

CHAUTAUQUA COUNTY ETHICS BOARD MEETING MINUTES

DATE: September 21, 2020
LOCATION: Rooms 331 & 333, Gerace Office Building, 3 North Erie Street,
Mayville, New York 14757
TIME: 4 – 6 p.m.

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

OTHERS PRESENT: Amanda Gallagher 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 p.m.

Amanda confirmed proper public notification was completed as the notice of today's meeting was sent out to the local media on September 4, 2020. She also confirmed that the meeting appeared in the Post-Journal's "Briefly" section on September 10, 2020 and did not appear in the Observer's "Community Notebook" section. The meeting agenda and notice were also posted to the county website on September 4, 2020.

APPROVAL OF MINUTES:

John motioned to approve the July 27, 2020 minutes, which was seconded by Susan. All in favor.

REVIEW CORRESPONDENCE AND COMPLAINTS:

Amanda reported that a follow-up letter was emailed to the complainant regarding Case No. 2020-01. Case No. 2020-02, which was previously deemed to not be under the board's purview, was also referred to the appropriate individuals.

The board also reviewed Case No. 2020-03 and it was determined by the board that this complaint was not under its purview. Rose will send a follow-up response letter to the complainant.

The Board received an inquiry regarding a potential ethics violation. It was assigned Case No. 2020-04. Mary Kay motioned to have this discussion tabled until October so the

board would have the opportunity to review additional information that was presented during the meeting, which was seconded by John. All in favor.

Kristen discussed an inquiry she had received about the receipt of a third party payment. A DHHS employee was recently given payment by a third party for doing something that DHHS staff feel is properly included in the employee's job description. DHHS will add this specific activity to the job description, so it is clear that the activity is authorized and not appropriately paid for by a third party. The employee, who initially raised the question, agreed that he would not accept the payment.

DISCUSSION ITEMS:

2019 Audit:

The NYS auditors recently held an exit conference regarding the draft report on the audit that was conducted last year on the County's ethics oversight. The County must respond to the report by October 9th. Kristen asked that if any board members have comments on the audit to please share them with her as soon as possible so she can try to include them in the county's response.

Financial Disclosure Statements and Code of Ethics Training Procedures:

The Ethics Board reviewed draft procedures for the Statement of Financial Disclosure and Code of Ethics Training. Kristen will make the recommended changes to the documents and have the updated procedures available for the board's review and approval at its October meeting.

The Board also discussed the granting of an extension that would apply to the calendar year 2020 only for annual filers and for employees and board members required to complete the annual training. It would provide a 30-day extension for completion of the annual filing or annual training, due to the COVID-19 Pandemic. Rose motioned to have the COVID-19 time extension notice sent out to applicable employees and board members, which was seconded by Susan. All in favor.

The Board also reviewed and updated County Employee Training Attendance Sheet that would be used by County employees in 2021.

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

Amanda reported that she has received a training confirmation sheet for 1 newly appointed board member of the Portland-Pomfret-Dunkirk Sewer District, which was received on time. There was another new board member who did not complete the training by 7/25/2020 and he has been sent a Late Training Notice, which is due by 9/25/2020.

Another board member whose annual training form was incomplete, did not correct it by the deadline and has received a Late Training Notice with a new deadline of 9/25/2020. In addition, 1 board member was never sent the training by the department liaison and a letter was sent to her notifying her of the training, which she completed by the deadline.

In addition, of the 8 board members who were sent a Final Notice letter, only 4 of them returned their confirmations by the deadline. The four individuals who are still outstanding are two members of the Office for Aging Advisory Council and two members of the Sports Fishery Advisory Board. These individuals were sent a late training notice requesting their training confirmations by 9/25/2020.

STATUS AND REVIEW OF FINANCIAL DISCLOSURE STATEMENTS:

Amanda reported that for the period of July 13, 2020 to September 11, 2020, there were 9 forms that were approved by the Board and filed with the Clerk of the Legislature and County Clerk. This also includes the annual form for the employee who was out on furlough and was required to complete the form within 30 days of her return to work.

There is also one pending form that is due 9/26/2020 and 3 forms for the board's review today, which include a new appointment form, amended form, and a form that was awaiting further determination. Rose reviewed the forms and found 2 to be complete and 1 was incomplete. Amanda will work with Rose to send an incomplete form notice letter to the individual. All Statements of Financial Disclosure for the annual filing have now been approved by the Ethics Board.

NEXT MEETING:

The Board's next meeting will be held on Wednesday, October 14, 2020 at 4 p.m. in Rooms 331 and 33 of the Gerace Office Building, 3 N. Erie St. in Mayville, N.Y.

MEETING ADJOURNED:

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

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