

## ORGANIZATION

STANDARD NO(S): NYSLEAP 1.1, 1.2, 2.1, 12.9  
NYSSA# 45-46, 52-54

DATE: July 23, 2009  
REVISED: 10/18/2010  
REVISED: 04/10/2012  
REVIEWED: 12/16/2019

REFER TO: Timothy Luce

### I. OBJECTIVE:

To define the goals the Seneca County Sheriff's Office; to describe the organizational and command structure responsible for attainment of the goals; and to provide for personnel alternatives for staffing agency components.

### II. POLICY:

In modern times the Office of Sheriff in most of New York State has undergone significant changes, adding to the largely custodial and civil functions the responsibility for public safety as well. Although elective, the Office of Sheriff in Seneca County is nevertheless professional as evidenced by the complexity of duties, the extensive training administered, and the expectations of the community. It is essential that its members understand the basic principles of its goals, objectives and organizational structure.

### III. DETAILS:

- A. Mission Statement(s)-** Every organization needs to define its fundamental purpose, philosophy and values. The mission statement answers the basic question of why the organization exists, and describes the needs the organization was created to fill. A mission statement provides the basis for judging the success of an organization and its programs. It helps verify if the organization is on the right track and making the right decisions. Attention to a mission helps the organization adhere to its primary purpose and serves as a touchstone for decision making during times of conflict.

The Seneca County Sheriff's Office has a clearly defined mission, developed by members and employees of the Seneca County Sheriff's Office as the foundation of who we are and what we are about. The Seneca County Correctional Facility, as an integral part of the Sheriff's Office has a unique mission which it places a value on the safety and security of not only inmates but employees as well. The

Seneca County Sheriff's Office and Correctional Facility Mission Statements are displayed proudly and prominently throughout the Seneca County Law Enforcement Center as well as in the Court Security, Records and Civil Division Offices as a daily reminder of why we exist. To demonstrate to the citizens of Seneca County, these two mission statements are proudly displayed on the Seneca County Sheriff's Office website. The Mission Statements are also found at the end of this section.

**B. Goals and Objectives-** The development of and adherence to goals and objectives for the Seneca County Sheriff's Office is essential to ensure the agency's direction and unity of purpose. Annually, each employee shall be solicited via the computerized message system for input into the development, and/or improvement, of the relevancy and coverage of agency goals. It shall be the objective of the SCSO to provide the services, generally described, within the organizational framework detailed below.

**C. Organizational Chart-** The organizational structure of the Seneca County Office is depicted on an organizational chart showing the chain of command, lines of authority within the agency, and the titles and numbers of the functionaries in each component. The organizational chart is to be reviewed and updated annually or when there has been a significant change. It's current form is displayed on the administration bulletin boards located in the Administration, Law Enforcement and Correction sections of the Sheriff's Office and is accessible to any member or employee. The organizational chart for the Law Enforcement and Corrections Bureau of the SCSO are depicted at the end of this section.

**D. Organizational Structure-** As noted in **"Direction & Supervision"** this Manual, the Sheriff, as Chief Executive Officer, is responsible for the overall management and control of the SCSO. Assisting, and empowered to act in the Sheriff's absence, is the Sheriff's appointee, the Under-Sheriff. The next ranking member of what is referred to as the "administration" is the Chief Deputy, who occupies a competitive civil service position and is authorized to act in the absence of both the Sheriff and the Under-Sheriff. The SCSO provides round-the-clock service; therefore, shall at all times be under the direction of the highest ranking officer on duty.

**E. Personnel, Generally-**

1. Section 652 of the County Law of New York State provides authorization for the Sheriff of a county to appoint "regular deputy sheriffs" and... "may also appoint keepers, guards, clerks, and employees as may be authorized by the board of supervisors..." This section also requires that "Each such appointment shall be in a writing filed and recorded in the office of the county clerk."
2. Section 209-v of the General Municipal Law provides for the employment of retired former members of police or sheriff's departments, retired

members of the division of state police, or retired former corrections, parole or probation officers as special patrolmen for publicly owned property within such political subdivision, including property of a school district, in order to protect the property or persons on such premises. Persons so employed will have all the powers of Peace Officers, as set forth in section 2.20 of the Criminal Procedure Law, when performing the duties set forth in subdivision one of the General Municipal Law.

3. Section 62 of the Civil Service Law provides that “Every person employed by the state and any of its civil divisions, except an employee in the labor class, before he shall be entitled to enter upon the discharge of any of his duties, shall take and file an oath or affirmation in the form and language prescribed by the constitution for executive, legislative and judicial officers, which may be administered ... by an officer in whose office the oath is required to be filed.

“In lieu of such oath administered by an official, an employee may comply with the requirements of this section by subscribing and filing the following statement:

‘I \_\_\_\_\_ of \_\_\_\_\_ do solemnly swear that I will support the Constitution of the United States, and of the State of New York; and that I will faithfully discharge the duties of the office of \_\_\_\_\_, in and for said County according to the best of my ability.’ Such oath or statement shall be required only upon original appointment or upon a new appointment following an interruption of continuous service, ... The oath or statement of ... every employee shall be filed ... in the office of the clerk of the county...

The refusal or willful failure of such employee to take and file such oath or subscribe and file such statement shall terminate his employment until such oath shall be taken and filed or statement subscribed and filed as herein provided.”

4. Based upon the above provisions, all employees of the Seneca County Sheriff's Office are sworn to an Oath of Office which is filed with the county clerk. Nevertheless, there shall be a distinction between employees who are sworn under Section 62 and sworn officers who are commissioned as such and who possess general peace officer powers prescribed by constitution, statute or ordinance in the jurisdiction.
5. There are two Opinions of the Attorney General which bear on the status of employment and differentiate between officer and clerical employees, even though both are “sworn”. One, recorded as Number 130 in 1979, stated that a person appointed solely as a jail keeper is not a deputy sheriff and cannot engage in police officer functions, which include road patrol duties. The second, recorded as Number 245 in 1980, stated that a regular deputy sheriff appointed pursuant to County Law, Section 652 is a police

officer.

6. Pursuant to an opinion rendered in McMahon v. Michaelien, 1971, 30 N.Y.2d 507, the section of the County Law that confers on a sheriff the power to appoint deputies and other employees does not invalidate local law placing the positions of all deputies, officers and employees of the Sheriff, except the appointed Under-Sheriff, into the classified civil service.

#### **F. Part-Time Deputy Sheriff & Deputy Sheriff Recruit-**

1. Section 653 of the County Law provides for the employment of “part time deputy sheriffs who shall be paid a salary or on a per diem basis as the board of supervisors may determine. They are appointed in the same manner as regular deputies and shall perform only those duties and powers authorized by the Sheriff.” Persons in this category shall be designated Deputy Sheriff/Part time.
2. Deputy Sheriff Recruit are those part time deputy sheriffs who are employed pursuant to Section 653 of the County Law and are paid a salary or on a per diem basis as determined by the board of supervisors. Deputy Sheriff Recruits shall remain in this status until they have successfully completed a Basic Course for Police Officers as outlined by Bureau for Municipal Police. Deputy Sheriff Recruits shall in addition to being paid a salary or on a per diem basis shall have all tuition costs for registration into a Basic Course for Police Officers paid for by Seneca County and will enter into a written agreement with the Sheriff prior to the commencement of such Basic Course for Police Officers. The written agreement by and between the Deputy Sheriff Recruit and the County of Seneca will outline an agreement whereby the Deputy Sheriff Recruit will reimburse all tuition costs associated with such Basic Course for Police Officers on a sliding scale for a 36 month period in the event the recruit leaves...
3. The Deputy Sheriff Recruit shall generally perform the same duties as the full-time officer and shall be certified as a police officer under requirements of the Municipal Police Training Council. In many cases, such training will have been completed prior to appointment as a reserve officer, where the appointee is retired from this or another police agency. The reserve officer shall meet all the selection criteria of the full-time officer, and shall be provided with the same uniforms, equipment, firearms and in-service training, bonding and liability protection as are full-time officers performing like functions.

**G. Civilians-** Positions of trust within the SCSO that do not require the holder to have police powers, nor to assist those who do, are designated as civilian positions. In an effort to ensure that law enforcement officers are not assigned to positions not requiring law enforcement authority, an annual review of all positions within the SCSO shall be conducted by the Under-Sheriff who shall

make a recommendation concerning any changes by March 31<sup>st</sup>.  
Presently, the following are considered to be civilian positions:

1. Clerical, stenographic, typing and bookkeeping positions in the various SCSO components;
2. Jail Physician/Physician's Assistant;
3. Jail Nurse;
4. Jail Cooks;
5. Fiscal Services Manager.

**H. Code of Ethics-** Sworn officers are expected to abide by the Law Enforcement Code of Ethics as provided by the International Association of Chiefs of Police, a copy of which appears at the end of this section. In addition, all employees are bound by the provisions of the code of ethics as required by Section 806 of the General Municipal Law. Seneca County's code is contained in original Board Resolution No. 167-03 and revised on 07/22/05, revised Board Resolution No. 206-05, a copy of which appears at the end of this section.

**I. Administrative Bureau-**

1. Civil Division- Two part-time officers assigned to executing civil papers and one account clerk/typists are under the direction of a Deputy/Sergeant. Responsibilities for serving civil process are described in **"Civil Division Legal Functions"** in the Law Enforcement Manual of Instructions (LEMOI). Responsibilities for the collection, handling, deposit and disbursement of certain monies received by the SCSO are described in **"Fiscal Management"** this Manual.
2. Fiscal Services Division- One Fiscal Services Manager under the direction of the Seneca County Sheriff. Division responsibilities are described in **"Fiscal Management"** this Manual.
3. Records Division- One Senior Clerk and one typist. Division responsibilities are described in **"Records & Reports"** this Manual.

**J. Corrections Bureau-** The responsibility of the Corrections Bureau is to operate a safe and secure detention facility in conformance with the New York State Corrections Law and with regulations promulgated by the New York State Commission of Corrections. Written directives that are unique to the operation of the jail are contained in the publication Corrections Manual of Instructions (CMOI). All functions relating to the Seneca County Correctional Facility are under the direct supervision of the Chief Administrative Officer.

These functions include:

1. Administration- One Chief Administrative Officer and one Corrections Lieutenant.
2. Corrections Division- Eight Corrections Sergeants, forty three Corrections Officers, and a maximum of twenty two part-time Corrections Officers.
3. Medical Division- One Jail Physician/Physician's Assistant, one full time Head Jail Nurse and up to a maximum of five part-time Registered Nurses.
4. Food Service Division- Two full time Jail Cooks and up to a maximum of nine part-time Jail Cooks.

**K. Law Enforcement Bureau-** Responsibilities for law enforcement and related functions are divided between the Criminal Investigation Division, Road Patrol Division and Court Security Division.

1. Criminal Investigation Division (CID)- CID is supervised by a Lieutenant who directly supervises the activities of three sections, as follows:
  - a. Juvenile Aid Section- Two investigators. Section responsibilities are described in **"Juvenile Operations,"** in the Law Enforcement Manual of Instructions (LEMOI).
  - b. Criminal Investigation Section- One Sergeant Investigator and two Investigators. Section responsibilities are described in **"Criminal Investigations,"** in the Law Enforcement Manual of Instructions (LEMOI).
  - c. Crime Scenes- Supervised by the CID Lieutenant and consisting of one or more CID Investigators who have received training in the processing, collection and preservation of evidence. Responsibilities are described in **"Collection, Preservation & Disposition of Evidence,"** in the Law Enforcement Manual of Instructions (LEMOI).
  - d. Property Evidence Section- One part-time Deputy Sheriff. Section responsibilities are described in **"Evidence,"** in the Law Enforcement Manual of Instructions (LEMOI).
2. Road Patrol Division- Because services provided by the road patrol are scheduled on a 24 hour basis, overall supervision of these functions is shared by one Lieutenant, who also oversees the activities of the particular functions mentioned below:
  - a. Road Patrol- Five Sergeants who directly supervise their particular rotating shifts on which twelve sworn Officers plus up to a maximum of ten part-time Officers serve. Division responsibilities

are described in **“Road Patrol,”** in the Law Enforcement Manual of Instructions (LEMOI).

b. Canines- Two sworn Officers and their K-9 partners. Specialized responsibilities pertaining to this function are described in **“Canine Section,”** in the Law Enforcement Manual of Instructions (LEMOI).

3. Court Security Division- One Sergeant, one full time Deputy Sheriff, and up to a maximum of eleven part-time Special Patrol Officers provide security for County, Family, Surrogate and Supreme Court as well as physical security for the County Court House Campus. Division responsibilities are described in **“Court Security,”** in the Law Enforcement Manual of Instructions (LEMOI).

**L. Specialized Assignments-** Drawing personnel on an “as needed” basis from both the Corrections and Law Enforcement Divisions, are other components identified as “units” or, in some cases “teams”. Personnel participating in these activities do so having volunteered and been selected to receive training in specialized procedures and equipment. Because these components do not exist on permanent basis, they do not appear on the organizational chart; rather, their implementation is authorized by the chain of command and is directed by a supervisor who is qualified by virtue or training in that specialty. Examples of these support services, described in this Manual, are:

1. Marine Unit- Responsibilities are described in **“Road Patrol”** and **“Special Operations,”** this Manual. The unit consists of the:

a. Marine Patrol

In connection with the budgetary process, it shall be the responsibility of the Officer assigned control of each of the aforementioned specialties to review and Evaluate the continuing need for that activity.

Personnel who participate in specialized assignments do so voluntarily and usually because of an interest in that particular activity. Since candidates for these activities may be drawn from both the Law Enforcement and Corrections Bureau of the SCSO, notification when a need arises will be given throughout the agency.

**M. Command Structure-** In order to ensure clear understanding, efficiency and accountability, each member shall be aware of one’s position in the chain of command. The command structure is based on the principle that each member has a specific supervisor to whom that member is responsible; each supervisor reports to a specific commander; and so on to the top of the chain, the Sheriff of Seneca County.

A member must also be aware that under certain circumstances, particularly when availability is a factor, that one may receive and must carry out an order given by a

supervisor who is outside one's normal chain of command. In this case, the latter is accountable for the action, and the member's responsibility to the regularly assigned supervisor is in no way lessened.

1. **Authority-** Scheduling for 24 hour coverage makes changes in leadership inevitable; however, each road patrol shift will be under the direction of a shift Sergeant assigned for that purpose. In the Sergeant's absence, responsibility for the activities of the shift will fall to the Senior Road Patrol Deputy. Notwithstanding the above, the Road Patrol Lieutenant retains overall command authority of Road Patrol operations until such time it is relinquished to an equal ranking member of another component of the Chief Deputy, Under-Sheriff or Sheriff.

As shown on the organizational chart, the Lieutenant in charge of the Criminal Investigation Division directs the activities of the Criminal Investigation Division. In the Lieutenant's absence, direction is assumed by the Chief Deputy who may delegate this authority on a temporary basis.

2. **Protocol-** Command protocol in situations where personnel of different components are engaged in a single operation shall be as follows:
  - a. Authority will be in accord with the chain of command as set out in **"Code of Conduct,"** this Manual.
  - b. Whenever authority cannot be easily distinguished by virtue of a member's rank, the burden of command shall lie with the officer having the primary functional responsibility.
  - c. Whenever authority is readily apparent by virtue of rank, but the officer having primary functional responsibility is of the lesser rank, the burden of command shall, nevertheless, remain with the officer having the higher rank.
  - d. For purposes of this directive, primary functional responsibility is defined as that which attaches because of a member's duty assignment, or because of a particular talent or capability acquired as a result of special training, and officially recognized as such by the Sheriff.

**N. Span of Control-** To achieve effective direction, coordination and control, the following limitations shall be in effect:

1. First line supervisors shall be responsible for no more than ten employees. During times of special assignment or training, this limit may be exceeded, but only after the matter of safe operation has been considered and can be assured.
2. Lieutenants shall be responsible for no more than six Sergeants or a



combination of first line supervisors and employees not exceeding twelve. This limit may be exceeded, temporarily, during emergencies, training, or periods of adjustment, with due regard given for the safety of those being supervised. In the event it appears that safety cannot be assured, or that control cannot be satisfactorily maintained, authority is to be delegated and/or assistance is to be sought through the chain of command.

3. Exceptions to the above limits may be made in the Corrections Bureau where the jail environment is designed to provide maximum safety and security for employees.

**O. Individual Authority-** Individual members and employees are encouraged to exercise their authority to make decisions necessary for the effective execution of their responsibilities. Members should take full advantage of the training and experience resources available to them to become more proficient in their duties.

**P. Delegating Authority-** The effective manager soon discovers that one can cope with increasing responsibilities only by delegating portions of one's authority to those supervised. While this is encouraged, it shall be clearly understood that the delegation of authority does not provide an escape from responsibility. Each employee is fully accountable for the use of delegated authority, as well as for the failure to use it appropriately.

## **Law Enforcement Code of Ethics**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice. I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me, or my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit my feelings, prejudices, political beliefs, aspirations, animosities, or friendships influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public truth to be held as long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedication myself before God to my chosen profession...Law Enforcement.

## **503.100        SENECA COUNTY CODE OF ETHICS**

Revised 7/22/05 Board Resolution #206-05

### **Section One: Statement of Purpose:**

- A.     As government becomes increasingly complex, as our democratic processes draw citizens from every walk of life, there is increasing need for known standards of ethical conduct as a guide for public officers and employees, the Board of Supervisors of Seneca County desires to review and revise its Code of Ethics to meet the challenges of a new millennium.
- B.     The purpose of this local Code of Ethics is to promulgate rules of ethical conduct for the officers and employees of Seneca County. These rules shall serve as a guide for official conduct of said officers and employees.

### **Section Two: Definitions:**

When used in this article and unless otherwise expressly stated or unless the context otherwise requires:

- A.     “Chief Fiscal Officer” means a comptroller, commissioner of finance, director of finance or other officer possessing similar powers and duties.
- B.     “Contract” means (i) any claim, account or demand against or agreement with the County, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law; (ii) any offer or acceptance of any position of employment, whether said position is competitive, confidential and/or exempt under the Civil Service laws of the State of New York.
- C.     “Interest” means a direct or indirect pecuniary or material benefit accruing to a county officer or employee as the result of a contract with the County which such officer or employee serves. For the purposes of this article a county officer or employee shall be deemed to have an interest in the contract of (i) his spouse, minor children and dependants, except a contract of employment with the County which such officer or employee serves, (ii) a firm, partnership or association of which such officer, director or employee is a member or employee, (iii) a corporation of which such officer or employee is an officer, director or employee and (iv) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.
- D.     “County” means the County of Seneca, all departments and/or agencies thereof.
- E.     “County Officer or Employee” means an officer or employee of the County,

whether paid or unpaid, including members of any administrative board, commission or other agency thereof and in the case of the County, shall be deemed to also include any officer or employee paid from county funds.

- F. “Treasurer” means the County treasurer, or other officer possessing similar powers and duties.

**Section Three: Conflicts of Interest Prohibited:**

- A. No County officer or employee shall have an interest in any contract with the County of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (i) negotiate, prepare, authorize or approve the contract, or authorize or approve payment there under (ii) audit bills or claims under the contract, or (iii) appoint an officer or employee who has any of the powers or duties set forth above and no chief fiscal officer, treasurer, or his deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the County.
- B. Any County officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the County of which he is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the governing body thereof as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

The provisions this section chapter shall not apply to:

1. The designation of a bank or trust company as a depository, paying agent or for investment of funds of the County except when the chief fiscal officer, treasurer, or his deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the County would be required because of the foregoing restriction, a bank or trust company within the County may nevertheless be so designated;
2. A contract with person, firm, corporation or association in which the County officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract;

3. The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law;
4. The purchase by the County of real property or an interest therein, provided the purchase and the consideration therefore is approved by order of the Supreme Court upon petition of the governing board;
5. The acquisition of real property or an interest therein, through condemnation proceedings according to law;
6. A contract with a membership corporation or other voluntary non-profit corporation or association;
7. The sale of bonds and notes pursuant to section 60.10 of the New York State local finance law;
8. A contract in which the County officer or employee has an interest if such contract was entered into prior to the time he was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract;
9. A contract with a corporation in which the County officer or employee has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
10. A contract for the furnishing of public utility services when the rates or charges therefore are fixed or regulated by the public service commission;
11. A contract for the payment of a reasonable rental of a room or rooms owned or leased by an officer or employee when the same are used in the performance of his official duties and are so designated as an office of chamber;
12. A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the office;
13. A contract in which the County officer or employee has an interest if the total consideration payable there under, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum set forth in Section 802(2)(e) of the General Municipal Law of the State of New York;

14. A contract with a member of a private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract;
15. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any County officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

**Section Four: Certain Action Prohibited:**

No County officer or employee shall engage in any of the following:

- A. Directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties, or was intended as a reward for any official action on his part;
- B. Disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests;
- C. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any County agency of which he is an officer, member or employee or of any County agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee;
- D. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of this County, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered;
- E. Submit or bid upon any contract with the county where such contract is subject to sealed bid.

**Section Five: Contracts Void:**

Any contract willfully entered into by or with the County in which there is an interest or activity prohibited by this Code of Ethics shall be null, void and wholly enforceable as against the County.

### **Section Six: Interpretation:**

- A. To the extent practical, this ethics code shall be interpreted in accordance with Article 18 of the New York State General Municipal Law, as well as any statutory, regulatory and/or decisional authority interpreting same, including, but not limited to, written opinions of the New York State Attorney General and the New York State Comptroller relating to the operations of local government. The rules of ethical conduct of this chapter as adopted shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.
- B. Requests for opinions or interpretations of actual or contemplated conduct by any County officer or employee under this Code of Ethics shall first be referred to the Director of Personnel and then, if necessary, to the County Attorney. The County Attorney may, in his or her discretion, research the matter and render an opinion, or request an opinion from the New York State Attorney General and/or the New York State Comptroller.
- C. Any employee or officer who aggrieved by the decision of the County Attorney may appeal the decision of the County Attorney to the County's Ethics Advisory Board, pursuant to Section "Seven," below.

### **Section Seven: Ethics Advisory Board:**

- A. Membership. The members of the Board of Supervisor's Personnel Committee, as appointed by the Chair of the Board of Supervisors, shall serve as the County's ethics advisory board during their appointment to the personnel committee. The Chair of the Personnel Committee, or his or her designee, shall serve as the Chair of the Ethics Advisory Board. In the event that a quorum can not be had due to the disqualification of a board member, the Chair of the Board of Supervisors may sit as a voting member of the Ethics Advisory Board.
- B. Quorum. One more than half of members of the Ethics Advisory Board shall constitute a quorum, with the vote of a majority members being required for action by the Board.
- C. Procedure.
  - 1. Any county officer or employee, who is aggrieved by the written decision of the County Attorney interpreting the County Code of Ethics, shall have the right to appeal the decision to the Ethics Advisory Board. The aggrieved county officer or employee must submit in writing to the Chair of the Personnel Committee, a complete statement outlining the grievance. The statement must be submitted to the Chair of the Personnel Committee within five

- days of the decision of the County Attorney.
2. The Ethics Advisory Board shall meet in Executive Session to review the grievance and make a decision, which is final and binding on the matter. The County Attorney shall be permitted to submit documentary evidence or decisional authority in support of his or her decision. The appellant shall be permitted to submit documentary evidence or decisional authority in opposition to the County Attorney's decision.
  3. The Ethics Advisory Board shall serve upon all parties, within fifteen (15) days, written copies of the decision reached. Balloting and deliberations of particular committee members shall remain secret but the numbers deciding any issue shall not.

D. Disqualification of Committee Members:

1. Any committee members may disqualify him or herself from hearing any grievance dispute due to that member's personal liability to render a fair or impartial hearing.
2. Any party may request that a Board member disqualify himself or herself except that such request shall not be considered except for good cause shown by the requesting party.
3. The Chair of the Seneca County Board of Supervisors shall have final authority to disqualify any Board member but only for a good cause shown.
4. In the event that a quorum cannot be had due to the disqualification of a board member, the Chair of the Board of Supervisors may sit as a voting member of the Ethics Advisory Board, or in his or her discretion, may appoint a temporary replacement for any committee member disqualified. Good cause shown shall consist of the following: a prohibited interest in a contract, as such term is defined by this code of ethics, demonstrable bias, prejudice, hostility, or partiality.

**Section Eight: Code of Ethics Rescinded:**

The previously enacted Code of Ethics of Seneca County is hereby rescinded and replaced in its entirety.

**Section Nine: Savings Clause:**

If any clause, sentence, paragraph, section or part of this Code of Ethics shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision section or part thereof directly involved in the



controversy in which such judgment, decree or order shall have been rendered, and the remainder of this Code of Ethics shall not be affected thereby and shall remain in full force and effect.

**Section Ten: Effective Date:**

This Code of Ethics shall take effect immediately. Upon its passage, the Clerk of the Board shall cause a copy to be transmitted to each department head in the County.

Original Creation Date: September 16, 2003 Resol. #167-03

Revised 7/22/2005 Resol. #206-05