

CHAUTAUQUA COUNTY ETHICS BOARD MEETING MINUTES

DATE: June 30, 2021

LOCATION: Rooms 331 & 333, Gerace Office Building, 3 North Erie Street,
Mayville, New York 14757

TIME: 3 – 5:19 p.m.

MEMBERS PRESENT: John Hamels
Diane Hannum
John Marengo
David Rowe
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:

Mary Kay called the meeting to order at 3:05 p.m. with her, John H., Diane, John M., David and Amanda present.

Amanda confirmed proper public notification was completed as the notice of today's meeting was sent out to the local media on June 22, 2021 and the meeting notice and materials were also posted on the county website that same day. She also confirmed that the meeting appeared in the Post-Journal's "Briefly" section on June 24, 2021 and the Observer's "Community Notebook" section on June 26, 2021.

INTRODUCTION OF NEW BOARD MEMBERS:

John Hamels and Diane Hannum were welcomed to the board. Their terms will expire on January 31, 2024.

REVIEW CORRESPONDENCE:

Dave motioned to enter into Executive Session at 3:11 p.m. to discuss matters leading to the demotion, discipline, suspension dismissal or removal of a particular person or corporation, which was seconded by John M.

Diane motioned to leave Executive Session at 3:23 p.m., which was seconded by John H.

Dave motioned to send complainant a brief summary regarding Case No. 2020-04, which was seconded by John M. All in favor.

Amanda reported that the Board received a letter from the Chautauqua County Human Resources (HR) Department about the annual training that was issued to county employees. There was one department that did not submit any training forms yet to HR and seven other departments returned forms that either indicated they had some active employees and/or employees out on leave who didn't complete the training.

APPROVAL OF MINUTES:

Mary Kay motioned to approve the minutes from the March 10, 2021 meeting, which was seconded by Dave. All in favor with John H. and Diane noting they weren't members at the last meeting.

Amanda left the meeting at 3:27 p.m. and returned at 3:28 p.m.

Kristen arrived at the meeting at 3:30 p.m.

CODE OF ETHICS AMENDED:

Amanda reported that the Chautauqua County Code of Ethics was amended on May 26, 2021. Changes to the Code included giving department heads the responsibility of ensuring that if an employee under their purview doesn't file a timely statement that the person's ability to expend County funds is suspended until they file the form. Other changes included adding a process for someone to provide a written request for an extension to file, changing the reference of "board members" to "non-employees," adding wording that making a report that is misleading is also a violation of the Code, and deleting the reference to the Board having three members who terms expire in odd years and two in even years.

REPORT FROM ATTORNEY:

Kristen reviewed with Ethics Board members the powers and duties of the Ethics Board.

She also provided draft documentation on what individuals would use if they wanted to request an extension to complete the Code of Ethics Training or Financial Disclosure Statement.

Kristen also discussed a conflicts of interest question that came up from the County's Food Policy Council.

Mary Kay motioned to adopt the "Food Policy Council Conflicts of Interest Question," which includes a question and response, and to include it in the "Questions Received about the Chautauqua County Code of Ethics and Financial Disclosure Statement" document, which was seconded by John M. All in favor with John H. and Diane noting they were not members when the initial inquiry came in.

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

Amanda reported there are a total of 57 active employees who did not turn in their training confirmations to HR by the March 31, 2021 deadline. Of these missing training confirmations, as of today: 42 employees have still not completed the training confirmation, 4 employees completed the training prior to 3/31 but it wasn't received by HR until after the deadline, 7 employees completed it after the 3/31 deadline, 3 individuals are no longer employees, and 1 employee did not complete it by the deadline and is now out on leave. In addition, there are 18 employees who are out on leave and will be required to complete it upon their return to work.

For the employees who are out on leave, Amanda will send their Department Heads the "Request Form for An Extension of Time to Certify Completion of Ethics Training" so Department Heads can have their employees complete it within 2 weeks of their return to work.

In addition, of the employees who did not complete the training, one has received a Late Filing Notice in the past and will now receive a Failure to File letter and be assigned a Case number.

Amanda also provided an update on the annual training for the County Board members. As of the 3/31/21 deadline, 18 of the 26 boards had all of their members timely complete the training. As of today, of the 28 board members who didn't timely complete the training: 15 individuals completed the training prior to 3/31 but it was not received by the County Executive's Office until after the deadline, 7 individuals still have not completed the training, and 6 individuals completed the training after the deadline.

In addition, of the board members who did not complete the training, one has received a Late Filing Notice in the past and will now receive a Failure to File letter and be assigned a Case number.

Kristen had some questions for the board concerning its draft Code of Ethics Training Procedure and the process for late or missing training confirmations.

The board would like to first confirm that the individual was an active employee or board member during the 2 weeks the training was due. If the individual was out on leave then the training and an Extension of Time Request form would need to be completed within 2 weeks of the individual's return to work. If the employee or non-employee was not out on authorized leave, it would then need to be confirmed that the individual timely (at least 2 weeks before it was due) received the training materials. If not timely received, the individual would get a 2 week extension. If the materials were timely received, county employees would be sent a Late Filing Notice letter and board liaisons would be consulted for a recommended course of action for county board members. Some possible

course of actions that board liaisons could recommend are having the board member be terminated, issuing a Late Filing Notice letter, or authorizing an extension of time to file.

Dave motioned to approve the discussed timeline for the training policy, to complete the procedure at a later date, and to approve the extension request forms, which was seconded by John H. All in favor.

Kristen also reported that the County Executive recently sent out a memo to all Department Heads about the financial disclosure statement and training requirements.

Mary Kay requested board members be sent a copy of the memo and when training materials are issued next year it might be helpful to have the County Executive resend this reminder to department heads.

REVIEW SUBMITTED STATEMENTS OF FINANCIAL DISCLOSURE:

The board reviewed and approved 5 Statements of Financial Disclosure for filing.

STATUS OF FINANCIAL DISCLOSURE FORMS AND ANNUAL FILING:

Amanda reported that so far for 2021, 304 forms have been reviewed, approved and filed.

There were 293 forms that were required by the April 30, 2021 annual filing deadline. Of those forms, 225 (or 76%) were timely received and 68 forms were not received by the deadline.

For the 68 late forms, as of today: 39 of the late forms have been received and filed, 19 are still missing from active employees or board members, 2 are missing from employees out on leave, 7 are pending corrections from the filer, and 1 is pending review.

In addition, two of the forms that have still not been received are filers who received a Late Filing Notice in the past. These individuals will receive a Failure to File letter and be assigned case numbers.

Amanda noted that the lateness of the reminder going out to Department Heads about the employees or board members under their purview who still hadn't filed, may have contributed to there being so many late forms this year as 32 of the missing forms were received within 10 days of the reminder going out to Department Heads.

Amanda requested some clarification on the Ethics Board Procedure for Financial Disclosure Statements in regards to the Late Filing Notices. If an individual receives a Late Filing Notice letter in the current year and is late with filing again in that same year,

would the individual then move on to the next level of action by receiving a Failure to File letter?

John M. motioned to amend Ethics Board procedures to clarify that each violation constitutes a separate and distinct violation even if it occurs in the same year, which was seconded by Dave. All in Favor.

SETTING 2021 MEETING DATES:

If special meetings are needed for individuals who have not timely completed the financial disclosure form or training, the Board will call a special meeting for those hearings.

The board set September 15 and November 17 as its next meeting dates for 2021. Both meetings would be held at 3 p.m. at the Gerace Office Building in Mayville. Amanda will follow-up with board members as the meeting dates get closer to confirm we still have a quorum.

REVIEW DRAFT 2020 ANNUAL REPORT:

The Board reviewed the draft 2020 annual report.

John H. motion to adopt the 2020 Annual Report, which was seconded by Diane. All in favor.

MEETING ADJOURNED:

Dave motioned to adjourn the meeting at 5:19 p.m., which was seconded by Mary Kay. All in favor.

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