it is not likely that many employees would have any outside employment in addition to their full time job with the county. She said the board could always ask individuals for their tax return or other documents to ensure they are listing outside employment when they should be.

Amanda provided an update on the Financial Disclosure Statements received from October 12 to December 31, 2017. She said 14 additional forms were reviewed, approved and filed with the County Clerk's Office and the board reviewed a total of 290 forms in 2017. For 2018, 41 forms were already reviewed, approved and filed with the County Clerk's Office. For this year's annual filing, there were 28 delinquent individuals, who all turned their forms in by the final notice deadline, and 1 individual who was out on medical leave and was required to turn in her form within 30 days of her return to work. This individual has returned to work and her form is due by June 6. Amanda said there are 237 forms for the board's review today.

Amanda also passed around a letter from the Department of Human Resources verifying that it issued the Code of Ethics training tools to all county departments in February 2018 and verification of employee participation is on record in the Human Resource's office.

NEXT MEETING:

Mary Kay said she has a conflict for our June 27 meeting. The board members agreed to move the next meeting to June 21 at 2 p.m.

REVIEW OF ANNUAL STATEMENTS:

The board reviewed 237 annual statements and found 34 to be incomplete and had questions about 2 of them. Amanda will prepare incomplete notices for Rose and check with Kristen for guidance on the two forms the board had questions about.

MEETING ADJOURNED:

John motioned to adjourn the meeting at 5:40 p.m., which was seconded by Rose. All in favor.

Minutes prepared by Amanda Gallagher and respectfully submitted to John Lloyd.