

CHAUTAUQUA COUNTY ETHICS BOARD MEETING MINUTES

DATE: July 27, 2020

LOCATION: Room 331, Gerace Office Building, 3 North Erie Street, Mayville, New York 14757

TIME: 4 – 6:10 p.m.

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

OTHERS PRESENT: Amanda Gallagher from the County Executive's Office
Paul M. Wendel, Jr. from the County Executive's Office
Kristen Wright from the County Law Department

CALL TO ORDER & PUBLIC NOTIFICATION:

Rose called the meeting to order at 4:09 p.m.

Amanda confirmed proper public notification was completed as the notice of today's meeting was sent out to the local media on July 13, 2020. She also confirmed that the meeting appeared in the Post-Journal's "Briefly" section on July 24, 2020 and the Observer's "Community Notebook" section on July 27, 2020. The meeting agenda and notice were also posted to the county website on July 13, 2020.

MEMBERSHIP:

Amanda reported that Dave Rowe and Rose Sebouhian were successfully re-appointed to the board. Their terms now expire on 1/31/2023.

VOTE FOR 2020 CHAIR AND SECRETARY:

Rose agreed to serve as Chair for another term if needed. Mary Kay motioned to approve Rose as the Board Chair for 2020, which was seconded by John. All in favor.

John said he would serve as Secretary again. Susan motioned to approve John as the Board's Secretary for 2020, which was seconded by Mary Kay. All in favor.

APPROVAL OF MINUTES:

Susan motioned to approve the October 16, 2019 minutes, which was seconded by Mary Kay. All in favor.

APPROVAL OF 2019 ANNUAL REPORT:

John motioned to approve the 2019 Annual report, which was seconded by Susan. All in favor.

CODE OF ETHICS & STATEMENT OF FINANCIAL DISCLOSURE AMENDED:

Amanda reported that the Chautauqua County Code of Ethics and Statement of Financial Disclosure Form were successfully amended.

Amanda noted that when the Code was reviewed by the Law Department prior to the Legislature's approval, the Law Department did add some additional language to Section 9 of the Code. Language was added so the list of titles required to file a Statement of Financial Disclosure form has been removed from the Code and instead will be kept on file with the Clerk of the Legislature and the County Executive's Office. By doing so, when titles need to be added or removed from the list, they can be updated by Board approval without requiring an update to the Code of Ethics. Language was also added to Section 9 so the Human Resources Department now has the option to provide training by email to new employees to help reduce their paper consumption.

REVIEW CORRESPONDENCE AND COMPLAINTS:

Amanda reported that in October 2019 she emailed Mr. Rater a copy of the Code of Ethics and the Violation Reporting Form and no further correspondence has been received from him.

The Board reviewed Case No. 2020-02. The matter was not under the board's purview and John motioned to refer the complaint form to the Director of Health and Human Services, Sheriff, and County Executive for further investigation, which was seconded by Dave. All in favor.

The Board reviewed the draft Chautauqua County Coroner Transportation Policy, which was submitted by the Department of Health and Human Services (DHHS) for its consideration. The board reviewed the policy and acknowledge the good proactive work by DHHS to prevent potential problems before they arise.

Amanda reported two incidents that occurred earlier this year that have been corrected. The first incident involved the disposal of county property. There were filing cabinets that were deemed as surplus, obsolete or unused county property that could be disposed of. A county employee had sent an email to other county employees that these filing cabinets were available to any employee who wanted them for personal use at home. Kristen had reached out to the employee's department head and the department head was going to address the matter with the employee. As far as Kristen is aware, no county employees took the filing cabinets for personal use and the cabinets were disposed of as scrap metal. The second incident involved a county employee who was recently elected as the Supervisor of the Town of Kiantone. The individual accidentally signed a contract between the Town and the County for Court Security Services, which would be a conflict

of interest. This was corrected by having the contract re-executed so it could be signed by the Town's Deputy Supervisor instead.

The Board reviewed Case No. 2020-01. Rose will send a follow-up letter to the complainant that it is the Board's understanding that the matter has been addressed.

Amanda reported that the NYS auditors have still not returned for an exit conference on the audit that was conducted last year on the Ethics Board.

STATUS OF ANNUAL CODE OF ETHICS TRAINING FOR COUNTY EMPLOYEES AND BOARD MEMBERS:

- County Employee Training:

The Board reviewed correspondence from the Human Resources (HR) Department that it issued the annual Code of Ethics training tools to all county departments.

Amanda reported that the HR department also requested changes to the County Employee Training Attendance Sheet, which were reviewed and approved by the Board. The HR director also wanted to know what should be done procedurally if there are active employees who do not complete the training by the deadline. Should the HR director follow-up directly with the employee or should she submit the list of the names and departments of delinquent employees to the Ethics Board for its follow-up?

Rose motioned to have the HR Director follow-up with any county employees who have not completed the training by the deadline and any employee who doesn't meet the HR Director's second deadline will be referred to the Ethics Board for additional action. Motioned failed.

Mary Kay motioned to table this action until the HR Director can be followed-up with to confirm she is in agreement with this procedure, which was seconded by Dave. All in favor. Item to be tabled until September meeting.

- County Board Member Training:

Amanda reported that only 14 of the 27 boards had completed the annual training by the March 31, 2020 deadline. As of today's meeting, 1 board has become inactive and she has received sheets for 9 more boards. She is still missing sheets for some of the members of the Office for the Aging Advisory Council, Parks Commission, and Sports Fishery Advisory Board. All of these boards have not met yet this year and the Parks Commission is anticipated to meet this Thursday. She is also missing some sheets for newly appointed members of the Fire Advisory Board and Emergency Medical Services Council. Amanda will work with Rose to have final notice letters sent to all of the board members who have not confirmed receipt of the Code of Ethics Training yet.

STATUS OF FINANCIAL DISCLOSURE STATEMENTS:

Amanda reported that for the period of October 1, 2019 to December 31, 2019, there were 19 forms that were approved by the Board and filed with the Clerk of the Legislature and County Clerk. So for 2019, the board reviewed and approved 333 forms (5 of which were forms due in 2020).

For the period of January 1, 2020 to July 17, 2020 the board reviewed and approved 324 forms. The Board has 6 annual forms for review and discussion at today's meeting and there is still one annual form pending, which will be due within 30 days of the employee's return to work. For the annual filing, 10 Final notice letters were sent out to individuals who did not complete the form by the deadline and all delinquent forms were received.

REVIEW QUESTIONS ABOUT THE CODE OF ETHICS & STATEMENT OF FINANCIAL DISCLOSURE FORM:

Amanda and Kristen presented the Board with recent questions they have received about the Statement of Financial Disclosure Form for the board's consideration. The Board reviewed and approved the questions being updated on the "Questions Received about the Chautauqua County Code of Ethics and Financial Disclosure" sheet and updating the Statement of Financial Disclosure Form for further clarification.

REVIEW SUBMITTED STATEMENTS OF FINANCIAL DISCLOSURE:

There were 6 annual filing forms that were held for the board's review for today. Of the forms reviewed, 3 were approved, 2 were incomplete, and 1 is being held for additional action. Amanda will work with Rose to have an incomplete form notice letter sent to the 2 individuals and to further follow-up with the individual requiring additional action.

NEXT MEETING:

The Board set the dates and times for its three remaining meetings of the year. These meetings are tentatively scheduled for September 15, October 14, and November 12 with all meetings starting at 4 p.m. in Room 331 of the Gerace Office Building, 3 N. Erie St. in Mayville, NY.

MEETING ADJOURNED:

John motioned to adjourn the meeting at 6:10 p.m., which was seconded by Susan. All in favor.

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