

# COUNTY OF WESTCHESTER



**Code of Ethics Booklet**

Plain Language Guide & Selected Portions of Chapter 883  
of the Laws of Westchester County - Code of Ethics

## **PLAIN LANGUAGE GUIDE TO GOVERNMENT ETHICS FOR WESTCHESTER COUNTY OFFICERS AND EMPLOYEES**

This plain language Guide to Government Ethics is intended to assist you in understanding the rules that may affect you. It is not intended to replace the actual text of the County Code of Ethics, portions of which are printed later in this booklet. You may find the full text of the Code of Ethics at:

<https://www.westchestergov.com/advisory-boards/board-of-ethics>

## INTRODUCTION

The purpose of the Code of Ethics is to foster integrity in government, promote public confidence, and help County officers and employees to discharge their official duties without fear of unwarranted accusations of unethical conduct.

### I. WHO MUST COMPLY?

The Code of Ethics applies to all officers and employees of the County of Westchester, whether paid or unpaid, including the members of any County department, agency, board or committee, and to independent contractors of the County.

### II. GUIDE TO GOVERNMENT ETHICS

1. **Using Your County Position for Private Gain.** You may not use your county position or your official powers to benefit yourself, your relative or a member of your household, or anyone with whom you have a business or financial relationship.
2. **County Contracts.** You may not have an interest or derive any benefit, directly or indirectly, from a county contract that you have the authority to approve, pay or audit, or that your board or committee, or anyone you may hire or fire, has the authority to approve, pay or audit.
3. **Disclosure and Non-Participation.** As soon as you face an actual or potential conflict of interest, you must inform your immediate supervisor of the reason for your conflict of interest in writing or, if you are a member of a board or committee that makes a public record, state the reason for your conflict of interest on the public record. You must also refrain from any participation in the matter.
4. **Owning a Business or Investment.** You may not own a business or investment that would require you to frequently refrain from discharging your official duties, or that would impair your independent judgment.
5. **Moonlighting.** You may not have an outside job that conflicts with your duties as a county officer or employee.

6. **Seeking Outside Employment.** You may not seek or accept private employment with anyone who, during the previous 90 days, has had a matter pending before you, or your board or committee.
7. **Payment for Matters before Your Agency, Department, Board or Committee.** You may not receive payment for services in any matter pending before your county agency, department, board or committee. You also may not receive a payment for services that is dependent on the outcome of a matter pending before any County agency, department, board or committee.
8. **Representing Others.** You may not be paid for representing anyone in business or professional dealings with any County agency, department, board or committee that you serve, unless your county position is uncompensated and there is no conflict between your outside professional activities and your official duties.
9. **Post-Employment One Year Ban.** For one year after you leave County service, you may not be paid for representing a private party before your former County agency, department, board or committee, unless a waiver is granted by the Board of Ethics.
10. **Post-Employment Permanent Ban.** After you leave County service, you may never work on a particular matter you personally and substantially worked on for the County, unless a waiver is granted by the Board of Ethics.
11. **Misuse of County Resources.** You may not use County letterhead, personnel, equipment, supplies, or resources for a non-County purpose, nor may you pursue personal or private activities during times when you are required to work for the County.
12. **Hiring or Supervision of Relatives.** You may not participate in hiring or supervising a relative or a member of your household in a County position that is compensated at a rate of \$7,500 or more.
13. **Political Activities.** You may not use your authority or official influence to compel or induce a subordinate to make a political contribution or to engage in political activities. You may not make any personnel decision based on political contributions or activities.
14. **Confidential Information.** You may not disclose confidential County information or use it for any non-County purpose, even after you leave County service.

15. **Tips.** You may not accept a reward of any kind or amount for performing your duties as a county officer or employee.

16. **Gifts and Favors.** You may not accept gifts or favors worth more than \$75.00 per year from anyone other than your relative or friend, if it would appear that the gift was intended to influence or reward an official act.

17. **Inducement of Others.** You may not cause another County officer or employee to violate the Code of Ethics, nor help anyone to do so.

### **III. INDEPENDENT CONTRACTORS**

**Undue Influence.** No independent contractor of the County may seek an undue County benefit for a private client.

### **IV. ANNUAL FINANCIAL DISCLOSURE**

Depending on the County position that you hold, you may be required to file an annual financial disclosure statement with the Board of Ethics.

## **V. BOARD OF ETHICS**

You may request confidential ethics advice from the Board of Ethics. For further information or to request confidential ethics advice, you may contact the Board of Ethics at:

Secretary to Board of Ethics  
Office of the County Attorney  
148 Martine Avenue  
White Plains, NY 10601  
(914) 995-6344  
[EthicsBoard@westchestergov.com](mailto:EthicsBoard@westchestergov.com)

Group ethics training is available from the Board of Ethics at the request of your department, agency, board or committee.

## **CHAPTER 883 CODE OF ETHICS**

### **ARTICLE I**

#### **GENERAL PROVISIONS**

##### **Section 883.101. Purpose.**

Officers and employees of the County hold their positions to serve and benefit the public; not to obtain unwarranted personal or private gain in the exercise and performance of their official powers and duties. The County recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes those standards.

##### **Section 883.102. Definitions.**

- a. “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the County or an area of the County, or a lawful class of such residents or taxpayers. A County officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or dependent, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s equity or debt, whether in the form of outstanding stock or otherwise.
- b. “Relative” means a spouse, registered domestic partner, child, stepchild, parent, stepparent, grandparent, sibling or stepsibling of a County officer or employee.

##### **Section 883.103. Applicability.**

- a. This Code of Ethics applies to all officers and employees of the County, whether paid or unpaid, including the members of any County department, agency, board or commission and the members and employees of the County Legislature.
- b. Section 883.207 (Future Employment) of this Code of Ethics applies to current and former officers and employees of the County.
- c. Section 883.208 (Independent Contractors) of this Code of Ethics applies to independent contractors of the County.
- d. Section 883.209 (Personal Representations and Claims Permitted), Section 883.215 (Inducement of Others) and Section 883.402 (Powers and Duties of Board of Ethics) of this Code of Ethics apply to officers and employees of the County and independent contractors of the County.
- e. Section 883.303 (Applicant Disclosure in Land Use Applications) of this Code of Ethics applies to applicants, petitioners or parties requesting approval of a zoning referral, plat, exemption from a plat or official map, license or permit, pursuant to any local law, rule or regulation constituting the planning and land use regulations of the County.



- f. The provisions of this Code of Ethics shall supplement all applicable State and local laws relating to conflicts of interest and municipal ethics including, but not limited to, Article 18 of the General Municipal Law and all related rules, regulations, policies and procedures of the County.
- g. The termination of an officer's or employee's term of office or employment with the County shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed by this Code of Ethics on the former officer or employee for his or her actions or interests while a County officer or employee, nor with respect to the post-employment restrictions imposed by this Code of Ethics.

## **ARTICLE II CODE OF CONDUCT**

### **Section 883.201. Use of County Position for Personal or Private Gain.**

No County officer or employee shall use his or her County position or official powers and duties to secure a material benefit, whether financial or otherwise, for

- a. Himself or herself;
- b. A relative, dependent or individual residing in his or her household;
- c. Any private organization in which he or she has an interest;
- d. A client or customer from which the officer or employee knows that he or she, and/or a private organization in which he or she has an interest derived income in excess of five thousand dollars (\$5,000), directly or indirectly, during the previous twenty four months; or
- e. A person from whom the officer or employee has received a private loan or loans, or a gift or gifts, having an aggregate value of seventy five dollars or more during the previous twelve months.

### **Section 883.202. Prohibited Interests in Contracts.**

- a. No County officer or employee shall have an interest in any contract with the County, when such officer or employee, individually or as a member of a board or commission, has the power or duty, whether or not exercised, to:
  - (1) Negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
  - (2) Audit bills or claims under the contract, or
  - (3) Appoint an officer or employee who has any of the foregoing powers or duties.
- b. For the purposes of this section, the term "contract" means any claim, account or demand against or agreement with the County, express or implied.

c. Notwithstanding the foregoing, for the purposes of this section, the term “contract” shall not include:

- (1) The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of County funds except when the chief fiscal officer, 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 a person, firm, corporation or association in which a County officer or employee has an interest which is prohibited solely by reason of his or her status as an officer or employee thereof, if the compensation from such employment will not be directly affected as a result of the contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of the contract;
- (3) The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, act 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 therefor is approved by an order of the Supreme Court upon petition of the County Legislature;
- (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 nonprofit corporation or association;
- (7) The sale of bonds and notes pursuant to Section 60.10 of the New York Local Finance Law;
- (8) A contract in which a County officer or employee has an interest if such contract was entered into prior to the time he or she 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 a County officer or employee has an interest by reason of stockholdings when less than five per cent 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 at rates or charges that 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 a County officer or employee, used in the performance of his or her official duties, and designated as an office or 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 a County officer or employee has an interest if the total consideration payable thereunder, 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 of seven hundred fifty dollars; or
- (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.

#### **Section 883.203. Recusal.**

- a. No County officer or employee shall participate in any decision or take any official action requiring the exercise of discretion, including discussing, deliberating or voting on a matter, when he or she knows or has reason to know that the action may confer a direct or indirect financial or other material benefit on a person or entity specified in Section 883.201 of this Chapter.
- b Contribution of money or other valuable thing permitted under Section 833.214(d) of this Chapter shall not be a disqualifying benefit for purposes of this section and does not require recusal hereunder, except that members of the Board of Ethics shall recuse themselves to the extent required by Section 883.401(b) of this Chapter.

#### **Section 883.204. Prohibition Inapplicable; Recusal and Disclosure Not Required.**

- a. The requirements relating to recusal set forth in Section 883.203 of this Code of Ethics, and the disclosure requirements set forth in Article III Disclosures of this Code of Ethics, shall not apply with respect to the following matters:
  - (1) Adoption of the County's annual budgets;
  - (2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a similarly situated class of such people:
    - (i) All or substantially all County officers or employees;
    - (ii) All or substantially all residents or taxpayers of the County or an area of the County; or
    - (iii) The general public.

- (3) Any ministerial matter or matter that does not require the exercise of discretion;
  - (4) Uncompensated participation by an elected County official, or by a member of his or her staff on behalf of such elected County official, in public advocacy whether or not on behalf of a constituent;
  - (5) Appearance by a County employee before a County department, agency, board or commission in a representative capacity on behalf of an employee organization in any matter where such appearance is duly authorized by the employee organization; and
  - (6) Uncompensated participation in public advocacy by a County officer or employee who serves as a political committee chairperson.
- b. Recusal shall not be required, but disclosure pursuant to Article III of this Code of Ethics shall be required, with respect to any matter:
- (1) Which comes before a County board or commission when a majority of the entire membership of the board or commission would otherwise be prohibited from acting; or
  - (2) Which comes before a County officer when the officer would be prohibited from acting and the matter cannot be lawfully delegated to another person.

**Section 883.205. Investments in Conflict with Official Duties.**

- a. No County officer or employee shall acquire or maintain any investment:
- (1) The ownership of which requires that the County officer or employee frequently and inevitably recuse himself or herself; or
  - (2) That would impair his or her independence of judgment in the exercise or performance of his or her official powers and duties.
- b. The preceding sub-section shall not prohibit a County officer or employee from acquiring or maintaining the following:
- (1) Real property located within the County and used as his or her personal residence;
  - (2) Less than five percent of the stock of a publicly traded corporation; or
  - (3) Bonds or notes issued by the County and acquired more than one year after the date on which the bonds or notes were originally issued.
- c. No officer, employee or agent of the County shall, except on behalf of the County, directly or indirectly place a bid for, or have an interest in, the sale of a tax lien certificate, or have a financial interest in property acquired by the County in a tax collection procedure, or have an interest in any condemnation proceeding in which the County or a municipality within the County is a party.

**Section 883.206. Private Employment in Conflict with Official Duties.**

- a. No elected County official or County employee serving as staff to the County Legislature or to a member of the County Legislature, shall receive or agree to receive, directly or indirectly, any compensation for consulting or advisory services in connection with any proposed local law, act, or resolution of the County Legislature.
- b. No County officer or employee shall ask for, pursue or accept a private secondary employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the County officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 90 days following final disposition of the matter.
- c. No County officer or employee, during his or her tenure as a County officer or employee, shall engage in any secondary employment, or engage in any business, commercial, or professional activity, when the secondary employment or business, commercial or professional activity:
  - (1) Involves duties that are incompatible with those of the official duties of the County officer or employee;
  - (2) May be reasonably expected to require frequent and inevitable recusal;
  - (3) May be reasonably expected to require disclosure or personal use of confidential information gained by reason of serving as a County officer or employee;
  - (4) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection with any matter before any County department, agency, board or commission of which he or she is an officer, member or employee or of any County department, agency, board or commission over which he or she has jurisdiction or to which he has the power to appoint any member, officer or employee;
  - (5) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection with any matter before any County department, agency, board or commission, whereby his compensation is to be dependent or contingent upon any action by such department, agency, board or commission 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; or
  - (6) Involves the representation of a person or organization other than the County, or pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services rendered in connection with any application, request, claim or proposal before any County department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the County is a party. Notwithstanding the foregoing, a person serving the County or any agency thereof without compensation shall not be subject

to the prohibitions set forth in this subsection (c)(6).

- d. No elected County officer shall otherwise be employed by the County or hold any other elected office.

#### **Section 883.207. Future Employment.**

- a. No County officer or employee shall seek, negotiate, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the County officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 90 days following final disposition of the matter.
- b. No County officer or employee, for a one-year period after serving as a County officer or employee, shall appear before or communicate in any form with the County office, board, department or comparable organizational unit for which he or she served in connection with any case, proceeding, application or other proposed or pending matter, except (i) on behalf of the Federal Government, the State or a political subdivision or instrumentality thereof, or (ii) pursuant to a waiver granted or deemed to be granted in accordance with the procedures set forth at Section 883.402(g).
- c. No County officer or employee, at any time after serving as a County officer or employee, shall represent or render services to a private person or organization in connection with any particular matter in which he or she personally and substantially participated while serving as a County officer or employee, except (i) on behalf of the Federal Government, the State or a political subdivision or instrumentality thereof, or (ii) pursuant to a waiver granted or deemed to be granted in accordance with the procedures set forth at Section 883.402(g).

#### **Section 883.208. Independent Contractors.**

No independent contractor or employee of an independent contractor of the County shall exert undue influence on behalf of a private interest, directly or indirectly, in a matter before any County department, agency, board or commission. A violation of this Section shall be grounds for termination of the independent contractor's contract with the County and shall be grounds for holding that contractor not responsible for purposes of entering into future contracts, subject to applicable requirements of New York State law.

#### **Section 883.209. Personal Representations and Claims Permitted.**

This Code of Ethics shall not be construed as prohibiting a County officer or employee or an independent contractor of the County from:

- a. Seeking or accepting County services, benefits, or the use of County facilities, on the same terms and conditions as are available to County residents or a class of similarly situated County residents.
- b. Asserting a claim against the County on his or her own behalf, or on behalf of a relative or member of his or her household, unless the claim is prohibited by Section 883.202 of this

Code of Ethics, or by Section 801 of the New York General Municipal Law.

**Section 883.210. Use of County Resources.**

- a. County resources shall be used only for lawful County purposes. County resources include, but are not limited to, County personnel, compensated time, money, vehicles, equipment, data and telecommunication systems, letterhead, materials, supplies, or other property.
- b. No County officer or employee shall use or permit the use of County resources for personal or private purposes, but this provision shall not be construed as prohibiting:
  - (1) Any use of County resources authorized by law, County policy or collective bargaining agreement to which the County is a party;
  - (2) The use of County resources for personal or private purposes when provided to a County officer or employee as part of his or her compensation; or
  - (3) The occasional and incidental use of County resources for reasonably necessary personal, non-business matters.
- c. No County officer or employee shall cause the County to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel. Transportation, meal, and lodging expenses shall be presumptively reasonable if they are in accordance with the County's travel policy and/or the applicable provisions of any collective bargaining agreement.

**Section 883.211. Nepotism.**

Except as otherwise required by law:

- a. No County officer or employee, either individually or as a member of a County board or commission, shall participate in any decision to appoint, hire or promote a relative or a member of his or her household to a position of county employment compensated at a rate of seven thousand, five hundred dollars (\$7,500) or more per annum.
- b. No County officer or employee, either individually or as a member of a County board or commission, shall participate in any decision to discipline or discharge a relative or a member of his or her household employed by the county and compensated at a rate of seven thousand, five hundred dollars (\$7,500) or more per annum.
- c. No County officer or employee shall directly supervise the performance of the official duties of a relative or member of his or her household employed by the county and compensated at a rate of seven thousand, five hundred dollars (\$7,500) or more per annum.

**Section 883.212. Political Solicitations.**

- a. No County officer or employee shall directly or indirectly use his or her authority or official

influence to compel or induce a subordinate County officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

- b. No County officer or employee shall act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any County officer or employee, or an applicant for a position as a County officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

#### **Section 883.213. Confidential Information.**

- a. No current or former County officer or employee, including County Legislators or employees of the County Legislature, any of its caucuses or individual County Legislators, shall disclose confidential information concerning the property, government or affairs of the County or any other confidential information of an official character obtained as a result of County employment except when disclosure is required by law or when such information is otherwise available to the public, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.
- b. Confidential information is information in any format that is either prohibited from disclosure to the public by federal or state law, or is withheld from public disclosure in the lawful exercise of the discretion afforded to the authorized information officer by federal or state law.

#### **Section 883.214. Gifts, Tips and other Benefits.**

- a. No County officer or employee shall solicit, accept or agree to accept any gift, tip or other benefit for having engaged in official conduct which he or she was required or authorized to perform, and for which he or she was not entitled to any special or additional compensation.
- b. No County officer or employee shall accept or receive any gift or other benefit, or multiple gifts or other benefits from the same donor in a twelve month period, having an aggregate value of seventy-five dollars or more when:
  - (1) the gift or other benefit would reasonably appear to be intended to influence the officer or employee in the exercise or performance of his or her official duties;
  - (2) the gift or other benefit would reasonably be expected to influence the officer or employee in the exercise or performance of his or her official duties; or
  - (3) the gift or other benefit would reasonably appear to be intended as a reward for any official action on the part of the officer or employee.
- c. For purposes of this Section, the terms “gift”, “tip” and “other benefit” include anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift, tip or other benefit is its fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a



ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater.

d. Notwithstanding the foregoing, this Section shall not prohibit:

- (1) Gifts made to the County;
- (2) Gifts from a person with a family or personal relationship with the officer or employee when it is reasonable to conclude that the personal relationship, rather than the recipient's status as a County officer or employee, is the primary motivating factor for the gift;
- (3) Gifts given on non-recurring special occasions, such as marriage, illness, or retirement, which are reasonable and customary;
- (4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (5) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a County officer or employee, or other service to the community; or
- (6) Incidental meals and refreshments provided when a county officer or employee is a speaker or participant at a job-related professional, charitable, educational, or community conference, program or event;
- (7) Gifts or benefits having a value of one hundred (\$100.00) dollars or less that are received by a County officer or employee serving in a capacity listed in Section 11 of the Domestic Relations Law for the solemnization of a marriage by the officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.
- (8) Contributions made in accordance with federal or state election law.

#### **Section 883.215. Inducement of Others.**

No County officer, employee or independent contractor shall induce or attempt to induce a County officer, employee or independent contractor to violate, nor aid a County officer, employee or independent contractor in violating, any of the provisions of this Code of Ethics.

#### **Section 883.216. Criminal Convictions.**

- a. No person convicted of a crime involving a violation of his or her oath of office, whether a felony or misdemeanor, shall hold County elective office unless such conviction shall have been reversed, vacated or expunged, or said person has obtained a certificate of relief from civil disabilities.
- b. No appointed officer of the County shall continue in service after having been convicted of a

felony, or a misdemeanor involving a violation of his or her oath of office, except as provided herein.

- c. No employee of the County shall continue in service after having been convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in N.Y. Corrections Law §753.
- d. No independent contractor of the County shall continue in service after having been convicted of a crime that is directly related to the County engagement, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in N.Y. Corrections Law §753.
- e. A former employee of the County convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall be eligible for reinstatement if such conviction shall have been reversed, vacated or expunged, or upon consideration of the factors set forth in N.Y. Corrections Law §753.
- f. A former independent contractor of the County convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall, in the discretion of the appointing authority, be eligible for reinstatement if such conviction shall have been reversed, vacated or expunged, or upon receipt of a certificate of relief from civil disabilities.

### **Article III Disclosure**

#### **Section 883.301. Particular Matter Disclosure.**

Whenever a County officer or employee is required to recuse himself or herself under this Code of Ethics, he or she shall promptly inform his or her immediate supervisor, if any, in writing disclosing the reason for recusal or, if a member of a board or commission that maintains a public record of its proceedings, shall promptly state that information upon the public record of the board or commission.

#### **Section 883.302. Disclosure of Interests in County Contracts.**

- a. Where a County officer or employee, or his or her spouse, knows that he or she has or will have an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the County, the officer or employee shall publicly disclose the nature and extent of that interest in writing to his or her immediate supervisor and to the Board of Ethics as soon as he or she has knowledge of the actual or prospective interest.
- b. For purposes of this disclosure requirement:

- (1) The term “contract” shall mean any claim, account or demand against or agreement with the County, express or implied; and
- (2) A County officer or employee shall be deemed to have an interest in the contract of his or her relative as defined in Section 883.102 of this Code of Ethics, dependent, household member, and any private organization when he or she, or his or her relative is an owner, partner, member, director, officer, employee or directly or indirectly owns or controls more than 5% of the organization’s equity or debt, whether in the form of outstanding stock or otherwise.

**Section 883.303. Applicant Disclosure in Land Use Applications.**

- a. Every application, petition, or request submitted for approval of a zoning referral, plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any local law, rule or regulation constituting the planning and land use regulations of the County shall state the name, residence, and the nature and extent of the interest of any officer of the state, or any officer or employee of the County in the person, partnership or association making the application, petition or request to the extent known.
- b. For the purpose of this disclosure requirement, an officer or employee shall be deemed to have an interest in the applicant when he or she, his or her relative, or the spouse of any of them:
  - (1) Is the applicant, or
  - (2) Is an officer, director, partner, or employee of the applicant, or
  - (3) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a limited liability company, partnership, or association applicant (except that ownership of less than five percent of the stock of a publicly traded corporation shall not constitute an interest for the purposes of this disclosure requirement); or
  - (4) Is a party to an agreement with such an applicant, express or implied, whereby he or she will receive any payment or other benefit, whether or not for such services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

**The foregoing are excerpts from the Code of Ethics. The full Code of Ethics may be found at: <https://www.westchestergov.com/advisory-boards/board-of-ethics>**