

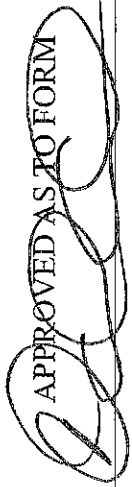
Submitted by the County Executive and Introduced by Presiding Officer Norma Gonsalves

LOCAL LAW NO. 5 - 2014

A LOCAL LAW TO HARMONIZE THE FINANCIAL DISCLOSURE PROVISIONS OF THE ADMINISTRATIVE CODE WITH THE COUNTY CODE OF ETHICS

Passed by the Nassau County Legislature on May 19, 2014
Voting: ayes: 15 nays: 0 abstsined: 0

Became a law on May 21, 2014 with the approval of the Deputy County Executive

APPROVED AS TO FORM

Deputy County Attorney

BE IT ENACTED by the County Legislature as follows:

Section 1. Section 22-4.3(1)(b) of the Nassau County Administrative Code is amended to read as follows

(b) The term "elected official" or "elective office" shall mean an elected official or an elective office of the County and shall include the members of the County Legislature.

Section 2. Section 22-4.3(1)(c)(2) of the Nassau County Administrative Code is amended to read as follows;

(2) the officers and employees of such County departments, agencies, boards or commissions who hold policy-making positions, as annually determined by the Board of Ethics and set forth in a list that shall be filed with the Clerk of the Legislature on or about February 15th of each year and as ratified or modified by the County Legislature in the manner set forth in section 22-4.3(4)(c) of this act

Section 3. Section 22-4.3(2) the Nassau County Administrative Code is amended to read as follows

2. FINANCIAL DISCLOSURE STATEMENT REQUIREMENTS.

(a) Every elected official, officer or employee, political party official, and every candidate for county elected official, in office or employ on or after February 15 of any year, including, but not limited to, those set forth in subdivision 4 of this section, shall file an Annual Statement of Financial Disclosure containing such information and in such form as is set forth in subdivision 3 of this section. Such statement shall be filed on or before the fifteenth day of May with respect to the preceding calendar year, except that:

(1) A person who is subject to the reporting requirements of this subdivision and who has timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May fifteenth but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement;

(2) A person who is required to file an annual financial disclosure statement with the Board of Ethics and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on this subject, shall file such statement within the additional period of time granted;

(3) Candidates for county elective office who file designating petitions for nomination at a primary election, shall file a financial disclosure statement fourteen days after the last day allowed by law for the filing of designating petitions naming said candidates for the next succeeding primary election;

(4) Candidates for independent nomination for county elective office who have not been designated by a party to receive a nomination, shall file a financial disclosure statement within fourteen days after the last day allowed by law for the filing of individual nominating petitions naming said candidates as candidates for county elected official, including elected official on the Board of Supervisors, in the next succeeding general or special election; and

(5) Candidates for county elective office who receive the nomination of a party for a special election shall file a financial disclosure statement within fourteen days after the date of the meeting of the party committee at which they are nominated.

(b) As used in this subdivision, the terms "party", "committee" (when used in conjunction with the term "party"), "designation", "primary", "primary election", "nomination", "independent nomination", "ballot" and "uncontested office" shall have the same meanings as those contained in section 1-104 of the election law.

(c) Each financial disclosure statement shall be filed with the Nassau County Board of Ethics, the repository for such statements.

(d) The Nassau County Board of Ethics shall obtain from the Nassau County Board of Elections lists of all candidates for county elective office and from such lists, shall determine and publish lists of those candidates who have not, within ten days after the required date for filing a financial disclosure statement, filed the statement required by this subdivision.

(e) Both political party officials and any person required to file a financial disclosure statement who commences employment after May fifteenth of any year shall file such statement within thirty days after commencing employment or of taking the position of political party official, as the case may be.

(f) A person who is subject to the filing requirements of both subdivision two of section seventy-three-a of the public officers law and of this subdivision may satisfy the requirements of this subdivision by filing, with the Nassau County Board of Ethics on or before the filing deadline provided in section seventy-three-a of said law, a copy of the financial disclosure statement filed pursuant to said section seventy-three-a notwithstanding the filing deadline otherwise imposed by this subdivision.

(g) A person who is subject to the filing of annual financial disclosure statements for more than one political subdivision within Nassau County may satisfy the requirements of this subdivision by filing only one annual financial disclosure statement with the Nassau County Board of Ethics or if such political subdivision crosses one or more county boundary lines, then

such single filing may be made for any of the counties in which one of such political subdivisions is located provided, however, that the Nassau County Board of Ethics is notified of the name of the County of such compliance by the person who is subjected to the filing requirements of this subdivision, within the time limit for filing specified in this subdivision.

(h) A county elected official who is simultaneously a candidate for the same, or any other, county elective office shall satisfy the filing deadline requirements of this subdivision by complying only with the deadline applicable to one who holds such county elected office.

(i) A candidate whose name will appear on both a party designating petition and on an Independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this subdivision by complying with the earliest applicable deadline only.

Section 4. Section 22-4.3(4) of the Nassau County Administrative Code is amended to read as follows;

4. Persons Required to Report.

The Annual Statement of Financial Disclosure, as provided in subdivision 3 of this section, shall be completed and filed with the Nassau County Board of Ethics on or before May 15 of each year, pursuant to rules and regulations to be promulgated by such Board of Ethics, and such Financial Disclosure Statement shall be filed by the following:

(a) County elected officials.

(b) County officers and employees, as defined in section 22-4.3(1)(c) of this act, including members of boards or commissions who receive compensation other than reimbursement for expenses incurred in the performance of their duties. The Board of Ethics shall determine annually which officers and employees hold policymaking positions and shall file a copy of the final list with the clerk of the County Legislature by February 15. The County Legislature shall adopt a resolution either ratifying or modifying the list of such officers and employees at its next scheduled regular meeting not less than thirty days after such filing by the Board of Ethics, provided that if the Legislature does not adopt such a resolution the list filed by the Board of Ethics shall be deemed ratified. The Board shall base its determination on Board of Ethics' Resolution No. 1-1991 and any subsequent resolutions adopted by the Board.

(c) Members of boards or commissions who hold policymaking positions, as determined by the Board of Ethics in accordance with the provisions of subdivision (c) above, and who do

not receive compensation for their services from the County other than reimbursement for expenses incurred in the performance of their duties; provided, however, that the Board of Ethics may approve for some or all such unpaid positions an adapted disclosure form or forms setting forth such disclosure requirements as the Board determines appropriate, taking into consideration the nature and functions of such positions and the guidelines contained in Resolution No. 1-1991 and any subsequent resolution adopted by the Board.

(d) County officers and employees who have applied for and received Board of Ethics approval in accordance with § 2218(12)(c) of the Charter.

(e)

(1) Any County officers and employees serving in an office or title or classification set forth below by County department, division or agency, which office, title or classification shall include, but not be limited to:

ASSESSMENT

Chief Deputy Assessor

Deputy Assessor

Deputy Director Real Property Tax Services

ASSESSMENT REVIEW

Commissioner

Secretary

BOARD OF ELECTIONS

Assistant to Commissioner

Chief Clerk

Chief Election Officer

Chief Registrar

Commissioner

Counsel to Commissioner

Deputy Chief Election Officer

Deputy Commissioner

Executive Assistant to Commissioner

Executive Secretary

Senior Election Officer

Supervisor of Maps and Canvas

LEGISLATURE

Legislator
Legislative Budget Analyst
Majority Counsel
Staff Director for Finance
Chief of Staff
Deputy Press Secretary
Press Secretary
Staff Counsel for Majority
Executive Director to Minority
Minority Counsel
Administrative Director
Legislative Assistant
Procurement Supervisor to the Legislature
Clerk to the Legislature
Deputy Clerk to the Legislature

CIVIL SERVICE

Assistant Secretary and Chief Examiner
Chair of Civil Service Commission
Civil Service Physician
Commissioner of Civil Service
Secretary and Chief Examiner

COMMUNITY COLLEGE

BOARD OF TRUSTEES

- Chair
- Student Trustee
- Trustee

CABINET MEMBERS

- Member
- President

ADMINISTRATION/OFFICERS

- Assistant to President
- Associate Vice President
- Director of Human Resources
- President

DEPARTMENT CHAIRS

PROMOTION AND TENURE COMMITTEE

- Chair
- Member

CONSUMER AFFAIRS

Assistant to Commissioner of Consumer Affairs

Commissioner of Consumer Affairs

Deputy Commissioner Consumer Affairs

COUNTY ATTORNEY

Chief Deputy County Attorney

Chief Investigator

Chief Real Estate Negotiator

County Attorney

Deputy County Attorney

COUNTY CLERK

Deputy County Clerk

COUNTY COMPTROLLER

Deputy Comptroller

COUNTY EXECUTIVE

Chief Deputy County Executive

Chief of Staff

Counsel to County Executive

Deputy County Executive

Director of Communications

Office Supervisor

Press Secretary

Special Assistant

C.A.S.A.

Director

Deputy Director

COMMISSIONER OF INVESTIGATIONS

Assistant to Commissioner

Commissioner

Deputy Commissioner

Deputy Director

Director of Community Services

Executive Director

MANAGEMENT AND BUDGET

Deputy Director of the Budget

Director of the Budget

HUMAN RESOURCES

Director of Human Resources

Deputy Director

Administrative Director

Director for Compliance and EEO

PHYSICALLY CHALLENGED

Director

TRAFFIC & PARKING VIOLATIONS AGENCY

Executive Director

VETERANS SERVICE AGENCY

Director of Veterans Service Agency

HUMAN SERVICES

Director

Executive Director, Nassau County Youth Board

Commissioner of Drug and Alcohol Addiction

Deputy Commissioner, Drug and Alcohol Addiction

Deputy Director, Drug Enforcement-Info Clinic

Director, Drug Enforcement-Info Clinic

Physician

COUNTY TREASURER

County Treasurer

Deputy County Treasurer

DISTRICT ATTORNEY

Assistant District Attorney

Chief Investigator

Deputy Chief Investigator

Public Information Officer

FIRE MARSHAL

Assistant

Fire Marshal

SHARED SERVICES

Commissioner of Shared Services

Deputy Director of Purchasing

HEALTH ENVIRONMENTAL QUALITY

Deputy Commissioner of Health

LABORATORY RESEARCH

Physician

PERSONAL HEALTH SERVICES

Deputy Commissioner of Health

Deputy Commissioner of Health (Physician)

Resident Physician-Public Health

HOUSING AND COMMUNITY DEVELOPMENT

Assistant Federal and State Aid Coordinator

County Housing Coordinator

Housing Inspector

Assistant to Director of Community Development

Deputy

Director of Community Development

HUMAN RIGHTS

Assistant Director Commission on Human Rights

Assistant to Director, Job Development Center

Director, Job Development Center
Executive Director, Commission on Human Relations
Special Assistant-Community Relations
Special Assistant, Research & Development
MEDICAL EXAMINER
Assistant to Chief Medical Examiner
Chief Medical Examiner
Chief Toxicologist
Deputy Chief Medical Examiner
Deputy Chief Medical Examiner for Administration
Deputy Medical Examiner
Deputy Medical Examiner Forensic
MENTAL HEALTH
Commissioner of Mental Health
Deputy Commissioner Community Mental Health Services
Deputy Commissioner of Mental Health
OFFICE OF LABOR
Assistant Director
Assistant to Director
Commissioner
Deputy Commissioner
Director
Director Bureau of Apprenticeship, Training and Special Placements
POLICE
Assistant to Commissioner
Commissioner
Police Surgeon
Public Information Officer
PROBATION
Deputy Director
Director
PUBLIC ADMINISTRATOR

Deputy Public Administrator

Public Administrator

PUBLIC WORKS

ADMINISTRATION

- Assistant Commissioner of Public Works-Water Conservation
- Program
- Assistant to Commissioner
- Assistant to Commissioner Public Works Capital Programs
- Assistant to Deputy Commissioner
- Commissioner Public Works
- Deputy Commissioner Public Works
- Director of Planning

COUNTY ROAD MAINTENANCE

- Deputy Commissioner Public Works

SANITATION

- Sewer Maintenance Superintendent
- Superintendent of Buildings
- Superintendent of Sewage Plants

RECREATION AND PARKS

Commissioner

Deputy Commissioner

SENIOR CITIZEN AFFAIRS

Commissioner

Deputy Commissioner

SHERIFF

Assistant Warden

Commissioner of Corrections

Deputy Undersheriff

Sheriff

Undersheriff

Warden

SOCIAL SERVICES

Commissioner

Physician

(2) In addition to the foregoing, any County officers and employees serving in the titles set forth below:

Administrative Officer I

Administrative Officer II

Assistant Director, Children's Shelter

Assistant Director of Data Processing

Assistant Director of Laboratories and Research

Assistant Nursing Home Administrator I

Assistant Parks Maintenance Superintendent

Assistant Secretary and Chief Examiner

Assistant Superintendent of Highway Maintenance

Attorney I

Attorney II

Attorney III

Chief Clerk, Board of Assessors

Chief Investigator

Chief Real Estate Negotiator

Civil Service Physician

Clerical Assistant Assigned to Office of President of Community College

Clerk Steno IV-Secretary to Commissioner Health

Confidential Assistant to Deputy Comptroller

Confidential Assistant to Director of Probation

Coordinator, Senior Citizen Minority Services

Coordinator, Senior Citizen Planning and Research

County Director of Accounting

County Director of Safety

Deputy Director of Probation

Director, Bureau of Building Services

Director, Bureau of Purchase and Contract Administration
Director of Environmental Programs
Director of Bureau of Real Estate & Insurance
Director of Children's Services
Director of Children's Shelter
Director of County Museums
Director of Data Processing
Director of Environmental Construction
Director of Environmental Engineering
Director of Environmental Health Laboratory
Director of Environmental Operations
Director of Family Services
Director of Management Analysis I
Director of Management Analysis II
Director of Medical Social Services
Director of Nursing I
Director of Nursing II
Director of Nursing III
Director of Office Services I
Director of Probation
Director of Protective Services for Children
Director of Public Health and Social Work
Director of Safety and Security Services
Director of Traffic Safety Board
Director of Veteran Service Agency
Director, Traffic Engineering
Executive Assistant
Field Audit Director
Fire Marshal
Intensive Case Manager I
Intensive Case Manager II
Library Director V

Manager of Energy Development and Control
Mental Health Research Director
Mosquito Control Superintendent
Office Services Supervisor, Department of Drug & Alcohol
Parks Maintenance Superintendent
Personnel Services Supervisor, Department of Drug & Alcohol
Personnel Specialist IV
Personnel Specialist V
Personnel Systems Analyst, Probation Dept.
Public Health Administrator II
Public Health Administrator IV
Sanitarian V
Social Services Law Assistant
Special Investigator IV
Superintendent of Building Maintenance
Superintendent of Facilities Planning
Superintendent of Highway Maintenance
Superintendent of Real Estate

(f) Candidates for County Elective Office

(g) Political Party Officials

Section 5. Subdivision (d) of Section 22-4.3(6) of the Nassau County Administrative Code is amended to read as follows;

(d) Promulgate guidelines to assist the County Legislature in determining which persons may be deemed to hold policy-making positions for purposes of this section.

Section 6. Subdivision (j) of Section 22-4.3(6) of the Nassau County Administrative Code are hereby REPEALED, and the remaining subdivisions of that section shall be renumbered accordingly.

Section 7. Section 22-4.3(6)(m) of the Nassau County Administrative Code, as renumbered pursuant to section 54 of this local law, is amended to read as follows;

(m) The only records of the Board which shall be available for public inspection are:

(1) the information set forth in an annual statement of financial disclosure filed pursuant to law, except the categories of value or amount which shall remain confidential, and any other item of information deleted pursuant to paragraph h of this subdivision of this section, as the case may be;

(2) Notices of Delinquency sent under paragraph (q) of this subdivision:

(3) Notices of Reasonable Cause sent under paragraph (r) of this subdivision: and

(4) Notices of Civil Assessments imposed under this section.

(5) Advisory opinions issued pursuant to 2218(10)(c) of the Charter that the Board, in its discretion, concludes can be redacted for the purpose of protecting the subject of said opinion from an unwarranted invasion of personal privacy

(6) Any records that the Board is required to make available for public inspection pursuant to Article 6 of the Public Officers Law

Section 8. Section 22-4.3(6)(n) of the Nassau County Administrative Code, as renumbered by section 5 of this local law, is amended to read as follows;

(n) No meeting or proceeding of the Board of Ethics shall be open to the public, except if expressly provided otherwise by said board or as required by Article 7 of the Public Officers Law.

Section 9. Section 22-4.3(7) of the Nassau County Administrative Code is amended to read as follows;

7. ADVISORY COUNCIL ON DISCLOSURE

(a) There is established within the Board of Ethics an Advisory Council on Disclosure which shall consist of five members and shall have and exercise the powers and duties set forth in this subdivision, provided that in the absence of such a council, said duties may be performed by the Board of Ethics itself.

(b) The members of said Advisory Council shall be appointed by the County Executive, subject to the confirmation of the County Legislature, all of whom shall reside in the County of Nassau. Of the members appointed, no more than three members shall belong to the same political party and at least two members shall not be public officers or employees, or hold any public office, elected or appointed.

(c) Members of said Advisory Council shall serve for a term concurrent with the term of office of the County Executive.

(d) The members of said Advisory Council shall designate the chairman thereof. The chairman or any three members of said Advisory Council may call a meeting.

(e) Any vacancy occurring on said Advisory Council shall be filled within sixty days of its occurrence, by the County Executive, subject to the confirmation of the County Legislature, in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member succeeded.

(f) Three members of the Advisory Council shall constitute a quorum, and the Advisory Council shall have power to act by majority vote of the total number of members of the Advisory Council without vacancy. Members of said Council may be removed by the County Executive, with the concurrence of the County Legislature, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, inability to discharge the powers or duties of office or violation of this section after written notice and opportunity for reply.

(g) The members of the Advisory Council shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

(h) The Advisory Council shall:

(1) Permit any person required to file a financial disclosure statement to request the Advisory Council to delete from the copy thereof made available for public inspection one or more items of information which may be deleted upon a finding by a majority of the total number of members of the Advisory Council without vacancy that the information which would otherwise be available for public inspection will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the Advisory Council, in its notification of denial, shall inform the person of his or her right to appeal the Advisory Council's determination to the Board of Ethics pursuant to the Board of Ethics' rules governing adjudicatory proceedings and appeals.

(2) Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which item or items may be exempted upon a finding by a majority of the total number of members of the Advisory Council without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated

child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the Advisory Council, in its notification of denial, shall inform the person of his or her right to appeal the Advisory Council's determination to the Board of Ethics pursuant to the Board of Ethics' rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision six of this section.

(i) Pending any application for deletion or exemption either to the Advisory Council or to the Board of Ethics upon appeal of an adverse determination by the Advisory Council, all information which is the subject or a part of the application shall remain confidential. Upon an adverse determination by the Board of Ethics, the reporting individual may request, and upon such request the Board of Ethics shall provide, that any information, which is the subject or part of the application, remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns his office and holds no other office subject to the jurisdiction of the Board of Ethics, the information shall not be made public and shall be expunged in its entirety.

(j) Notwithstanding the provisions of article seven of the Public Officers Law, no meeting or proceeding, including any such proceeding contemplated under paragraph (h) or (i) of subdivision six of this section, shall be open to the public, except if expressly provided otherwise by the Advisory Council.

(k) Where the Advisory Council is of the opinion that a determination of a question common to a class or defined category of persons or items of information with respect to requests for deletion or exemption will prevent undue repetition of such requests or undue complication, the Advisory Council may certify the question to the Board of Ethics for resolution and disposition in accordance with paragraph (m) of subdivision six of this section.

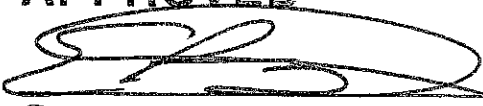
Section 10. Notwithstanding the provisions of this local law, financial disclosure forms covering the year 2013 shall be filed on or before June 30, 2014.

Section 11. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to

be invalid or unconstitutional, such order or judgment 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 of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 12. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

Section 13. This local law shall take effect January 1, 2015.

APPROVED

County Executive
DATE May 21, 2014