



The State University of New York

Office of the Chief Financial Officer

State University Plaza
Albany, New York 12246

www.suny.edu

December 10, 2015

President Jack Quinn
Erie Community College
6205 Main Street
Amherst, NY 14221

Re: START-UP NY

Dear President Quinn:

Congratulations. Attached is the approved application for Erie Community College's Campus Plan for Designation of Tax-Free Area(s).

After completion of the required 30-day comment period, please submit evidence of stakeholder notification, along with your complete campus plan, to Empire State Development at designations@esd.ny.gov.

Best of luck to you and Erie Community College in launching the START-UP NY program.

Best Regards,

Eileen McLoughlin
Vice Chancellor for
Finance and Chief
Financial Officer

Attachment
Copy: SUNY START-UP NY Proposal Review Team

To Learn
To Search
To Serve

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The State University
of New York

To: Howard Zemsky, President & CEO, Empire State Development and Commissioner, NYS Department of Economic Development
From: President Jack Quinn of Erie Community College
Re: Erie Community College's Campus Plan for Designation of Tax-Free Area(s)
Date: 11/16/15

I, President Quinn of Erie Community College hereby certify the following:

- a.) we have provided a copy of the enclosed Campus Plan for Designation of Tax-Free NY Area, to the municipality or municipalities in which the proposed Tax-Free NY Area is located, local economic development entities, the applicable faculty senate, union representatives, and student government at least 30 days prior to submitting the plan to you and attached evidence of submission herewith; and
- b.) ECC complies with New York State General Municipal Law Article 18, Erie County Local Law 10 of 1989 and Erie County Local Law 4 of 1994, along with any regulations required by the Erie County Board of Ethics respect to conflict of interests. ECC Trustees also comply with the Board of Trustee's policy on conflict of interest, and attached copies of the policies and/or guidelines herewith; and
- c.) we comply with the Commissioner's rules and guidelines on anticompetitive behavior (NY EDL, art. 21, sect. 440); and
- d.) we are aware of the non-governmental use limitations associated with state issued tax exempt bonds and if our proposed Tax-Free NY Area was financed with tax exempt bonds, we will: 1.) make potential businesses aware of these limitations when marketing property; and 2.) take appropriate steps to ensure that non-governmental use of property funded with tax-exempt bonds will not jeopardize the tax exempt status of state issued bonds; and
- e.) we consulted with the municipality or municipalities in which such land or space is located prior to including such space or land in the proposed Tax-Free NY Area and we have given preference to underutilized properties; and
- f.) we have not relocated or eliminated any academic programs, any administrative programs, offices, housing facilities, dining facilities, athletic facilities, parking, or any other facility, space or program that actively serves students, faculty or staff in order to create vacant land or space to be designated as a Tax-Free NY Area; and
- g.) the information contained in the enclosed application is accurate and complete



PRESIDENT'S SIGNATURE

11-16-15

DATE



START-UP NY CAMPUS PLAN FOR DESIGNATION OF TAX-FREE AREA(S)

Campus Name: Erie Community College
Campus Contact Name: Michael Pietkiewicz
Campus Contact Title: Senior Vice President of Operations
Campus Contact E-mail: Pietkiewicz@ecc.edu
Campus Contact Phone: (716) 270-4671

THE TAX-FREE NY AREA PLAN SHALL BE DEVELOPED BY THE CAMPUS TEAM AND PROVIDE THE FOLLOWING REQUIRED INFORMATION:

- 1) Specification or identification of space or land proposed for designation as a Tax-Free NY Area identifying the following:
 - i. Provide the name and address of the SUNY, CUNY or community college seeking approval as a Sponsor, the address of the space or land proposed for designation as a Tax-Free NY Area, and a written description of the physical characteristics of the area for designation.

Name: Erie Community College
Campus Address: North Campus 6205 Main Street, Amherst, NY 14221 South Campus 4041 Southwestern Blvd, Orchard Park, NY 14127 City Campus 45 Oak Street, Buffalo, NY 14203

Address(es) of Proposed Tax-Free NY Area(s) :

500 Seneca St.
Buffalo, NY 14204

350 Crosspoint Pkwy
Getzville, NY 14068

North Campus
6205 Main St.
Amherst, NY 14221

South Campus
4041 Southwestern Blvd
Orchard Park, NY 14127

City Campus
45 Oak St.
Buffalo, NY 14203

Description of Physical Characteristics of Proposed Tax-Free NY Area(s):

Off Campus Designation

The Seneca St. building is a dynamic mixed use development located in Buffalo's Hydraulics District. A section of the fourth floor of this building will be designated for START-UP NY.

SU-309-2-B-00009-000-A (1,240 SqFt; 500 Seneca St.; *Currently Vacant*; office space)

On Campus Designation

The Crosspoint PKWY building specializes as a data center that expects to achieve best-in-class efficiencies through the use of indirect evaporative cooling and highly efficient UPS systems. Select areas of this single-story building will be designated for START-UP NY.

There is vacant land available on Erie Community College's South, City and North campuses. The land can be designated for START-UP NY and used by businesses accepted into the program to build on or locate in. These spaces are found in the attached drawings and excel document and are represented by the below unique identification numbers.

The 45 Oak St. (City Campus) building is one story which currently houses the Student Success Center, bursar, registrar, admissions, workforce development and counseling. It also has classrooms supporting the nursing and criminal justice programs. These offices and classrooms are in addition to the identified vacant space.

SU-309-1-B-00001-000-A (6,668 SqFt; 350 Crosspoint PKWY; *Currently Vacant*; data center)

SU-309-1-L-00002-000-A (36.79 acres; South Campus; *Currently Vacant*; open land)

SU-309-1-L-00003-000-A (4.78 acres; South Campus; *Currently Vacant*; open land)

SU-309-1-L-00004-000-A (7.06 acres; South Campus; *Currently Vacant*; open land)

SU-309-1-L-00005-000-A (5.41 acres; South Campus; *Currently Vacant*; open land)

SU-309-1-L-00006-000-A (2.08 acres; South Campus; *Currently Vacant*; open land)

SU-309-1-L-00008-000-A (26.81 acres; North Campus; *Currently Vacant*; open land)

SU-309-1-B-00007-000-A (1,483 SqFt; City Campus; *Currently Vacant*; on-campus building)

- ii. Provide a clear boundary of each proposed site drawn in AutoCAD on a scaled campus map. Two versions should be created, one which included an imbedded layer from Google earth or other aerial photograph of the property. The second version would be without the photographic imagery. Each parcel under consideration must have a unique alpha numeric identifier, clearly labeled on each plan which will tie to the excel spreadsheet. Details are to be included in the excel spreadsheet attached to this plan. Provide digital files containing Polygon shapefile that delineates area for designation (if available).

See attachments

- iii. Provide a campus map with each building proposed to be designated as tax free space shaded. The building(s) should identified with the official building number as listed in the SUNY Physical Space Inventory (PSI) along with the building name. The excel spreadsheet should include the official building number and a clear description of the spaces in the building (using official PSI room numbers), or floor (when the entire floor is under consideration), or floor/wing (with outer rooms defining the space specifically listed). Each building must also include floor plans of all areas under consideration with the specific spaces clearly identified by official PSI room and shaded. All building information is also to be included in the excel spreadsheet. Provide digital files containing Point shapefiles that provide locations of area for designation (if available).

See attachments

- 2) The total square footage of the space or acreage of land proposed for designation as a Tax-Free NY Area

9,391 square feet of building space and 82.93 acres of land.

- 3) Provide a description of the type of business or businesses that may locate on the area to be designated.

Target Industries SUNY Erie Community College plans to attract

- *Nanotechnology*: Technology that deals with dimensions and tolerances of less than 100 nanometers. This involves the manipulation of individual atoms and molecules. The academic contributions of the involvement of a nanotechnology business at Erie community College are research and comprehensive undergraduate courses. The presence of nanotechnology at ECC will have a positive impact on student's science knowledge and lead to possible careers in areas students have never considered before.
- *CNC (Computerized Numerical Control)*: A process involved with manufacturing goods with the use of a machine controlled by a computer. An example of a CNC machine would be a 3-D printer (additive) or a mill/grinder (subtractive). The impact CNC machine businesses can have on our student body is the option of **comprehensive undergraduate courses and direct job opportunities for campus graduates**. Bringing a CNC business to Buffalo will also create **regional economic development**.
- *HVAC (Heating, Ventilation, and Air Conditioning)*: HVAC's purpose is to provide thermal comfort and air quality to indoor and vehicular environments. HVAC is an extension of mechanical engineering. The presence of HVAC in Erie Community College will further our academic mission by providing undergraduates with **Internship and training opportunities and direct job opportunities for campus graduates**. HVAC in downtown Buffalo will also provide **regional economic development**.
- *Biomanufacturing*: Biomanufacturing is changing the way products are made, which range from biopharmaceuticals to industrial enzymes, human tissue, food and replacement organs. Biomanufacturing is an important development in the scientific and manufacturing community that students could benefit greatly by being a part of. The involvement of Biomanufacturing at Erie Community College will provide students with **comprehensive undergraduate courses, research opportunities, internship and training opportunities, and direct job opportunities for campus graduates**.
- *Information Technology*: The creation, process, storage, and exchange of electronic data housed in computers, networks, storage devices and other physical devices. Information and technology businesses at Erie Community College will bring **opportunities to undergraduates for training and internships** as well as **direct job opportunities for campus graduates and regional economic development**.
- *Communication Arts*: The study of how identities, relationships, organizations, and society are influenced by communication. Communication involves persuasion, oral presentation/performance, broadcasting and media, film studies, and theatre. The presence of communication arts businesses at Erie Community College will give **opportunities for undergraduates to train and partake in internships**. Communication Arts also have strong ties in **leadership, diversity, and culture**.
- *Unmanned Aerial Systems (UAS)*: Enrollees will learn the fundamentals of UAS and FAA regulatory requirements and get certified with hands-on experience. Students will depart the certification program having earned a FAA Part 141 ground school license, which will subsequently be expanded upon through supplemental FAA 333 training. Enrollees will also be instructed on data collection techniques and field repair of UAS. The presence of a UAS company at Erie Community College can provide **training opportunities, undergraduate education and direct job opportunities** upon graduation. This program will support the mission of recruiting both urban and rural talent in an

expanding industry that supports Public Safety/Emergency Services, Agricultural Land Management, Utility Company Distribution Systems, and Railroad Security, amongst other industries.

- *Telecommunications and Networking Technology*: Transmission of data, as words, sounds, or images, by means of electromagnetic signals. Telecommunications can be transmitted over great distances by the use of networks which include telegraph, telephone, radio, or television. Telecommunications and networking technology organizations can bring **internationalization, regional economic development, and direct job opportunities to campus graduates.**
- *Brewery Science*: The process of creating beer which includes, malting, milling, mashing, lautering, boiling, fermenting, conditioning, filtering, and packaging a final product. Brewery science at Erie Community College's downtown campus can provide Buffalo with **regional economic development, as well as provide internship/training opportunities to undergraduates and direct job opportunities for campus graduates.**
- *Emergency Management and First Responders*: The management of creating a system with which a community can reduce vulnerability to hazards and more effectively cope with disasters. First responders are trained and designated to respond in an emergency situation. An emergency management and first responder program aligns with the **campus' specific area of specialization** and can teach students **leadership with hands on training and internships. Direct job opportunities for campus graduates** who attended the program are also available.
- *Building Trades*: Trades that are directly related to building construction. Examples include carpentry, bricklaying, and plumbing. Building trade businesses associated with Erie Community College can provide students with **mentorships (training/internships), undergraduate education, and direct job opportunities for campus graduates.** The surrounding area will also benefit from **regional economic developments.**
- *Advanced Manufacturing*: Activities that rely on the use of information, automation, computations, software, sensing, and/or networking in order to create a finished product. Advanced manufacturing may also make use of cutting edge materials and emerging capabilities. Students will benefit from advanced manufacturing through **undergraduate courses, training/internships, and direct job opportunities for campus graduates.** The surrounding area will also benefit from **regional economic developments.**
- *Electrical Engineering*: A branch of engineering that focuses on the technology of electricity, which includes the design and application of circuitry, equipment for power generation and distribution, machine control, and communications. Students can benefit from electrical engineering businesses by partaking in **training/internships, comprehensive undergraduate professional education, and direct links to job opportunities for campus graduates.**
- *Computer Science*: Computer science is the study of the computing process and the fundamental algorithms, structures and languages that underlie that process. There is an increasing need for experimental work, and the application of computing science to other fields is unlimited. Organizations involved in computer science would bring opportunities to students such as **internships, post-graduation jobs and other practical experiences.** Such organizations would complement Erie Community College's Computer Science program.

- 4) Provide a description of the academic mission of the Sponsor and how the anticipated businesses will align or further the academic mission of the university or college.

Erie Community College Academic Mission Statement

The mission of SUNY Erie Community College is to give students access to the education and opportunities that will help them meet their goals. For most of our students this includes a primary goal of obtaining a job after graduation and furthering their educational career.

"Erie Community College meets the needs of a diverse student body and contributes to regional economic vitality by providing excellent, flexible, affordable and accessible educational programs in a multi-campus environment committed to continuous improvement."

-Mission Statement, SUNY Erie Community College 2014-2015

Strategic Mission

The strategic mission of SUNY Erie Community College is in alignment with the Power of SUNY Strategic Plan for 2010 and Beyond. SUNY Erie Community College's core values include student-centeredness, community engagement, diversity, integrity, and collaborations. Selections for targeted industries focus on these core values as well as the six "big ideas" which include commitments to entrepreneurship, a seamless education pipeline, a healthier state, an energy-smart initiative, a vibrant community, and a global focus. SUNY Erie Community College's involvement in START-UP NY enables the college to enhance the entrepreneurial economy while improving the educational pipeline to gain access into the corporate community through internships, training, and future employment.

Companies selected for inclusion in the START-UP New York Program are not limited to the benefits listed in question 3, but can also align with SUNY Erie Community College in the following ways:

- By providing career opportunities
- By offering research opportunities as identified by SUNY Erie community College in working with area companies on a DACUM (Developing a Curriculum) process. Companies interviewed through the process ranked on-the-job research as a key priority for their operations.
- By providing leadership opportunities and serving as role models for students.
- By giving students diverse experiences and exposure to new ways of thinking within and outside the classroom setting.
- By offering internships training, and direct job opportunities for students.
- Through linkage to campus international programs and by linking the campus to new international opportunities.
- By involving the campus into even more regional economic development and opportunities for developing sub-contracting partnerships, etc.

- 5) Provide a description of how participation by those types of businesses in the Program would generate positive community and economic benefits, including but not limited to:
- Increased employment opportunities;
 - Increased opportunities for internships, vocational training and experiential learning for undergraduate and graduate study;
 - Diversification of the local economy;
 - Environmental sustainability;
 - Increased entrepreneurship opportunities;
 - Positive, non-competitive and/or synergistic links to existing businesses;
 - Effect on the local economy; and
 - Opportunities as a magnet for economic and social growth.

Attracting target industries in the above mentioned areas could have a profound impact on the Erie County community and the regional economy through job creation and economic supplementation.

START-UP NY is a magnet for economic and social growth that not only attracts Program qualified businesses, but can also help attract additional businesses to the region that do not fit Program requirements. The newly obtained training opportunities offered by Erie Community College as a result of a partnership with START-UP NY would increase the skills and qualifications of the County's labor force, which in turn would attract higher level jobs to the region.

Students will benefit greatly from internships, on the job training, and direct links to newly created jobs that the businesses accepted into the Program create. Having these opportunities for the students will decrease unemployment and reduce the amount of students who relocate in search for work.

START-UP NY can aid in bringing diversification to the local economy by offering incentives to businesses in target industries that are currently nonexistent or otherwise uncommon to the Erie County area. Target industries in this category include nanotechnology and biomanufacturing.

6) Provide a description of the process the Sponsor will follow to select participating businesses.

1. INFORMATION AND REFERRAL

When a business presents itself as interested in START-UP NY, the business will meet with the Program Director, who will verify compliance with Program eligibility. If eligible, the Program Director will review the regulations, statute, guidelines, tax rules, and application process with the business.

The Director will review the College Mission with the business and determine if goals such as job creation, internship and other student-based opportunities, sustainability, and potential for economic diversity and growth are mutual.

Referrals are expected in the following ways:

- Through the START-UP NY website-the college would expect to receive inquiries from companies that visit the website and review the properties listed.
- Through direct contact with the college.
- Through the regional Small Business Development Center housed at SUNY College at Buffalo, whose priority is START-UP NY.
- Through the Pyramid Brokerage Company.

If the business applicant is determined eligible for START-UP NY and is in mutual standing with Erie Community College's Mission, the business will advance to a review by the Campus Advisory Committee.

2. START-UP NY PLAN CAMPUS ADVISORY COMMITTEE

Erie Community College will convene a START-UP NY Review Committee consisting of representation from:

- a) College President or designee.
- b) Senior Vice President of Operations.
- c) Chief Administrative and Financial Officer.
- d) Academic Affairs representative.
- e) County Executive or designee.
- f) Executive Vice President of Legal Affairs.
- g) Chair Person of College Senate or designee.

Additional Review Committee members will be chosen based on interest and business/economic development experience.

3. CRITERIA FOR SELECTION

The Review Committee will consider the degree to which the prospective businesses support answers to questions in the following categories:

- Academic and Research Alignment
- Economic Benefit
- Community Benefit

Sample questions asked by the Campus Advisory Committee described above would include:

- How will engaging with this business advance, complement, or introduce learning for SUNY Erie Community College students?
- What specific learning activities will the business commit to supporting?
- Will the business provide access to cutting edge technology or equipment that the college might not otherwise be able to afford to purchase?
- Will the business provide learning space for our students and faculty that enhances our program or course offerings?
- What are the potential new jobs for local citizens, particularly for our students?
- How many net new jobs will be created in the first two years of operation?
- Is the business viable in both the short and long-term?
- How will the company establish itself as a good member of the community?

The President of Erie Community College will provide final campus approval of applicants.

 ERIE COMMUNITY COLLEGE POLICY	NUMBER II – H	Board of Trustees
APPROVED 8/95, 9/03	SUBJECT Code of Ethics Statement	

Purpose – To establish a Code of Ethics that shall govern the conduct of members of the Board of Trustees, and to establish “ethical job descriptions” for individual Trustees and the Board as a whole.

Code of Ethics Statement

I pledge my best efforts as a Trustee to:

- Evidence good citizenship in community and state affairs,
- Refrain from making any decisions or commitments concerning community college governance, except in Board meetings or when designated by the Board to do so,
- Act in good faith and avoid situations leading to conflicts of interest,
- Bring credit to the college through personal effort, either directly or indirectly, in business, social, professional and personal relationships,
- Make decisions which are responsive to the geographic distribution and social, ethnic, economic and minority make-up of the community,
- Make decisions which give priority to the students and support the College and its Mission,
- Be enthusiastic in the work of the Board and keep well informed on matters pertaining to the community college movement,
- Fulfill the responsibilities of my commission without regard to prejudice or partisanship.
- Be alert to political encroachment, which might jeopardize functions of the College and diminish their potential for excellence.

 <p>Category: Academic Affairs Community Colleges Legal and Compliance Research</p> <p>Responsible Office: Academic Affairs</p>	<p>Policy Title: START-UP NY Program Participation Policy</p> <p>Document Number: 6800</p> <p>Effective Date: February 10, 2014</p> <p>This policy item applies to: Community Colleges State-Operated Campuses</p>
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Summary

A. START-UP NY is a state economic development program that positions SUNY campuses as magnets for entrepreneurs and businesses from around the globe. START-UP NY aligns with SUNY's mission of teaching, research and public service; enabling engagement with industry, knowledge acceleration, translation of research into practical applications, and delivering the 21st century workforce businesses need to grow and thrive. START-UP NY will transform university communities to deliver unprecedented economic benefits to New York. To participate in the program, all campuses must comply with this policy and any applicable rules and regulations issued by the NYS Commissioner of Economic Development.

B. This policy governs the review process that all participating campuses must follow to secure SUNY's approval and/or review of the plans, applications, and other documents required by the NYS Commissioner of Economic Development to participate in the START-UP NY program. It also prescribes special requirements for the disclosure and management of actual or potential conflicts of interest in matters pertaining to the campus' START-UP NY program. Any conflict between this policy and any other applicable Conflict of Interest policy shall be resolved in favor of disclosure of any potential, actual, or perceived conflict of interest relating to the

campus' START-UP NY program to the President or Chief Executive Officer of the sponsoring campus.

Policy

- C. **Campus Plans for Designation of Tax-Free Area(s):** Any campus intending to submit a Campus Plan for Designation of Tax-Free Area(s) ("Campus Plan") to the NYS Commissioner of Economic Development must first have it reviewed and approved by the Chancellor or designee. The Chancellor or designee shall approve or reject all Campus Plans within fifteen (15) business days of receipt. Any rejected Campus Plan shall be accompanied by an explanation of the basis for rejection. Once approved by the Chancellor or designee a campus may submit its Campus Plan to the NYS Commissioner of Economic Development in accordance with the Commissioner's rules and regulations. Any Campus Plan that is rejected can be resubmitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures. Any amendments to approved Campus Plans must be submitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures.
- D. **Sponsoring University or College Applications for Business Participation:** After a campus is notified by the Commissioner of Economic Development that its Campus Plan or any amendment(s) to an approved Campus Plan has been approved, it may submit a Sponsoring University or College Application for Business Participation ("Sponsor Application") to the NYS Commissioner of Economic Development and to the Chancellor or designee for concurrent review and approval. Only Commissioner of Economic Development approval is required.
- E. **Delegations:** The Chancellor or designee may charge a group of individuals, collectively called the SUNY START-UP NY Proposal Review Team, to evaluate all submitted Campus Plans and Sponsor Applications prior to accepting or rejecting them.
- F. **Conflicts of Interest:** Service as an Official shall not be used as a means for private benefit or inurement for any Official, a Relative thereof, or any entity in which the Official or Relative thereof has a Business Interest. A conflict of interest exists whenever an Official has a Business Interest or other interest or activity outside of the university that has the possibility, whether potential, actual, or perceived, of (a) compromising the Official's judgment, (b) influencing the Official's decision or behavior with respect to the START-UP NY Program, or (c) resulting in personal or a Relative's gain or advancement. Any Official who is an owner or employee of an entity that is the subject of any matter pertaining to the university's START-UP NY Program, or who has a Business Interest in any entity that is the subject of any matter pertaining to the university's START-UP NY Program, or whose Relative has such a Business Interest, shall not vote on or otherwise participate in the administration by the university of any START-UP NY matter involving such entity. Any Official or other campus representative who becomes aware of a potential, actual or apparent conflict of interest, either their own or that of another Official, related to a sponsoring university or college's

START-UP NY program must disclose that interest to the President or Chief Executive Officer of the sponsoring college or university. Each such President or Chief Executive Officer shall maintain a written record of all disclosures of actual or potential conflicts of interest made pursuant to this policy, and shall report such disclosures on a calendar year basis, by January 31st of each year, to the University Auditor or to the Chancellor's designee, in which case the University Auditor shall be copied on the correspondence to such designee. SUNY shall then forward such reports to the Commissioner of Economic Development for the State of New York, who shall make public such reports.

G. **Exceptions:** There are no exceptions to this policy.

Definitions

H. **Business Interest** means that an individual (1) owns or controls 10% or more of the stock of an entity (or 1% in the case of an entity the stock of which is regularly traded on an established securities exchange); or (2) serves as an officer, director or partner of an entity.

I. **Official** means an employee at the level of dean and above as well as any other person with decision-making authority over a campus' START-UP NY Program, including any member of any panel or committee that recommends businesses for acceptance into the START-UP NY program.

J. **Relative** means any person living in the same household as another individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant.

K. **Sponsoring College or University** means any entity defined or described in NYS Education Law Sec. 352 and Article 126.

L. **START-UP NY Program** means the SUNY Tax-free Areas to Revitalize and Transform Upstate New York Program established by Article 21 of the Economic Development Law.

M. **Tax-Free NY Area** means vacant land or space designated by the Commissioner of Economic Development Article 21 of the Economic Development Law that is eligible to receive benefits under the START-UP NY program.

Other Related Information

N. **Start-Up NY Regulations:** available at the [Start-Up NY Website](#).

O. At least thirty days before submitting the Campus Plan to the Commissioner of Economic Development the campus must provide a copy of the Plan to the chief executive officer of the municipality or municipalities in which the proposed Tax-free NY Area is located, local economic development entities, the applicable university or college faculty senate, union representatives and the campus student government. The campus shall include in their submission to the Commissioner of Economic Development certification of such notification, as well as a copy of any written response from chief executive officer of the municipality or municipalities in which the proposed Tax-free NY Area is located, local economic development entities, the applicable campus or college faculty senate, union representatives and the campus student government.

P. StartUp-NY.gov website and program information.

Procedures

Q. [START-UP NY Program Participation, Procedures for](#)

Forms

R. [SUNY START-UP NY Campus Plan for Designation of Tax-Free Area\(s\) Memorandum](#)

[SUNY START-UP NY Campus Plan for Designation of Tax-Free Area\(s\) Template](#)

[ESD START-UP NY Sponsoring University or College Application for Business Participation](#)

[ESD START-UP NY Business Application Instructions](#)

[ESD START-UP Business Application](#)

Authority

S. [State University of New York Board of Trustees Resolution 2014-12, START-UP New York Program Administration, adopted January 14, 2014](#)

T. [Law, New York Economic Development Law Article 21 \(Start-Up NY Program\)](#)

U. [Start-Up NY Regulations](#)

History

V. Enacted into law in June 2013, START-UP NY is a groundbreaking new initiative from Governor Andrew M. Cuomo that provides major incentives for businesses to relocate, start up or significantly expand in New York State through affiliations with public and private universities, colleges and community colleges. Businesses will have the opportunity to operate state and local tax-free on or near academic campuses, and their employees will pay no state or local personal income taxes.

Appendices

W. There are no appendices relevant to this policy.

Location	Unique ID	Owner	Property Type	Street Address	City	Zip Code	Parcel ID	Building	Space Type	SqFt	Acres	Description	On Campus	Within 1 mile of campus	Latitude	Longitude	Note
Town of Amherst	SU-309-1-B-00001-000-A	BlackRock, Inc.	1	350 Crosspoint Pkwy	Gettysville	14068	N/A	Yes	C	6,668	N/A	Data Center	Yes	N/A	43.045379°	-78.749488°	
City of Buffalo	SU-309-1-B-0007-000-A	Erie Community College	1	45 Oak St.	Buffalo	14203	N/A	Yes	C	1,483	N/A	One-story Building	Yes	N/A	42.892416°	-78.871279°	
Town of Amherst	SU-309-1-L-00009-000-A	Erie Community College	1	6205 Main St.	Amherst	14221	N/A	No	D	N/A	26.81	Open Land	Yes	N/A	42.961441°	-78.721635°	
Town of Orchard Park	SU-309-1-L-00002-000-A	Erie Community College	1	4041 Southwestern Blvd	Orchard Park	14127	N/A	No	D	N/A	36.79	Open Land	Yes	N/A	42.771038°	-78.803945°	
Town of Orchard Park	SU-309-1-L-00003-000-A	Erie Community College	1	4041 Southwestern Blvd	Orchard Park	14127	N/A	No	D	N/A	4.78	Open Land	Yes	N/A	42.774393°	-78.798430°	
Town of Orchard Park	SU-309-1-L-00004-000-A	Erie Community College	1	4041 Southwestern Blvd	Orchard Park	14127	N/A	No	D	N/A	7.06	Open Land	Yes	N/A	42.774094°	-78.795018°	
Town of Orchard Park	SU-309-1-L-00005-000-A	Erie Community College	1	4041 Southwestern Blvd	Orchard Park	14127	N/A	No	D	N/A	5.41	Open Land	Yes	N/A	42.770046°	-78.795362°	
Town of Orchard Park	SU-309-1-L-00006-000-A	Erie Community College	1	4041 Southwestern Blvd	Orchard Park	14127	N/A	No	D	N/A	2.08	Open Land	Yes	N/A	42.768848°	-78.797271°	
City of Buffalo	SU-309-2-B-00009-000-A	Savorino Companies	2	500 Seneca St.	Buffalo	14204	N/A	Yes	G	1,240	N/A	4th Floor Office Space	No	Approx. .75 miles off campus	42.877603°	-78.856966°	

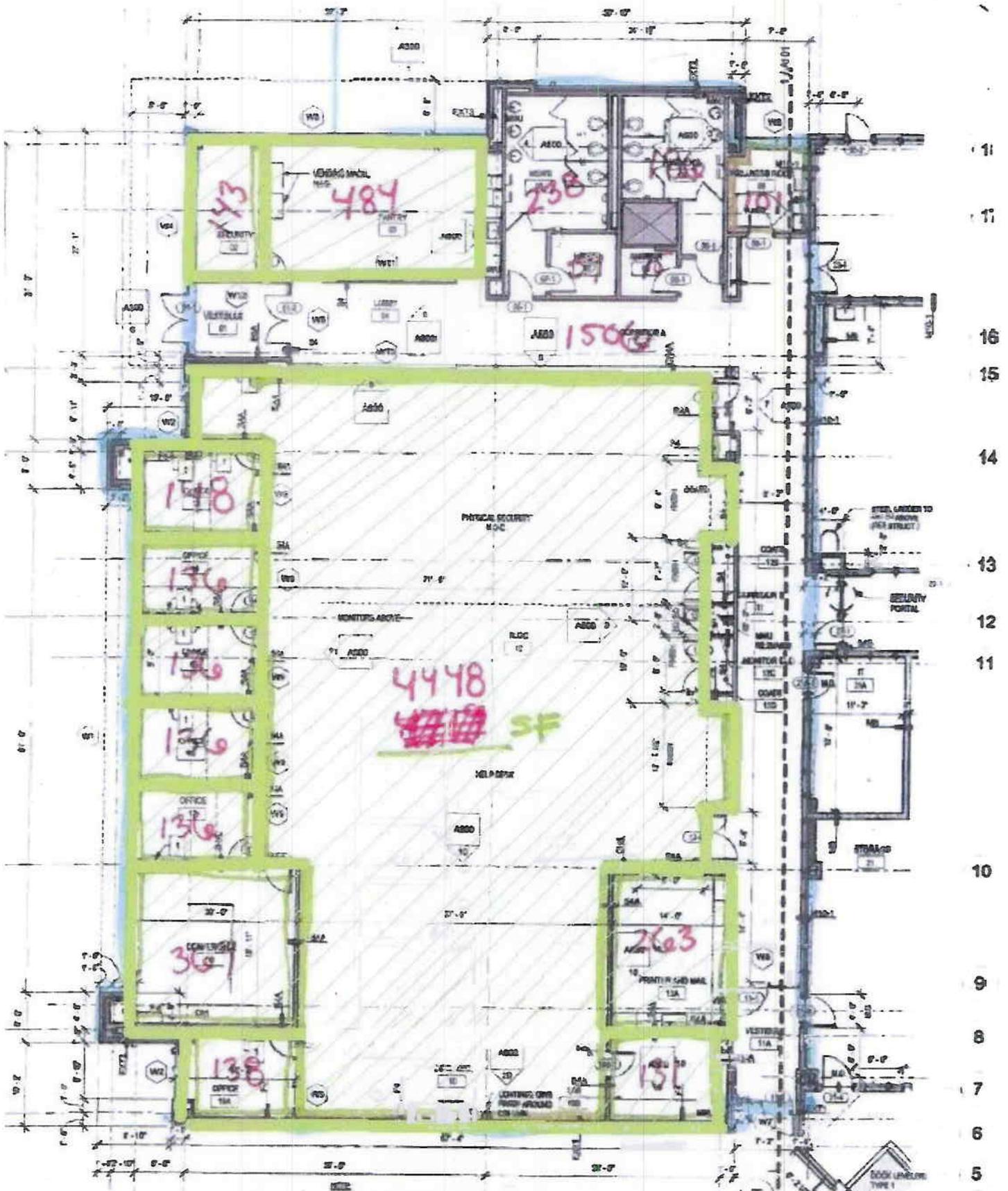
** A=entire building
 B=floor within building
 C=Room within building
 D=land on campus
 E=land off campus
 F=entire building off campus
 G=partial building off campus
 H=state asset

Map of Crosspoint PKWY Designation
350 Crosspoint PKWY, Getzville, NY 14068



White = Building Site Boundary

6,668 SF



6,668 SF

SU-309-1-B-00001-000-A

Erie Community College City Campus
Address: 45 Oak St., Buffalo, NY 14203



White = Campus Boundary
Yellow = 45 Oak Building Boundary

Building schematic for 45 Oak St. location (City Campus)
SU-309-1-B-0007-000-A



Red = START-UP Space Boundary

Erie Community College North Campus
Address: 6205 Main St., Amherst, NY 14221



White = Campus Boundary
Yellow = Property Designation Boundary

Erie Community College South Campus
Address: 4041 Southwestern Blvd., Orchard Park, NY 14127



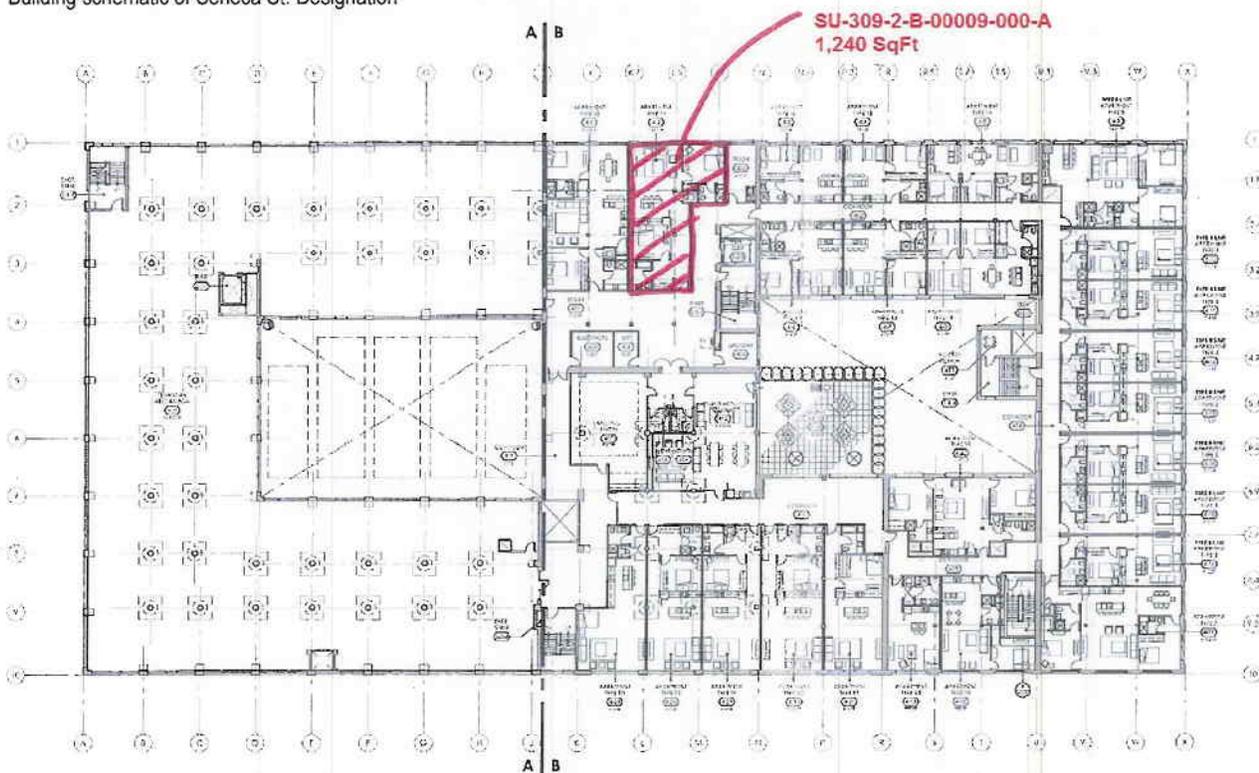
White = Campus Boundary
Yellow = Property Designation Boundaries

Map of Seneca St. Designation
500 Seneca St., Buffalo, NY 14204



White = Building Boundary

Building schematic of Seneca St. Designation



Red = START-UP Space Boundary

START-UP NY AFFILIATION AGREEMENT

THIS AGREEMENT (this "Agreement") dated as of _____, 2016 (the "Effective Date"), is entered into by and among Erie Community College, having its principal office at 121 Ellicott Street, Buffalo, NY 14203 (the "COLLEGE") of Erie County, a municipal corporation having its principal office located at 95 Franklin Street #1600, Buffalo, NY 14202 ("County"), the Town of Amherst Industrial Development Agency ("AFFILIATE") a not-for-profit entity governed by the New York State Not-For-Profit Corporation Law having its principal place of business located at 4287 Main St, Buffalo, NY 14226 and BlackRock Niagara LLC ("BLACKROCK"), a limited liability company in good standing under and by virtue of the laws of the State of Delaware and duly qualified to do business in the State of New York with offices at 55 East 52nd Street, New York, New York 10055. Terms herein may be used before being defined.

WITNESSETH

WHEREAS, the New York State Legislature has determined that to revitalize the economy of the State of New York ("New York State"), it is necessary and appropriate to promote entrepreneurship and job creation by transforming public higher education institutions through the establishment of tax free areas, to attract high tech businesses, startup companies, venture capital, new business and investments from across the world; and

WHEREAS, in furtherance of this objective the State Legislature created the "START-UP NY program" under Chapter 68 of the Laws of 2013 (as amended from time to time, the "Act"), which authorizes the creation of tax-free areas ("Tax-Free NY Areas") on eligible university campuses in New York State, including college campuses, for new and expanding businesses to both foster job creation and enhance the academic mission of the participating universities; and

WHEREAS, COLLEGE is sponsoring Tax-Free NY Areas to foster job creation, to enhance the academic mission of its participating campuses as set forth in the Act and to make available vacant land and space in such Tax-Free NY Areas for use by eligible businesses under the Act; and

WHEREAS, pursuant to the Act, the Board of Trustees of COLLEGE has designated the COLLEGE as one of its participating campuses in the START-UP NY program and will submit to the Commissioner of Economic Development of the Department of Economic Development of the State of New York (the "Commissioner") a "Campus Plan for Designation of Tax-Free NY Area(s)" (as may be amended from time to time, the "Campus Plan") for the designation of certain eligible property associated with COLLEGE as a Tax-Free NY Area; and

WHEREAS, the regulations associated with the Act (5 NYCRR § 220) (the "Regulations") define "campus" to include any real property in New York State owned or leased by an affiliated not-for-profit entity on behalf of a university or college or for the

benefit of a university or college, and any such additional real property acquired, established, operated or contracted to be operated for or on behalf of the university or college; in addition the Regulations require that real property owned or leased by a not-for-profit entity on behalf of a university or college or for the benefit of a university or college must be utilized by the university or college in furtherance of any stated academic mission of that university or college; and

WHEREAS, AFFILIATE is an instrumentality of the State of New York for the benefit of the Town of Amherst, Erie County, New York, created under the laws of New York for the public purposes of investment, economic diversity, employment opportunities and to broaden the tax base of the Town of Amherst; and

WHEREAS, BLACKROCK owns the Premises (as defined below), leased by AFFILIATE and leased back to BLACKROCK, which is envisaged to be part of COLLEGE's campus for START-UP NY purposes; and

WHEREAS, COLLEGE and AFFILIATE are affiliated within the meaning of the Regulations insofar as they are connected, related, or associated by virtue of their status as public entities within New York State and their shared goals and responsibilities under this Agreement, as are set forth in greater detail below; and

WHEREAS, AFFILIATE's mission, purposes and objectives are aligned with the academic mission of COLLEGE (the "Academic Mission"), which is set forth in greater detail in the Campus Plan to be approved by the Commissioner; and

WHEREAS, as public entities formed under New York State Law, COLLEGE and AFFILIATE desire to work together to further the public purposes of job creation and public higher education in New York State through collaboration on the START-UP NY program, and desire, together with BLACKROCK, to enter into this Agreement to document their affiliation to do so; and

WHEREAS, the parties intend that as a result of their affiliation that the Premises shall be eligible as Tax-Free NY Areas.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein set forth, the parties agree as follows:

1. AFFILIATE Affirmations.

AFFILIATE hereby affirms the following:

(a) AFFILIATE is an instrumentality of the State of New York for the benefit of the Town of Amherst, Erie County, created under the laws of New York for the public purposes of economic development;

(b) The building in which the Premises is located and the parcel of land thereunder are owned by BLACKROCK and have been leased to AFFILIATE and subleased back to

BLACKROCK pursuant to certain lease and leaseback agreements dated as of October 1, 2015, (the "AFFILIATE Leases");

(c) (i) the AFFILIATE Leases are, and upon execution of this Agreement will continue to be, in full force and effect and (ii) AFFILIATE (in its capacity as lessor under the AFFILIATE Leases) approves and consents to all matters contemplated by this Agreement, including, without limitation, the designation of the Premises as a Tax-Free NY Area and the application of BLACKROCK to become a participating business in the START-UP NY program;

(d) AFFILIATE is interested in the START-UP NY program and is committed to its goals of transforming higher education to create tax-free communities across New York State to attract high tech businesses, startup companies, venture capital, new business and investments from across the world;

(e) AFFILIATE is interested in helping COLLEGE assist companies, especially high tech companies and startup businesses, to start, grow and stay in New York State;

(f) AFFILIATE acknowledges COLLEGE's interest in and intent to participate in the START-UP NY program by becoming a "Sponsor", as defined in the Regulations; and

(g) AFFILIATE acknowledges COLLEGE's Academic Mission, and that the START-UP NY program will align with the Academic Mission through, among other things, linkages between COLLEGE and participating businesses (including BLACKROCK) in order to provide internships and other work experience opportunities to qualified candidates.

2. Term and Termination.

(a) This Agreement shall commence as of the Effective Date and shall expire one (1) year from the Effective Date, provided, however, that the term of the Agreement shall be automatically extended to run for the duration of the AFFILIATE Leases (which expire on December 31, 2026, unless earlier terminated pursuant to their terms) unless the parties hereto otherwise agree in writing (the "Term"). In connection with the foregoing, BLACKROCK shall provide written notice to COLLEGE if the AFFILIATE Leases terminate sooner or if the term of the AFFILIATE Leases is otherwise amended or extended. Notwithstanding the foregoing, COLLEGE may, on thirty days' written notice to AFFILIATE and BLACKROCK, terminate this Agreement in whole or in part to the extent that BLACKROCK is removed from the START-UP NY program by the Commissioner pursuant to the Regulations (and BLACKROCK has either (i) appealed its removal from the START-UP NY program and received a final, non-appealable decision from the Commissioner affirming its removal, (ii) failed to appeal within the time granted in the Regulations (i.e. 30 days), or (iii) notified COLLEGE in writing that it waives its right to appeal). In addition, COLLEGE may terminate this Agreement on thirty days' written notice to AFFILIATE and BLACKROCK, if the Commissioner confirms that such termination does not terminate, impede or hinder in any way the benefits received by BLACKROCK in the START-UP NY program.

(b) Notwithstanding the above, each of COLLEGE and AFFILIATE agree not to recommend to the Commissioner that BLACKROCK be removed from participation in the START-UP NY program unless the process in Section 9(c) below has been followed. For the avoidance of doubt, the preceding sentence is not intended to diminish the Commissioner's ability to remove BLACKROCK from the START-UP NY program pursuant to Section 220.14(c) of the Regulations and, after following the procedures in Section 9(c) below, any notification required to be sent to the Commissioner under the Act or the Regulations shall not be unreasonably delayed.

(c) Notwithstanding the above, BLACKROCK may terminate this Agreement at any time, in whole or in part, upon 30 days' written notice to COLLEGE and AFFILIATE.

3. Premises.

The Premises that is the subject of this Agreement shall consist of 6,668 square feet of office space in the building located at 350 Crosspoint Parkway in Getzville, New York 14068 (the "Premises"), as more particularly described in Schedule 1 of this Agreement. The parties may revise Schedule 1 from time to time by written agreement.

4. Use of Premises; Affiliation.

(a) During the Term, AFFILIATE, BLACKROCK and COLLEGE shall, consistent with the Campus Plan, cooperate to ensure that the designation of the Premises on behalf of and for the benefit of COLLEGE as a Tax-Free NY Area sponsored by COLLEGE and the ongoing operation of the Premises is consistent with the laws and regulations of the START-UP NY program. The parties agree that the portion of the Premises that is the subject of the AFFILIATE Leases shall be utilized, amongst other things, in furtherance of the COLLEGE's Academic Mission and in accordance with the Act and the Regulations, including, without limitation, for occupancy by businesses that are a "high tech business" or a "business in the formative stage", as defined by the Regulations.

(b) The parties hereby agree (i) that AFFILIATE is "affiliated" with COLLEGE consistent with Section 220.2(b) of the Regulations, (ii) that the Premises is part of COLLEGE's "campus" for purposes of Section 220.2(f) of the Regulations and (iii) that the Premises is "eligible land" for purposes of Section 220.2(t) of the Regulations.

5. Responsibilities relating to Tenants and the Management of the Premises.

(a) AFFILIATE and COLLEGE have identified the business of BLACKROCK as a business eligible for the START-UP NY program for use and occupancy of the Premises. AFFILIATE shall only enter into leases, licenses, permits and the like (collectively "Leases") for the Premises with BLACKROCK, which arrangement has been approved by COLLEGE and the Commissioner for participation in the START-UP

NY program under the Campus Plan and shall not use the Premises in any inconsistent manner.

(b) No party hereto will have the authority to execute any instruments, agreements, or other documents on behalf of any other party hereto, or otherwise bind any other party hereto, other than with the express prior written consent of such party.

(c) COLLEGE shall have no liability to AFFILIATE or to BLACKROCK arising out of or related to the AFFILIATE Leases. To the extent permitted by law, BLACKROCK shall indemnify, defend, and hold COLLEGE and its officials, trustees and employees (each, an "Indemnified Party") harmless against any claims, liabilities, settlements, damages or reasonable costs and expenses (including, reasonable attorneys' fees and disbursement) (collectively, "Claims") arising out of or related to the AFFILIATE Leases up to the coverage limits related to the applicable Claim in the insurance policy maintained in favor of COLLEGE as described in Section 6. Notwithstanding anything to the contrary in this Agreement, BLACKROCK is not obligated to indemnify, hold harmless or defend any Indemnified Party against any Claim if such Claim or corresponding losses arise out of or result from, in whole or in part:

- (i) COLLEGE's or AFFILIATE's negligence or more culpable act or omission (including recklessness or willful misconduct);
- (ii) COLLEGE's or AFFILIATE's failure to comply with any of its obligations set forth in this Agreement; or
- (iii) use of the Premises by COLLEGE or AFFILIATE in any manner not otherwise authorized under this Agreement, the START-UP NY program, any agreement that may be entered into between COLLEGE and BLACKROCK in respect of their association in the START-UP NY program, or, with respect to AFFILIATE only, the AFFILIATE Leases.

Notwithstanding any provision in this Agreement to the contrary, no Indemnified Party shall be entitled to indemnification for consequential, punitive, indirect or special damages unless such damages are awarded to a third party. BLACKROCK shall have the right to assume defense with respect to any claims indemnified hereunder.

6. Insurance

BLACKROCK maintains a Comprehensive General Liability Insurance in the amount of \$2,000,000.00 in the aggregate, including the State University of New York, Erie County and Erie Community College as an additional insureds. BLACKROCK further agrees to send COLLEGE, in accordance with paragraph 8 of this Agreement, a copy of any notice of cancellation of such policy if not replaced, and a renewal of certificate of insurance or new certificate of insurance including the State University of New York, Erie County and Erie Community College as additional insureds, within five (5) business days of having received such notice.

BLACKROCK maintains Workers Compensation and NY Disability coverage as required to meet statutory requirements and shall provide COLLEGE with evidence of such coverage.

7. Plan Amendments; Further Assurances; Conflicts of Interest.

(a) The parties agree that the Campus Plan to be approved is attached as Exhibit A to this Agreement and incorporated by reference herein.

(b) AFFILIATE and BLACKROCK shall reasonably assist COLLEGE with amending or modifying the Campus Plan to include any changes, including without limitation, providing such documents, diagrams, maps, floor plans, attestations and certifications as may reasonably be required by COLLEGE as necessary or useful to amend or modify the Campus Plan; *provided, however*, that any such amendment or modification may not violate the terms of this Agreement, the AFFILIATE Leases or any other lease or agreement among or between any of the parties hereto.

(c) The parties agree to execute any additional documentation as are reasonably necessary or useful to carry out the intention of this Agreement.

(d) COLLEGE maintains and shall continue to maintain a conflict of interest policy (the "Conflicts of Interest Policy") relating to the START-UP NY program. The Conflict of Interest Policy is included as Attachments 2 through 7 of the Campus Plan and incorporated by reference herein. COLLEGE will promptly notify BLACKROCK and AFFILIATE in writing of any changes to the Conflicts of Interest Policy.

8. Notices

Each written notice, demand, approval or request by COLLEGE, AFFILIATE or BLACKROCK in connection with this Agreement, unless expressly otherwise provided, shall be in writing, and shall be deemed given if either delivered in person, with delivery acknowledged in writing by the party receiving the same, mailed in the United States mails by certified mail, return receipt requested, postpaid, or sent by email, with affirmative oral or electronic confirmation of receipt from the recipient (not an automated read message), and addressed:

(a) to COLLEGE at the following address:

Erie Community College
121 Ellicott Street, Buffalo, NY 14203
Attention: Sr. Vice President of Operations
Email: pietkiewicz@ecc.edu

With a copy to:

Executive Vice President for Legal Affairs

Erie Community College
4041 Southwestern Boulevard, Room 1101
Orchard Park, New York 14127
Email: stachowskip@ecc.edu

and

The State University of New York
State University Plaza
Albany, New York 12246
Attention: Vice Chancellor, Office of Capital Facilities
Email: karren.bee-donohoe@suny.edu

with a copy to:

The Research Foundation for
the State University of New York
START-UP NY Liaison Office
35 State Street
Albany, NY 12207
Attention: Jeffrey Boyce, Director of Economic Development
Email: jeffrey.boyce@rfsuny.org

(b) to AFFILIATE at the following address:

Town of Amherst Industrial Development Agency
4287 Main Street
Amherst, NY 14226
Attention: David Mingoia, Deputy Director
Email: DMingoia@amherstida.com

(c) to BLACKROCK at the following address:

c/o BlackRock, Inc.
55 East 52nd Street
New York, NY 10055
Attention: Dan Waltcher
Email: Dan.Waltcher@blackrock.com

with a copy to:

Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10019
Attention: Jane Greyf, Esq.
Email: jgreyf@goodwinprocter.com

or to such other address as may be specified by written notice sent in accordance herewith. Every notice, demand or request shall be deemed to have been given at the time of delivery if given in person, or three days after mailing.

9. Miscellaneous.

(a) This Agreement shall be binding upon and inure to the benefit of COLLEGE, AFFILIATE and BLACKROCK and their respective successors and assigns.

(b) This Agreement shall be governed and construed in accordance with the laws of New York State, excluding New York State's choice-of-law principles, and all claims relating to or arising out of this Agreement, or the breach thereof, whether sounding in contract, tort or otherwise, shall likewise be governed by the laws of New York State, excluding New York State's choice-of-law principles. The parties agree that jurisdiction and venue of any action arising out of this Agreement shall be in New York State Supreme Court or Federal Court located in Erie County.

(c) Except as otherwise provided in this Agreement, the parties hereto shall endeavor to amicably resolve any dispute arising under this Agreement. If a dispute arises, any party may provide written notice (a "Dispute Notice") to each of the other parties describing the nature of the dispute and specifying the party's desire to formally submit the dispute as a "dispute" under this Section 9(c). If the parties are unable amicably to resolve the dispute within thirty (30) days after receipt of a Dispute Notice, then, subject to Section 2(b) above, either party may seek legal or equitable redress.

(d) In carrying out this Agreement, each party hereto shall comply with all applicable laws, including, without limitation, the Act and the Regulations.

(e) This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed original, but all such counterparts together shall constitute but one and the same instrument.

(f) Subject to section 138 of New York State Finance Law, no party may assign, convey or transfer this Agreement or any of their rights hereunder without the consent of the other parties, except that BLACKROCK may assign its rights and obligations hereunder to any entity within the BlackRock group without obtaining the consent of any other party. Any other assignment, conveyance or transfer of this Agreement or any rights hereunder shall be deemed null and void.

(g) This Agreement contains the entire understanding of the parties with respect to the matters contained herein.

(h) Any provision of this Agreement may be waived by written consent of each of the parties hereto, provided, however, that no such waiver of any of the provisions hereof shall be binding unless in writing and signed by each of the parties.

(i) If any provision of this Agreement is held to be illegal or invalid for any reason, such illegality or invalidity shall not affect the remaining portions of the Agreement, unless it prevents accomplishment of the objectives and purposes of the Agreement, which determination shall be submitted as a dispute under paragraph 9(c) herein.

(j) This agreement shall be deemed executory only to the extent of the monies appropriated and available for the purpose of the Agreement and no liability on account thereof shall be incurred by Erie Community College or Erie County beyond the amount of such monies.

[signature page follows]

IN WITNESS WHEREOF, the parties hereto have duly executed this AGREEMENT as of the day and year first above written.

Town of Amherst Industrial
Development Agency

Erie County Community College

By: _____
Name:
Title:



BlackRock Niagara LLC

By: _____
Name:
Title:

Approved as to Content:

By: _____
Name
Title
Date



Approved as to Form:

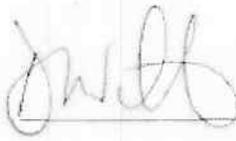
By: _____
Name MARTIN A. POLOWSKI
Title ASSISTANT COUNTY ATTORNEY
Date: 2016-0090
BOT Approval Date: 4/28/16
Document Number: 4/29/16

IN WITNESS WHEREOF, the parties hereto have duly executed this AGREEMENT as of the day and year first above written.

**Town of Amherst Industrial
Development Agency**

By: _____
Name:
Title:

BlackRock Niagara LLC

By:  _____
Name:
Title:

Erie County Community College

Approved as to Content:

By: _____
Name
Title
Date

Approved as to Form:

By: _____
Name
Title
Date: _____
BOT Approval Date: _____
Document Number: _____

SCHEDULE 1

THE PREMISES

[see Item 10 (*Aerial Map of Crosspoint Pkwy Designation*) and Item 11 (*Building Floor Plan of Crosspoint Pkwy Designation*) of the Campus Plan attached as Exhibit A hereto]

EXHIBIT A
CAMPUS PLAN

[see attached]



The State University
of New York

To: Howard Zemsky, President & CEO, Empire State Development and Commissioner, NYS Department
of Economic Development
From: President Jack Quinn of Erie Community College
Re: Erie Community College's Campus Plan for Designation of Tax-Free Area(s)
Date: 11/16/15

I, President Quinn of Erie Community College hereby certify the following:

- a.) we have provided a copy of the enclosed Campus Plan for Designation of Tax-Free NY Area, to the municipality or municipalities in which the proposed Tax-Free NY Area is located, local economic development entities, the applicable faculty senate, union representatives, and student government at least 30 days prior to submitting the plan to you and attached evidence of submission herewith; and
- b.) ECC complies with New York State General Municipal Law Article 18, Erie County Local Law 10 of 1989 and Erie County Local Law 4 of 1994, along with any regulations required by the Erie County Board of Ethics respect to conflict of interests. ECC Trustees also comply with the Board of Trustee's policy on conflict of interest; and attached copies of the policies and/or guidelines herewith; and
- c.) we comply with the Commissioner's rules and guidelines on anticompetitive behavior (NY EDL, art. 21, sect 440); and
- d.) we are aware of the non-governmental use limitations associated with state issued tax exempt bonds and if our proposed Tax-Free NY Area was financed with tax exempt bonds, we will: 1.) make potential businesses aware of these limitations when marketing property; and 2.) take appropriate steps to ensure that non-governmental use of property funded with tax-exempt bonds will not jeopardize the tax exempt status of state issued bonds; and
- e.) we consulted with the municipality or municipalities in which such land or space is located prior to including such space or land in the proposed Tax-Free NY Area and we have given preference to underutilized properties; and
- f.) we have not relocated or eliminated any academic programs, any administrative programs, offices, housing facilities, dining facilities, athletic facilities, parking, or any other facility, space or program that actively serves students, faculty or staff in order to create vacant land or space to be designated as a Tax-Free NY Area; and
- g.) the information contained in the enclosed application is accurate and complete



PRESIDENT'S SIGNATURE

11-16-15

DATE



START-UP NY CAMPUS PLAN FOR DESIGNATION OF TAX-FREE AREA(S)

Campus Name: Erie Community College
Campus Contact Name: Michael Pietkiewicz
Campus Contact Title: Senior Vice President of Operations
Campus Contact E-mail: Pietkiewicz@ecc.edu
Campus Contact Phone: (716) 270-4671

THE TAX-FREE NY AREA PLAN SHALL BE DEVELOPED BY THE CAMPUS TEAM AND PROVIDE THE FOLLOWING REQUIRED INFORMATION:

- 1) Specification or identification of space or land proposed for designation as a Tax-Free NY Area identifying the following:
 - i. Provide the name and address of the SUNY, CUNY or community college seeking approval as a Sponsor, the address of the space or land proposed for designation as a Tax-Free NY Area, and a written description of the physical characteristics of the area for designation.

Name: Erie Community College
Campus Address: North Campus 6205 Main Street, Amherst, NY 14221 South Campus 4041 Southwestern Blvd, Orchard Park, NY 14127 City Campus 45 Oak Street, Buffalo, NY 14203

Address(es) of Proposed Tax-Free NY Area(s) :

500 Seneca St.
Buffalo, NY 14204

350 Crosspoint Pkwy
Getzville, NY 14068

North Campus
6205 Main St.
Amherst, NY 14221

South Campus
4041 Southwestern Blvd
Orchard Park, NY 14127

City Campus
45 Oak St.
Buffalo, NY 14203

Description of Physical Characteristics of Proposed Tax-Free NY Area(s):

Off Campus Designation
The Seneca St. building is a dynamic mixed use development located in Buffalo's Hydraulics District. A section of the fourth floor of this building will be designated for START-UP NY.
SU-309-2-B-00009-000-A (1,240 SqFt; 500 Seneca St.; *Currently Vacant*; office space)

On Campus Designation
The Crosspoint PKWY building specializes as a data center that expects to achieve best-in-class efficiencies through the use of indirect evaporative cooling and highly efficient UPS systems. Select areas of this single-story building will be designated for START-UP NY.
There is vacant land available on Erie Community College's South, City and North campuses. The land can be designated for START-UP NY and used by businesses accepted into the program to build on or locate in. These spaces are found in the attached drawings and excel document and are represented by the below unique identification numbers.

The 45 Oak St. (City Campus) building is one story which currently houses the Student Success Center, bursar, registrar, admissions, workforce development and counseling. It also has classrooms supporting the nursing and criminal justice programs. These offices and classrooms are in addition to the identified vacant space.
SU-309-1-B-00001-000-A (6,668 SqFt; 350 Crosspoint PKWY; *Currently Vacant*; data center)
SU-309-1-L-00002-000-A (36.79 acres; South Campus; *Currently Vacant*; open land)
SU-309-1-L-00003-000-A (4.78 acres; South Campus; *Currently Vacant*; open land)
SU-309-1-L-00004-000-A (7.06 acres; South Campus; *Currently Vacant*; open land)
SU-309-1-L-00005-000-A (5.41 acres; South Campus; *Currently Vacant*; open land)
SU-309-1-L-00006-000-A (2.08 acres; South Campus; *Currently Vacant*; open land)
SU-309-1-L-00008-000-A (26.81 acres; North Campus; *Currently Vacant*; open land)
SU-309-1-B-00007-000-A (1,483 SqFt; City Campus; *Currently Vacant*; on-campus building)

- ii. Provide a clear boundary of each proposed site drawn in AutoCAD on a scaled campus map. Two versions should be created, one which included an imbedded layer from Google earth or other aerial photograph of the property. The second version would be without the photographic imagery. Each parcel under consideration must have a unique alpha numeric identifier, clearly labeled on each plan which will tie to the excel spreadsheet. Details are to be included in the excel spreadsheet attached to this plan. Provide digital files containing Polygon shapefile that delineates area for designation (if available).

See attachments

- iii. Provide a campus map with each building proposed to be designated as tax free space shaded. The building(s) should identified with the official building number as listed in the SUNY Physical Space Inventory (PSI) along with the building name. The excel spreadsheet should include the official building number and a clear description of the spaces in the building (using official PSI room numbers), or floor (when the entire floor is under consideration), or floor/wing (with outer rooms defining the space specifically listed). Each building must also include floor plans of all areas under consideration with the specific spaces clearly identified by official PSI room and shaded. All building information is also to be included in the excel spreadsheet. Provide digital files containing Point shapefiles that provide locations of area for designation (if available).

See attachments

- 2) The total square footage of the space or acreage of land proposed for designation as a Tax-Free NY Area

9,391 square feet of building space and 82.93 acres of land.

- 3) Provide a description of the type of business or businesses that may locate on the area to be designated.

Target Industries SUNY Erie Community College plans to attract

- *Nanotechnology*: Technology that deals with dimensions and tolerances of less than 100 nanometers. This involves the manipulation of individual atoms and molecules. The academic contributions of the involvement of a nanotechnology business at Erie community College are research and comprehensive undergraduate courses. The presence of nanotechnology at ECC will have a positive impact on student's science knowledge and lead to possible careers in areas students have never considered before.
- *CNC (Computerized Numerical Control)*: A process involved with manufacturing goods with the use of a machine controlled by a computer. An example of a CNC machine would be a 3-D printer (additive) or a mill/grinder (subtractive). The impact CNC machine businesses can have on our student body is the option of **comprehensive undergraduate courses and direct job opportunities for campus graduates**. Bringing a CNC business to Buffalo will also create **regional economic development**.
- *HVAC (Heating, Ventilation, and Air Conditioning)*: HVAC's purpose is to provide thermal comfort and air quality to indoor and vehicular environments. HVAC is an extension of mechanical engineering. The presence of HVAC in Erie Community College will further our academic mission by providing undergraduates with **Internship and training opportunities and direct job opportunities for campus graduates**. HVAC in downtown Buffalo will also provide **regional economic development**.
- *Biomanufacturing*: Biomanufacturing is changing the way products are made, which range from biopharmaceuticals to industrial enzymes, human tissue, food and replacement organs. Biomanufacturing is an important development in the scientific and manufacturing community that students could benefit greatly by being a part of. The involvement of Biomanufacturing at Erie Community College will provide students with **comprehensive undergraduate courses, research opportunities, internship and training opportunities, and direct job opportunities for campus graduates**.
- *Information Technology*: The creation, process, storage, and exchange of electronic data housed in computers, networks, storage devices and other physical devices. Information and technology businesses at Erie Community College will bring **opportunities to undergraduates for training and internships as well as direct job opportunities for campus graduates and regional economic development**.
- *Communication Arts*: The study of how identities, relationships, organizations, and society are influenced by communication. Communication involves persuasion, oral presentation/performance, broadcasting and media, film studies, and theatre. The presence of communication arts businesses at Erie Community College will give **opportunities for undergraduates to train and partake in internships**. Communication Arts also have strong ties in **leadership, diversity, and culture**.
- *Unmanned Aerial Systems (UAS)*: Enrollees will learn the fundamentals of UAS and FAA regulatory requirements and get certified with hands-on experience. Students will depart the certification program having earned a FAA Part 141 ground school license, which will subsequently be expanded upon through supplemental FAA 333 training. Enrollees will also be instructed on data collection techniques and field repair of UAS. The presence of a UAS company at Erie Community College can provide **training opportunities, undergraduate education and direct job opportunities** upon graduation. This program will support the mission of recruiting both urban and rural talent in an

expanding industry that supports Public Safety/Emergency Services, Agricultural Land Management, Utility Company Distribution Systems, and Railroad Security, amongst other industries.

- *Telecommunications and Networking Technology*: Transmission of data, as words, sounds, or images, by means of electromagnetic signals. Telecommunications can be transmitted over great distances by the use of networks which include telegraph, telephone, radio, or television. Telecommunications and networking technology organizations can bring **internationalization, regional economic development, and direct job opportunities to campus graduates.**
- *Brewery Science*: The process of creating beer which includes, malting, milling, mashing, lautering, boiling, fermenting, conditioning, filtering, and packaging a final product. Brewery science at Erie Community College's downtown campus can provide Buffalo with **regional economic development, as well as provide internship/training opportunities to undergraduates and direct job opportunities for campus graduates.**
- *Emergency Management and First Responders*: The management of creating a system with which a community can reduce vulnerability to hazards and more effectively cope with disasters. First responders are trained and designated to respond in an emergency situation. An emergency management and first responder program aligns with the **campus' specific area of specialization and can teach students leadership with hands on training and internships. Direct job opportunities for campus graduates who attended the program are also available.**
- *Building Trades*: Trades that are directly related to building construction. Examples include carpentry, bricklaying, and plumbing. Building trade businesses associated with Erie Community College can provide students with **mentorships (training/internships), undergraduate education, and direct job opportunities for campus graduates.** The surrounding area will also benefit from **regional economic developments.**
- *Advanced Manufacturing*: Activities that rely on the use of information, automation, computations, software, sensing, and/or networking in order to create a finished product. Advanced manufacturing may also make use of cutting edge materials and emerging capabilities. Students will benefit from advanced manufacturing through **undergraduate courses, training/internships, and direct job opportunities for campus graduates.** The surrounding area will also benefit from **regional economic developments.**
- *Electrical Engineering*: A branch of engineering that focuses on the technology of electricity, which includes the design and application of circuitry, equipment for power generation and distribution, machine control, and communications. Students can benefit from electrical engineering businesses by partaking in **training/internships, comprehensive undergraduate professional education, and direct links to job opportunities for campus graduates.**
- *Computer Science*: Computer science is the study of the computing process and the fundamental algorithms, structures and languages that underlie that process. There is an increasing need for experimental work, and the application of computing science to other fields is unlimited. Organizations involved in computer science would bring opportunities to students such as **internships, post-graduation jobs and other practical experiences.** Such organizations would complement Erie Community College's Computer Science program.

- 4) Provide a description of the academic mission of the Sponsor and how the anticipated businesses will align or further the academic mission of the university or college.

Erie Community College Academic Mission Statement

The mission of SUNY Erie Community College is to give students access to the education and opportunities that will help them meet their goals. For most of our students this includes a primary goal of obtaining a job after graduation and furthering their educational career.

"Erie Community College meets the needs of a diverse student body and contributes to regional economic vitality by providing excellent, flexible, affordable and accessible educational programs in a multi-campus environment committed to continuous improvement."

-Mission Statement, SUNY Erie Community College 2014-2015

Strategic Mission

The strategic mission of SUNY Erie Community College is in alignment with the Power of SUNY Strategic Plan for 2010 and Beyond. SUNY Erie Community College's core values include student-centeredness, community engagement, diversity, integrity, and collaborations. Selections for targeted industries focus on these core values as well as the six "big ideas" which include commitments to entrepreneurship, a seamless education pipeline, a healthier state, an energy-smart initiative, a vibrant community, and a global focus. SUNY Erie Community College's involvement in START-UP NY enables the college to enhance the entrepreneurial economy while improving the educational pipeline to gain access into the corporate community through internships, training, and future employment.

Companies selected for inclusion in the START-UP New York Program are not limited to the benefits listed in question 3, but can also align with SUNY Erie Community College in the following ways:

- By providing career opportunities
- By offering research opportunities as identified by SUNY Erie community College in working with area companies on a DACUM (Developing a Curriculum) process. Companies interviewed through the process ranked on-the-job research as a key priority for their operations.
- By providing leadership opportunities and serving as role models for students.
- By giving students diverse experiences and exposure to new ways of thinking within and outside the classroom setting.
- By offering internships training, and direct job opportunities for students.
- Through linkage to campus international programs and by linking the campus to new international opportunities.
- By involving the campus into even more regional economic development and opportunities for developing sub-contracting partnerships, etc.

- 5) Provide a description of how participation by those types of businesses in the Program would generate positive community and economic benefits, including but not limited to:
- Increased employment opportunities;
 - Increased opportunities for internships, vocational training and experiential learning for undergraduate and graduate study;
 - Diversification of the local economy;
 - Environmental sustainability;
 - Increased entrepreneurship opportunities;
 - Positive, non-competitive and/or synergistic links to existing businesses;
 - Effect on the local economy; and
 - Opportunities as a magnet for economic and social growth.

Attracting target industries in the above mentioned areas could have a profound impact on the Erie County community and the regional economy through job creation and economic supplementation.

START-UP NY is a magnet for economic and social growth that not only attracts Program qualified businesses, but can also help attract additional businesses to the region that do not fit Program requirements. The newly obtained training opportunities offered by Erie Community College as a result of a partnership with START-UP NY would increase the skills and qualifications of the County's labor force, which in turn would attract higher level jobs to the region.

Students will benefit greatly from internships, on the job training, and direct links to newly created jobs that the businesses accepted into the Program create. Having these opportunities for the students will decrease unemployment and reduce the amount of students who relocate in search for work.

START-UP NY can aid in bringing diversification to the local economy by offering incentives to businesses in target industries that are currently nonexistent or otherwise uncommon to the Erie County area. Target industries in this category include nanotechnology and biomanufacturing.

6) Provide a description of the process the Sponsor will follow to select participating businesses.

1. INFORMATION AND REFERRAL

When a business presents itself as interested in START-UP NY, the business will meet with the Program Director, who will verify compliance with Program eligibility. If eligible, the Program Director will review the regulations, statute, guidelines, tax rules, and application process with the business.

The Director will review the College Mission with the business and determine if goals such as job creation, internship and other student-based opportunities, sustainability, and potential for economic diversity and growth are mutual.

Referrals are expected in the following ways:

- Through the START-UP NY website-the college would expect to receive inquiries from companies that visit the website and review the properties listed.
- Through direct contact with the college.
- Through the regional Small Business Development Center housed at SUNY College at Buffalo, whose priority is START-UP NY.
- Through the Pyramid Brokerage Company.

If the business applicant is determined eligible for START-UP NY and is in mutual standing with Erie Community College's Mission, the business will advance to a review by the Campus Advisory Committee.

2. START-UP NY PLAN CAMPUS ADVISORY COMMITTEE

Erie Community College will convene a START-UP NY Review Committee consisting of representation from:

- a) College President or designee.
- b) Senior Vice President of Operations.
- c) Chief Administrative and Financial Officer.
- d) Academic Affairs representative.
- e) County Executive or designee.
- f) Executive Vice President of Legal Affairs.
- g) Chair Person of College Senate or designee.

Additional Review Committee members will be chosen based on interest and business/economic development experience.

3. CRITERIA FOR SELECTION

The Review Committee will consider the degree to which the prospective businesses support answers to questions in the following categories:

- Academic and Research Alignment
- Economic Benefit
- Community Benefit

Sample questions asked by the Campus Advisory Committee described above would include:

- How will engaging with this business advance, complement, or introduce learning for SUNY Erie Community College students?
- What specific learning activities will the business commit to supporting?
- Will the business provide access to cutting edge technology or equipment that the college might not otherwise be able to afford to purchase?
- Will the business provide learning space for our students and faculty that enhances our program or course offerings?
- What are the potential new jobs for local citizens, particularly for our students?
- How many net new jobs will be created in the first two years of operation?
- Is the business viable in both the short and long-term?
- How will the company establish itself as a good member of the community?

The President of Erie Community College will provide final campus approval of applicants.

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New York State General Municipal Law, Sections 800-809: Conflicts of Interest of Municipal Officers and Employees (part 1)

§ 800. Definitions. When used in this article and unless otherwise expressly stated or unless the context otherwise requires: 1. "Chief fiscal officer" means a comptroller, commissioner of finance, director of finance or other officer performing similar powers and duties, except that in a school district the term shall not mean a member of the board of education or a trustee thereof. 2. "Contract" means any lease, agreement or demand request or agreement with a municipality, agency or employer, 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. 3. "Interest" means a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this article a municipal officer or employee shall be deemed to have an interest in the contract of (a) his spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves, (b) a firm, partnership or association of which such officer or employee is a member or employee, (c) a corporation of which such officer or employee is an officer, director or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee. 4. "Municipality" means a county, city, town, village, school district, consolidated health district, county vocational education and extension board, public library, board of cooperative educational services, urban renewal agency, a joint water works system established pursuant to chapter six hundred fifty-four of the laws of this state, a joint water supply system, or a town or county improvement district, district corporation, or other district or a joint service established for the purpose of carrying on, performing or financing one or more governmental or services intended to benefit the health, welfare, safety or convenience of the inhabitants of such governmental unit or to benefit the real property within such unit, an industrial development agency but shall have no application to a city having a population of one million or more or to a county, school district, or other public agency or facility therein. 5. "Municipal officer or employee" means an officer or employee of a municipality whether paid or unpaid, including members of any administrative board, commissions or other agency thereof and in the case of a county, shall be deemed to also include any officer or employee paid from county funds. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or volunteer fire chief. 6. "Instruments" means a county treasurer, city treasurer, town supervisor, village treasurer, school district treasurer,

or an interest therein, through consideration proceeding according to law. 7. A contract with a membership corporation or other voluntary non-profit corporation or association including, but not limited to, rural electric cooperatives. For purposes of this paragraph, the term "vital electric cooperative" shall have the same meaning as the term "cooperative" as defined in subdivision (g) of section two of the rural electric cooperative law. 8. The title of bonds and notes pursuant to section 60.10 of the local finance law. 9. A contract in which a municipal 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. 10. Employees of a duly licensed physician is school physician for a school district upon authorization by a two-thirds vote of the board of education of such school district, notwithstanding the fact that such physician shall have an interest, as defined in section eight hundred one of this chapter, in such employment. 11. Purchaser or public work by a municipality, other than a county, located wholly or partly within a county with a population of two hundred thousand or less pursuant to a contract in which a member of the governing body of the board has a prohibited interest, where: (1) the member of the governing body or board is elected and serves without salary; (2) the purchase, in the aggregate, are less than five thousand dollars in one fiscal year and the governing body or board has followed in procedure with the provisions and procedures adopted in accordance with the provisions of section one hundred four of this chapter and the procurement process in which the contract is with the lowest dollar offer; (3) the contract for the purchase or public work is approved by resolution of the body or board by the affirmative vote of each member of the body or board except the interested member who shall abstain. 2. A contract with a corporation in which a municipal officer or employee has an interest by reason of stockholdings where less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee. 3. A contract for the financing of public utility services where the city or charges therefor are fixed or regulated by the public service commission. 4. 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 or chamber. 5. A contract for the payment of a portion of the compensation of a person employed in an office when such employee performs part time service in the official duties of the office. 6. A contract in which a municipal 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

each person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars. 7. A contract with a member of a private voluntary rural municipality 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 number does not exceed one.

§ 803. Disclosure of interest. 1. Any municipal officer or employee who has, will have, or has acquired an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including and agreements with the municipality of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate superior and to the governing body thereof as soon as he or she 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. 2. Notwithstanding the provisions of subdivisions one of this section, disclosure shall not be required in the case of an interest in a contract described in subdivision two of section eight hundred two hereof.

§ 804. Contracts void. Any contract which is entered into by or with a municipality in which there is an interest prohibited by this article shall be null, void and wholly unenforceable.

§ 804-a. Certain interests prohibited. No member of the governing board, of a municipality shall have any interest in the development or operation of any real property located within Nassau County and developed or operated by any membership corporation originally formed for purposes among which are the following: 1. to plan, build, advise, recommend, promote and in all ways encourage, alone or in concert with public officials and bodies and interested local associations, the development and establishment of any land in Nassau County publicly owned with particular emphasis on industrial, business, commercial, residential and public use, the organizations of public revenues and fortification of the public interest of the citizens of Nassau County; 2. to conduct studies to ascertain the needs of Nassau County in relation to such publicly owned lands and supporting facilities and in Nassau County generally for the purpose of adding the County of Nassau in attracting new business, commerce and industry to and in encouraging the development and extension of business, commerce and industry; 3. to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities and interest of train individuals to improve or develop their

qualifications for such jobs, 4. to implement and engage itself in plans of development of such publicly owned lands and other areas in connection with private companies and citizens and with public bodies and facilities, and to participate in such operations, landfills, loans, memberships with respect to land, buildings or public facilities or interest therein as may be lawful and desirable to effectuate its corporate purposes and the best interests of the people of Nassau County.

§ 805. Violations. Any municipal officer or employee who willfully and knowingly violates the foregoing provisions of this article shall be guilty of a misdemeanor.

§ 805-a. Certain action prohibited. 1. No municipal officer or employee shall: 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 any other favor, 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 municipal agency of which he is an officer, member or employee or to which any agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee; or 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 his municipality, whether his compensation is to be dependent on 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. 2. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate this section may be fined, suspended or removed from office or employment in the manner provided by law.

§ 805-b. Solicitation of marriages. No municipal officer shall in violation of the provisions of this section receive or accept any fee or compensation having a value of one hundred dollars or less, whether in the form of money, property, services or entertainment, for the solemnization of a marriage by such public officer at a time and place other than the public officer's normal public place.



Thomas P. DiNapoli
State Comptroller

Division of Local Government and School Accountability
and the Division of Legal Services
130 State Street
Albany, New York 12246

This information is required to be posted in a conspicuous place for the benefit of municipal officers and employees. Questions can be directed to your municipal attorney, or to the State Comptroller's Division of Legal Services at (518) 474-5386.

New York State General Municipal Law, Sections 800-809: Conflicts of Interest of Municipal Officers and Employees (part 2)

of business, during annual hours of business. For the purpose of this section, a term or village (page) social hours of business shall mean those hours only which an officialy established by the court for the performing of the political function.

§ 806. Code of ethics. 1. (a) The governing body of each county, city, town, village, school district and fire district shall, and the governing body of any other municipality may by local law, ordinance or resolution adopt a code of ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them. Notwithstanding any other provision of this article to the contrary, a fire district code of ethics shall also apply to the volunteer members of the fire district fire department. Codes of ethics shall provide standards for officers and employees with respect to disclosure of interest in legislation before the local governing body, holding of interests in conflict with official duties, private employment and such other standards relating to the conduct of officers and employees as may be deemed advisable. Such codes may regulate or prescribe conduct which is not expressly prohibited by this article but may not authorize conduct otherwise prohibited. Such codes may provide for the prohibition of conduct or disclosure of information and the dissemination of employees or officers. (b) Effectiveness and date of January first, unless provided otherwise, such codes of political subdivisions, as defined in section eight hundred ten of this article, may contain provisions which require the filing of completed annual reports of financial disclosure with the appropriate body, as defined in section eight hundred ten of this article. Nothing herein shall be construed to restrict any political subdivision or any other municipality from requiring such a filing prior to January first, unless provided otherwise. Other than as required by subdivision two of section eight hundred eleven of this article, the governing body of any such political subdivision or other municipality may at any time subsequent to the effective date of this paragraph, adopt a local law, ordinance or resolution pursuant to this article and any such political subdivision or municipality, acting by its governing body may take such other action as is authorized in such subdivision. Any political subdivision or other municipality to which all of the provisions of section eight hundred twelve of this article apply may elect to remove itself from the number of all (but not some) provisions of such section in the manner authorized in subdivision three of such section eight hundred twelve. In such event any such political subdivision or municipality shall be subject to certain conditions and limitations set forth in paragraphs (b), (c) and (d) of such subdivision three which

shall include, but not be limited to, the promulgation of a form of an annual statement of financial disclosure described in subdivision one of such section eight hundred eleven. 2. The chief executive officer of a municipality adopting a code of ethics shall cause a copy thereof to be distributed to every officer and employee of his municipality. The fire district commander shall cause a copy of the fire district code of ethics to be posted publicly and conspicuously in each building under such district's control. Failure to distribute any copy of such code of ethics to any officer or employee who receives such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof. 3. Until January first, unless provided otherwise, the clerk of each municipality shall file in the office of the town comptroller and on or after January first, unless provided otherwise, the clerk of each municipality and of each political subdivision, as defined in section eight hundred ten of this article, shall file with the temporary state commission on local government ethics established by section eight hundred thirteen of this article, if such temporary state commission be in existence, and in all events shall maintain as a record subject to public inspection: (a) a copy of any code of ethics or any amendments to any code of ethics adopted within thirty days after the adoption of such code or such amendments; (b) a statement that such municipality or political subdivision has established a board of ethics, pursuant to other law, charter, code, local law, ordinance or resolution, and the composition of such board, within thirty days after the establishment of such board; (c) a copy of the form of annual statement of financial disclosure described in subdivision one of section eight hundred eleven of this article and either a statement of the date such annual statement form was promulgated by local law, ordinance or resolution of the governing body, if adopted pursuant to subparagraph (a) of subdivision one of section eight hundred eleven of this article, or a statement that the governing body has, by local law, ordinance or resolution, resolved to continue the use of an authorized form of annual statement of financial disclosure in use on the date such local law, ordinance or resolution is adopted, if adopted pursuant to subparagraph (b) of paragraph (a) of subdivision one of section eight hundred eleven of this article; and if as of January first, unless provided otherwise, no such form was promulgated and no such resolve was made to continue using an existing annual statement form, a statement that the provisions of section eight hundred twelve of this article apply or that it is a municipality which is not subject to the provisions of section eight hundred twelve of this article because it is not a political subdivision as defined in section eight hundred ten of this article; (d) on or before the

fifteenth day of February in each year, the comptroller or the temporary state commission on local government ethics, if such commission be in existence, or the clerk of the municipality or political subdivision filing on or after January first, unless provided otherwise, the clerk of each county, city, town, village and school district which has as of the thirty-first day of December next preceding, failed to file with him or with it, as the case may be, a code of ethics, or in the case of a filing by the clerk of the municipality or political subdivision, writing whether or not the municipality or political subdivision has in effect as of the filing date a code of ethics; (e) not later than April first, unless provided otherwise, the comptroller shall submit to the temporary state commission on local government ethics: (f) a report that sets forth, (A) the name of each political subdivision, as such term is defined in section eight hundred ten of this article, the governing body of which has elected to satisfy the requirements of subdivision one of section eight hundred eleven of this article by continuing to use the annual statement form in existence at the time such election is made as authorized by subdivision one of section eight hundred eleven of this article, and (B) the name of each political subdivision, as so defined, other than those listed in clause (A) of this subparagraph (f), that comply with the annual statement form of financial disclosure in accordance with subdivision one of section eight hundred eleven of this article, and (C) a separate category, sets forth the names of those political subdivisions that failed to continue using its existing form or to promulgate a form and which, therefore, by operation of subdivision two of section eight hundred eleven of this article have become subject, as of January first, unless provided otherwise, to the provisions of section eight hundred twelve of this article. The comptroller shall, at the same time such report is submitted to the temporary state commission on local government ethics, notify each political subdivision which is contained in the latter category that it is subject to section eight hundred twelve of this article; and (g) a copy of the most recent filing by all municipalities and political subdivisions, made pursuant to paragraphs (a), (b), (c) and (d) of this subdivision.

§ 807. Posting of statute. The chief executive officer of each municipality shall cause a copy of section eight hundred thirteen through eight hundred sixteen of this article to be kept posted in each public building under the jurisdiction of his or her municipality at a place convenient to its officers and employees. Failure to post any such copy shall have no effect on the duty of compliance with this article, nor with the enforcement of the provisions thereof.

other municipality, which is required by local law, or ordinance or resolution to be, or which pursuant to local authority, in practice is, the repository for completed annual statements of financial disclosure shall satisfy the temporary state commission on local government ethics if such commission be in existence and if not, shall file a statement with the clerk of its municipality, that it is the authorized repository for completed annual statements of financial disclosure and that no account thereof, such completed statements will be filed with it and not with the commission. Should any local law, ordinance or resolution be adopted which provides for the filing of such completed annual statements with the temporary state commission on local government ethics instead of with such board of ethics, such board on local government ethics shall notify the temporary state commission with an official government ethics of that fact.

§ 809. Disclosure in certain applications. 1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, lease or permit, pursuant to the provisions of any ordinance, local law, rule or regulation concerning the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interests of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant. 2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their children, sisters, parents, children, grandchildren, or the spouse of any of them (A) is the applicant, or (B) is an officer, director, partner or employee of the applicant, or (C) legally or beneficially owns or controls stock of a corporation applicant, or (D) is a member of a partnership or association applicant, or (E) is a party to an agreement with such an applicant, express or implied, whereby he may secure any present or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request. 3. In the county of New York the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party officer" shall mean any person holding any position of office, whether by election, appointment or otherwise, in any party as defined by subdivisions four of section two of the election law. Ownership of less than one per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section. 4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

section one refers to a temporary state commission on local government ethics, when so ever cited.

This information is required to be posted in a conspicuous place for the benefit of municipal officers and employees. Questions may be directed to your municipal attorney, or to the State Comptroller's Division of Legal Services at (518) 474-5586.

Thomas P. DiNapoli
State Comptroller

Preserved by:
New York State Office of the State Comptroller
Division of Local Government and School Accountability
and the Division of Legal Services
110 State Street
Albany, New York 12246

300



Adopted 2/7/2011

COUNTY OF ERIE BOARD OF ETHICS

95 Franklin Street
Buffalo, New York 14202

RULES AND REGULATIONS

Effective January 1, 2011

SECTION 1. RULEMAKING

Section 1.1 Introduction

The Erie County Board of Ethics was established and exists pursuant to the provisions of Article 19 of the Erie County Code, as amended. The Board is charged with enforcing and implementing the provisions of the Ethics Code of the County of Erie.

Section 1.2 Rulemaking Authority

Pursuant to Article 19 of the Erie County Code, the Board is empowered to promulgate rules for conduct of its activities, including procedural rules consistent with the requirements of due process of law.

Section 1.3 Declaration of Policy

- A. High moral and ethical standards among the County elected and appointed officials and County employees are essential to assure the trust, respect, and confidence of the people of this County;
- B. A code of ethics for the guidance of the County elected and appointed officials and County employees will:
 - 1. Discourage the County elected and appointed officials and County employees from acting upon personal or financial interests in the performance of their public responsibilities;
 - 2. Improve standards of public service; and
 - 3. Promote and strengthen the faith and confidence of the people of this County in public officials and employees.
- C. Holding public office or employment is a public trust, and as one safeguard of that trust, the people require the County elected and appointed officials and County employees to adhere to a code of ethics;
- D. A fair and open government requires that the County elected and appointed officials and County employees conduct the public's business in a manner that preserves the integrity of the governmental process and avoids conflicts of interest;
- E. Any effort to benefit a person's financial interest through official action is a violation of the public trust. As long as this chapter does not interfere with the full and faithful discharge of the duties and responsibilities of a

County elected or appointed official or employee, this chapter does not prevent that person from following other pursuits. It is further recognized that:

1. In a municipal corporation such as the County of Erie, elected and appointed officials and County employees are drawn from society and therefore often have financial interests in the decisions and policies of local government;
 2. People who serve as elected or appointed officials or County employees should retain the right to interests of a financial nature;
 3. Standards of ethical conduct for elected and appointed officials and County employees must distinguish between those minor and insubstantial conflicts that are unavoidable in a free society and those conflicts of interest that are substantial and material.
- F. Unethical conduct is prohibited. However, there is no impropriety if, as to a specific matter, an elected or appointed official or County employee:
1. Has a financial interest in the matter which is insubstantial or which is possessed generally by the public or a large class of persons to which the person belongs; or
 2. Performs some duty or has some influence which would have insubstantial or conjectural effect on the matter.
- G. In order for the rules governing conduct to be respected both during and after leaving public service, the code of ethics must be administered fairly without bias or favoritism;
- H. No code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment; and
- I. Compliance with a code of ethics is an individual responsibility; thus all who serve the County have a solemn responsibility to avoid improper conduct and prevent improper behavior by colleagues and subordinates.

Section 1.4 Construction of Rules

These rules shall be liberally construed to accomplish the purposes of the Ethics Code.

Section 1.5 Scope of Rules

These rules set forth herein shall constitute the policy and practice of the Board and shall govern activities of the Board, provided such rules are consistent with the Ethics Code.

Section 1.6 Amendments to Rules

Upon proper notice, changes in these rules may be made by a vote of a majority of the full membership of the Board at a regular or special meeting.

Section 1.7 Availability of Rules

The rules of the Board shall be on file with each of the departments under the jurisdiction of the Ethics Code and shall be available to the public from the office of the Board.

SECTION 2. DEFINITIONS

Section 2.1 General Definitions

The following terms shall have the following meanings:

- A. "ADVISORY OPINION" means a written opinion rendered by the Board, pursuant to Article 19 of the Erie County Code, concerning any subject covered by the Ethics Code.
- B. "BOARD" means the Erie County Board of Ethics as established by Article 19 of the Erie County Code.
- C. "CHAIR" means the Chairperson of the Board.
- D. "COUNTY" means the County of Erie and all government agencies of the County of Erie.
- E. "ELECTED OFFICIAL" means any elected Erie County official.
- F. "EMPLOYEE" means a person employed by the County whether part-time or full-time or by a contract of employment.
- G. "ETHICS CODE" means Erie County Ethics Code adopted _____, _____ as amended.
- H. "HEARING" means any hearing commenced by the Board for additional fact finding as part of an investigation of an alleged violation of the Ethics Code.
- I. "HEARING OFFICER" means an attorney duly licensed to practice law in the State of New York or such other individual retained by the Board who is generally familiar with due process standards and the conduct of hearings in the State of New York to conduct hearings on behalf of the Board.

- J. "INVESTIGATION" means any inquiry into an allegation or a complaint of violation of the Ethics Code.
- K. "OFFICIAL" means any elected Erie County official or appointed, non-employee member of any agency of Erie County.
- L. "PERSON" means, but is not limited to, any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.
- M. "RESPONDENT" means any person who is the subject of an investigation before the Board.
- N. "STAFF" means those persons who shall perform investigative, clerical, administrative or other duties as described and required by the Board through the Chair.
- O. "VIOLATION" means one or more acts prohibited by the Ethics Code.

Any further definitions for the terms used in these rules may be found in Article I of the Ethics Code and are incorporated herein by reference and made a part hereof.

SECTION 3. POWERS AND DUTIES OF THE BOARD

The Board shall have the power and duty to

- A. Initiate and receive complaints of violations of any of the provisions of this chapter;
- B. Conduct investigations, inquiries and hearings concerning any matter covered by this chapter;
- C. Subpoena persons or documents and, by a majority vote, issue subpoenas to the fullest extent authorized by law;
- D. Determine whether to investigate and whether to act upon any particular complaint;
- E. Request the assistance of other appropriate agencies in conducting investigations;
- F. Consult with County agencies, officials and employees on matters involving ethical conduct which are specific to the County of Erie Board of Ethics;
- G. Recommend such legislative action as it may deem appropriate to effectuate the policies within this chapter;

- H. Promulgate rules and regulations for the conduct of Board of Ethics activities, including procedural rules consistent with the requirements of due process of law, for approval of the County Legislature;
- I. Prescribe forms for the disclosure and registration of information as provided in this chapter;
- J. Render advisory opinions with respect to the provisions of this chapter;
- K. Advise any individual whose acts are the subject of a complaint to the board and consult with such individual early in the process; and
- L. Accept and consider complaints of violations of this chapter, and offer recommendations with respect to remedies for violation of that chapter.
- M. Provide such annual report to the Erie County Legislature and the County Executive with respect to the actions of the Ethics Board during the preceding calendar year.

SECTION 4. BOARD MEETING PROCEDURES

Section 4.1 Notice of Meetings

Meetings of the Board shall be held monthly at a regularly scheduled date and time determined by the Board and said dates and times shall be posted on the official website of the County of Erie. Special meetings may be scheduled as provided herein.

Section 4.2 Board Sessions

The business of the Board shall be conducted in two separate sessions:

A. Open Sessions

To provide an open meeting in which non-confidential matters are presented to the Board and public.

B. Executive Session

To ensure the confidentiality of proceedings, the Board, upon majority vote, shall be permitted to meet in executive session as set forth in the Laws of the State of New York.

Section 4.3 Governing Procedures

Whenever these rules are silent, the Board shall conduct its meetings in accordance with the current edition of "Robert's Rules of Order."

Section 4.4 Chair

A Chair of the Board shall be elected by a majority of the full membership of the Board and shall serve as Chair for a period of one year from the date of election. Elections for Chair shall be held in the month of January at the regularly scheduled monthly meeting of the Board.

Section 4.5 Members/Quorum

- A. The Board shall consist of five (5) members recommended by the County Executive and appointed upon the advice and consent of the Erie County Legislature serving such staggered terms as may be set by the Erie County Legislature and County Executive plus one (1) employee of the County who shall not be a voting member of the Board.
- B. Three (3) voting members of the Board present at a meeting or hearing shall constitute a quorum. No meeting shall continue in the absence of a quorum.

Section 4.6 Minutes

- A. Minutes of both the open and executive sessions shall be kept by the Staff.
- B. The minutes of all open Board meetings shall be available to the public for inspection at the office of the Board during regular office hours. Upon request, a copy of the minutes of any open session meeting of the Board shall be provided to the public at no more than cost.
- C. The minutes of all Board meetings conducted in Executive Session shall be available only to members of the Board and authorized personnel; provided, however, that this procedure is conducted consistent with the Laws of the State of New York.

Section 4.7 Conflict of Interest

It shall be the policy of the Board that no member shall participate in the consideration of or vote on any matter if that matter or vote:

- A. Concerns a business or legal relationship of that member;
- B. Involves a person with whom the membership has or expects to have significant dealings in a public or private capacity; or
- C. Would cause the appearance of impropriety on the part of that member or of the Board in general.

A conflict of interest shall be determined by a majority of all disinterested members.

Section 4.8 Majority Vote

A majority of the Board present at a meeting, provided there is a quorum, can render a determination on matters presented to the Board, except that (1) no final determination or recommendation regarding an Investigation conducted by the Board pursuant to Section 5 of these rules shall be rendered without the approval of a majority of the full membership of the Board; and (2) no amendments to these rules, in accordance with Section 1.5 of these rules, shall be made without a majority vote of the full membership of the Board at a regular or special meeting.

Section 4.9 Telephone Conference

Members of the Board may participate in any meeting of the Board through the use of a conference telephone or other communications equipment by means of which all persons in the meeting can hear each other. Although a member may participate in such meeting, such member may not vote unless videoconferencing with the particular member exists.

Section 4.10 Compensation

Members of the Board shall receive no compensation for their service, but each member may be reimbursed for expenses reasonably incurred in the performance of Board duties upon prior approval of the Board.

SECTION 5. ADVISORY OPINIONS

Section 5.1 Authority to Render Advisory Opinions

The Board shall render Advisory Opinions with respect to the provisions of the Ethics Code based upon a real or hypothetical set of circumstances, when requested in writing by a person authorized to request an Advisory Opinion as stated in Section 4.2 below.

Section 5.2 Persons Authorized to Request Advisory Opinions

The Board has authority to render Advisory Opinions based on requests from:

- A. Officials, Employees, or candidates for County office;
- B. former Officials or Employees while governed by the Ethics Code;
- C. attorneys making requests on behalf of their clients who are persons governed by the Ethics Code;
- D. County contractors;
- E. any other person who falls under the jurisdiction of the Board;
- F. any other person who has personal and direct involvement in the subject matter of the request.

Section 5.3 Routine Questions

Routine questions and inquiries about the Ethics Code may be answered by the Staff. Staff shall keep records of its handling of such routine questions and inquiries. Summaries of the query file shall be submitted to the Board at regular intervals.

Section 5.4 Withdrawal of Requests for Advisory Opinions

A person requesting an Advisory Opinion may withdraw such a request at any time. Such a withdrawal, however, in no way affects the Board's power to continue its own inquiry into the activities in question.

Section 5.5 Form of Request for Advisory Opinions

To receive an Advisory Opinion from the Board, a request must:

- A. be from a person authorized to make such a request as set forth in Section 4.2;
- B. contain clear statement of facts or hypothetical circumstances in sufficient detail to aid in the formation of an Advisory Opinion; and C. concern the application of the Ethics Code.

Section 5.6 Examination of Requests for Advisory Opinions

- A. The Chair and the Staff will review each request for an Advisory Opinion to determine whether it satisfies all requirements of Section 4.5 of these rules.
- B. If the Chair, in consultation with the Staff, determines that a request has not satisfied the rules governing requests, the requesting person shall be notified by a letter explaining why the request was unacceptable. The Board shall be notified of all such rejections of requests.

Section 5.7 Draft Opinions

- A. Working drafts of Advisory Opinions shall be prepared by the Staff and shall be confidential.
- B. When a working draft of the Advisory Opinion is completed, copies will be delivered to each Board member.
- C. If, after discussion of the draft Advisory Opinion, the Board determines that additional information is needed, the Board may request that the Staff obtain such additional information.

Section 5.8 Adoption of Advisory Opinions

A quorum of the Board will consider a draft Advisory Opinion and the evidence upon which it is based in a timely fashion. The draft Advisory Opinion will be adopted if approved by a majority of a quorum of the Board at a regular or special meeting of the Board or, if necessary for reasons of timeliness, by a majority of the full membership of the Board as determined by a poll taken by Staff between meetings. Upon adoption by the Board, the Advisory Opinion shall be issued bearing the date, case number and signature of the Chair. The Advisory Opinion shall include notice of the right to request reconsideration of the Advisory Opinion in accordance with the provisions of these rules. A copy of the Advisory Opinion shall be sent to the person who requested the Advisory Opinion, and to the subject of the Advisory Opinion, if different.

Section 5.9 Reconsideration of Adopted Advisory Opinions

- A. The person requesting an Advisory Opinion or the person whose actions are the subject of an Advisory Opinion, if different, may request a reconsideration of any decision of the Board regarding an Advisory Opinion by sending written notice to the Board within twenty (20) days of that decision. Such notice must contain an explanation of material facts or circumstances which were not before the Board in its deliberations on the Advisory Opinion.
- B. No requests for reconsideration shall be reviewed by the Board if received more than twenty (20) days from the date of the Board decision, except at the discretion of the Board.
- C. A timely request for reconsideration shall be forwarded to the Board by Staff in time for consideration at the next Board meeting after receipt of the request. If the Board determines that these additional facts may alter its Advisory Opinion, it may instruct the Staff to redraft the Advisory Opinion for later consideration.
- D. If the Board finds that these material facts or circumstances do not alter its decision, it shall deny the request and so notify the person requesting such reconsideration.

Section 5.10 Advisory Opinions and the Policy of Confidentiality

- A. The identity of a person requesting an Advisory Opinion and the identity of any person whose conduct is involved in the set of circumstances described in the request, shall remain confidential. However, any person may waive his or her confidentiality by filing written notice with the Board.
- B. A person whose conduct is the subject of an Advisory Opinion may disseminate that Advisory Opinion, provided that the person does not reveal the identity of any other person whose conduct is involved in the set of circumstances described in the request unless such other person waives the confidentiality of his or her identity.
- C. The Board may disseminate any Advisory Opinion provided that the confidentiality requirements of the Ethics Code and these rules are observed.

Section 5.11 Reliance on Advisory Opinions

- A. An Advisory Opinion rendered by the Board may be relied upon by
 - 1. any person involved in the specific transaction or activity with respect to which such Advisory Opinion is rendered; and
 - 2. any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such Advisory Opinion is rendered.
- B. Any person who relies without Board approval on an Advisory Opinion under the circumstances other than those set forth above risks a possible violation of the Ethics Code.

Section 5.12 Access to Advisory Opinions

- A. Advisory Opinions shall be made available to the public, during regular business hours of the office of the Board, 9:00 a.m. - 4:00 p.m. Monday through Friday, provided that the confidentiality requirements of the Ethics Code are observed.
- B. Every Advisory Opinion adopted in accordance with the provisions of Section 4.8 above shall be deemed a public record of the Board and subject to the requirements of the New York Freedom of Information Act.

- C. Any person may obtain copies of Advisory Opinions from the Board upon request at a cost of 25¢ per page. The cost of copies shall be paid before the person making the request may receive the copies.

SECTION 6. INVESTIGATIONS

Section 6.1 Request for Investigation

The Board shall receive written complaints of alleged violations of the Ethics Code for the purpose of Investigation.

Section 6.2 Effect of Filing a Request for Investigation

The filing of a request for Investigation or the failure to file a request for Investigation with the Board does not bar any person from seeking any other remedy that may be provided by law.

Section 6.3 Scope of Investigation

A Board Investigation may include, but is not limited to:

- A. Interviews with or requests for additional information from the person filing the request for investigation;
- B. Requests for cooperation from County agencies, Officials or Employees reasonably related to the subject of the Investigation;
- C. Interviews with or requests for information from the respondent or any other person reasonably related to the Investigation;
- D. Subpoenas for information when the persons involved in the Investigation fail to cooperate. The Chair shall have the authority to issue subpoenas on behalf of the Board. Service of subpoenas shall be in accordance with the applicable statutory Rules.

An Investigation of an alleged violation of the Ethics Code shall be completed no later than one (1) year from the date the Investigation was initiated; provided that, the time during which the Board has suspended its Investigation in accordance with Section 5.14 of these rules shall not be counted toward the one (1) year. The Board may extend the one (1) year time limit for completion of the Investigation when there is good cause shown to warrant such an extension.

Section 6.4 Maintenance of Records

Once a person knows or has reason to know that he or she is the subject of an Investigation, the person shall preserve all records and other material which may be relevant and necessary to the case until the matter has been closed. Failure to preserve records shall be a violation of Section 2.1

of the Ethics Code and the violator shall be subject to the penalties as set forth in the Ethics Code.

Section 6.5 Cooperation Required

County agencies, Employees and Officials shall cooperate with the Board in the Investigation of alleged violations of the Ethics Code to the extent permitted by law. Failure to cooperate could result in employment sanctions. Upon written request, information necessary to any Investigation shall be made available to the Board. Alteration, modification, adjustment or destruction of evidence necessary and relevant to the Investigation shall be a violation of Section 2.1 of the Ethics Code and the violator shall be subject to penalties as set forth in the Ethics Code.

Section 6.6 Referral of Complaints

- A. The Board may refer the subject matter of any Investigation to the appropriate County agency for an investigation.
- B. The referral of the subject matter of an Investigation in no way affects the Board's power to continue its own Investigation.
- C. Any conflict which may arise between the procedures of the Board and the procedures of an investigating unit of a County agency shall be resolved in favor of the Board.

Section 6.7 Content of Request for Investigation

A request for Investigation shall be in writing and shall include:

- A. The full name and address of the person entering the request (provided that the person entering the request may ask the Board to keep this information confidential);
- B. The full name, address and telephone number (if known) of the person whose conduct is to be investigated; and
- C. A clear statement of the facts alleged to constitute the violation of the Ethics Code, including the date(s) and place(s) thereof; and the basis of the violation.

Section 6.8 Staff Assistance

In its discretion, the Staff may provide assistance in its offices to persons desiring to file a request for Investigation and may furnish forms for that purpose.

Section 6.9 Docketing of Request for Investigation

Each request for Investigation, once filed, shall be docketed and assigned a case number by the Staff

Section 6.10 Review of Requests for Investigations

A. The Chair shall consider a request for Investigation within thirty (30) days of receipt to determine if there is reasonable cause for an Investigation. If the request is incomplete or frivolous, the Chair shall reject the request and promptly notify the complainant of the reason for such rejection. A request is incomplete if it does not contain all of the information specified in Section 5.7 of these rules. A request is frivolous if the information contained in the request is so weak, attenuated and insubstantial that the request must be deemed absolutely without merit. Notice of all such rejections shall be given to the Board.

B. The Chair shall not initiate an Investigation on the basis of any request in which the alleged conduct, even if true, would not violate the Ethics Code or if previous decisions of the Board preclude there being any possibility of noncompliance with the Ethics Code.

Section 6.11 Notice of Investigation and Opportunity to Present Information

Prior to the conclusion of an Investigation, the Chair shall give the respondent notice of the substance of the Investigation and an opportunity to present such written information as the respondent may desire, including the name of any witnesses to be interviewed. The Chair shall also give the respondent under investigation a copy of the Ethics Code and these rules, and shall promptly respond to any procedural or substantive questions of the respondent.

Section 6.12 Right to Representation

The respondent may be represented by a duly licensed attorney at any stage of the proceedings before the Board. Such counsel must file with the Board his or her appearance form before the Chair will discuss the case with him or her or provide him or her with information about the Investigation, or be permitted to attend a hearing on behalf of his or her client.

Section 6.13 Policy of Confidentiality

Investigations and consideration by the Board of potential violations of the Ethics Code shall be conducted confidentially and shall not be disclosed to the public, except as necessary to carry out the powers and duties of the Board. The final determination of the Board on an Investigation shall be made available to the public with such deletions as may be necessary to prevent disclosure of any information the Board determines to be confidential, in accordance with the Freedom of Information Act, as amended.

Section 6.14 Suspension of Investigation

A. Recommendation

The Board may determine to suspend an Investigation

pending compliance with conditions recommended by the Chair for supervision of the respondent(s) for a specified period of time not to exceed one year. The conditions may include, but are not limited to, the periodic reports to the Staff; satisfactory completion of a course of study; and restitution.

B. Written Statement

Prior to the Board entering its determination to suspend an Investigation, the respondent shall execute a written statement setting forth the following:

1. the nature of the conduct under Investigation by the Staff;
2. the conditions to be imposed by the Board for the supervision;
3. the respondent does not object to the conditions imposed;
4. the respondent understands that should he or she fail to comply with the agreed conditions, the Investigation of the matter shall resume; and
5. that the respondent executes the written statement freely and voluntarily, and understands the nature and consequences of the action.

Section 6.15 Hearing

At its discretion, the Board may determine in the course of an Investigation that a hearing is necessary to aid it in its fact finding function. Such hearing shall be conducted by the Board or by a hearing officer designated by the Board for this purpose in accordance with Section 5.16.

Section 6.16 Hearing Procedure

A hearing shall be conducted in such a manner as to ensure a fair hearing, to avoid delay, to maintain order, and to ensure development of a clear and complete record. Each Board member may question any person believed to have information relevant to the Investigation. Such questions shall be limited to the issues involved in the Investigation. The hearing may provide for:

1. the prior submission of testimony and exhibits in writing;
2. the examination of witnesses under oath;
3. a limitation on the amount of time each witness may testify; and
4. a limitation on testimony which is merely cumulative.

All hearings shall be recorded stenographically. The transcript, all written testimony, all exhibits offered in connection with the hearing, all written

submissions, the notice of hearing, any prehearing orders, and any findings and determination of the Board shall constitute the record of the hearing.

Section 6.17 Hearing Officer

The Board shall have the authority to assign hearings to a hearing officer. The hearing officer shall have the same powers and duties relating to the hearing procedure as the Board. The hearing officer shall prepare, within thirty (30) days of the conclusion of the hearing, a written report including all findings of fact based upon the testimony and evidence presented at the hearing and a discussion of the application of the Ethics Code to the facts. The report may also contain recommendations for Board action.

The hearing officer's report shall be delivered to the Chair and the Board only.

Section 6.18 Conclusion of Investigation

A. Investigation Report

At the conclusion of an Investigation, the Chair shall provide a report of the Investigation to each Board member as expeditiously as possible. The report shall include a summary of the facts and evidence, discussion of the application of the Ethics Code to the facts, conclusions of the Investigation, a complete copy of all relevant documentation and transcripts of hearings, a copy of the hearing officer's report, if any, and recommendations for further Board action.

B. No Violation Found

If, upon reviewing the report of the Investigation and the evidence underlying it and following due deliberation, a majority of the Board concludes that no further action is required, the Investigation shall be terminated. The Board may conclude that no further action is required when the Investigation shows that there is no violation of the Ethics Code has occurred. The respondent, the complainant and anyone involved in the Investigation shall be promptly served with a notice of the Board's determination of no violation setting forth the facts and the provisions of the Ethics Code upon which the determination is based.

C. Violation Found

If, upon reviewing the report of the Investigation and the evidence underlying it and following due deliberation, a majority of the Board determines that a violation of the Ethics Code has occurred, the Board may:

1. notify the respondent and, if appropriate, recommend corrective action or a plan for compliance;
2. recommend to the appropriate appointed Official, as well as the County Executive or other Elected Official, that disciplinary or other action within be taken; or

3. recommend to the appropriate appointed Official, as well as the County Executive or other Elected Official, such other remedies as shall be appropriate.

All recommendations of the Board shall be in writing and shall be set forth with specificity, including a statement of reasons in support of the recommendations. The Board shall request notification of the final decision by the appointed Official, the County Executive or the Elected Official on the Board's recommendations.

A copy of the Investigation report and the recommendations of the Board shall be sent to respondent.

In addition, the Board may forward copies of its recommendations, Investigation report and all related documentation to the Office of the U.S. Attorney, the Office of the New York State Attorney General, and any other appropriate agency for further investigation.

Section 6.19 Request for Reconsideration

A. No Violation Found

After the Board has served a notice of its determination of no violation of the Ethics Code, the complainant may within thirty (30) days of receipt of the Board's notice, file with the Board a request for reconsideration.

B. Violation Found

After the Board has issued its Investigation report and recommendations in cases where a violation is found, the respondent may within thirty (30) days of receipt of the Investigation report and recommendations, file with the Board a request for reconsideration.

C. Content of Request for Reconsideration

The party requesting review must state with specificity the reason(s) supporting the request for reconsideration. Requests for reconsideration shall be granted only in limited circumstances, such as, but not limited to, the discovery of new, relevant evidence.

D. Grant or Denial of Request for Reconsideration

The Board shall consider the Request for Reconsideration within sixty (60) days of receipt. The Board shall promptly notify the parties of its determination. If the Board determines that there are sufficient grounds to reopen the matter, the Board shall institute further proceedings as necessary.

SECTION 7. RESERVED

SECTION 8. LIMITATIONS ON GIFTS

Section 8.1 Ban on Receiving and Soliciting Gifts

The Ethics Code imposes limitations on the solicitation or acceptance by County Employees and Officials of gifts from certain persons. The Staff may audit public disclosure records, such as lobbyist expenditure reports filed with the County Clerk, as well as any gift disclosure or reimbursement disclosure forms filed with the Board, to determine whether there is compliance with these limitations on gifts.

Section 8.2 Notification of Noncompliance

Based on the audit of such records or forms described in these rules, the Board determines that it appears that a County Employee or Official has solicited or received a gift that does not comply with the Ethics Code, the Board shall send notice to the Employee or Official of that determination. The notification shall also provide information regarding the factual basis of the determination, the Employee's or Official's opportunity to refute the Board determination, and the Board's recommendation regarding compliance if the determination is correct, and the time by which the Employee or Official must respond to the notification.

Section 8.3 Opportunity to Respond

An Employee or Official who the Board has determined may not have complied with the gift ban shall be afforded the opportunity to make a timely response to the allegation in order to demonstrate the (1) the Board's determination is incorrect; or (2) the Employee or Official has complied with the Ethics Code by returning the gift, paying market value for the gift, or giving the gift or an amount equal to its value to an appropriate charity. Nothing herein, however, shall be so construed as to imply that the Board cannot consider consequences and the circumstances surrounding the acceptance of a gift even if the employer official has returned the gift, paid market value for the gift, or given the gift or an amount equal to its value to an appropriate charity.

Section 8.4 Failure to Respond to Notification

The case of any Employee or Official who fails to respond to notification under this section of the rules shall be referred to a quorum of the Board for further action.

SECTION 9. LIMITATIONS ON POLITICAL CONTRIBUTIONS (RESERVED)

SECTION 10. MISCELLANEOUS

Section 10.1 Interpreters

- A. If a qualified sign language or foreign language interpreter is required at any time, the Board of Ethics shall provide one at no cost to the parties upon request at least forty-eight (48) hours in advance of the event at which it is needed.

- B. The Board of Ethics will provide a foreign language interpreter or a qualified sign language interpreter at all public meetings of the Board upon request at least forty-eight (48) hours in advance of the event at which it is needed.

Section 10.2 Accessibility

All hearings and Board sessions shall be held in buildings accessible to persons with disabilities.

Section 10.3 Effect of Other Laws

In interpreting the Ethics Code, the Board shall look to decisions interpreting other relevant laws for guidance.

Section 10.4 Severability

In the event any provision or term of these rules, or any amendment thereto is determined by a Court or other authority of competent jurisdiction to be illegal or unenforceable, such determination shall not affect the remaining provisions which shall continue in full force and effect.

Section 10.5 Vacancies

Vacancies in any office, except that of the Chairperson, shall be filled in accordance with the applicable statutes after such vacancy occurs.

Section 10.6 Officers

- A. The Officers of the Board shall be a Chairperson, Vice-Chairperson, and Secretary, all of whom shall be elected as hereinbefore provided for a term of one (1) year and until a successor is elected, and each officer shall be eligible for election for a maximum of three (3) successive full terms. Service for an unexpired term shall not bar an officer from serving three (3) consecutive full terms.
- B. The Chairperson shall be the chief executive officer of the Committee and shall preside at all meetings of the Board and of the officers of the Board; the Chairperson shall be a member ex-officio of all committees and shall represent the Board in its relationship with other organizations and with the community; shall sign agreements and contracts; and shall perform all other duties of the office of Chairperson.
- C. The Vice-Chairperson shall, in the absence or disability of the Chairperson, assume all duties, responsibilities, and powers of that office, and shall, if the office becomes vacant, serve as Chairperson for the balance of the term.

- D. The Secretary shall be responsible for recording the proceedings of the Board and the officers of the Committee; shall keep an accurate roll of all the members of the Board; and shall perform all of the duties of the office of Secretary.

Section 10.7 Indemnification

Each Officer and member of the Board shall be indemnified by the County of Erie against expenses reasonably incurred in connection with any action, suit or proceeding to which he or she may be made a party by reason of being or having been such Officer or member of the Board, unless the conduct of such Officer and/or Board member with respect to the party asserting liability constituted gross negligence or was intended to cause the resulting harm to the party asserting such liability. The right of indemnification provided by this Article 10.7 shall not be exclusive of the other rights and remedies which may be available to such Officer and/or member. Such right to indemnification shall exist only if the Officer

and/or member has provided notice of any pending claim, suit, cause of action and/or liability to the County Executive, Chair and the Secretary within five (5) days after the individual seeking indemnification knew or reasonably should have known of the existence of such claim, suit, cause of action and/or liability. The County of Erie reserves the right to appoint counsel of its own choosing at its own expense upon such notification. In the event the individual seeking indemnification wishes to use other counsel, then such individual shall be responsible for all costs related to such election including, but not limited to, attorney's fees, judgments, costs and disbursements.

Section 10.8 Amendments

These Rules and Regulations may be amended by a two-thirds (2/3) majority vote of the members of the Board present at any Annual or a Special Meeting of the Board properly called, provided that the amendments to be presented are specifically submitted to the members of the Board with the notice of the meeting.

RECEIVED
ERIE COUNTY
LEGISLATURE

JUL 12 4 37 PM '83

COUNTY OF ERIE

LOCAL LAW NO. 10-1989

LOCAL LAW INTRO. NO. 4 (Print No. 4)

1989

A LOCAL LAW establishing a code of ethics for Erie County and repealing Erie county local law number seven of nineteen hundred seventy-three as amended by Erie county local law number four of nineteen hundred seventy-five.

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE AS FOLLOWS:

ERIE COUNTY CODE OF ETHICS

- Section 1. Short title
- 2. Purpose and scope
- 3. Definitions
- 4. Financial disclosure
- 5. Disclosure of interest in county business
- 6. Prohibited activities
- 7. Annual financial disclosure statement
- 8. Penalties
- 9. Erie county board of ethics
- 10. Duty to report
- 11. Validity of claims
- 12. Compilation and distribution of code
- 13. Laws repealed
- 14. Effective date

Section 1. Short title. This local law may be cited as the Erie county code of ethics.

Section 2. Purpose and scope. This code is enacted pursuant to article eighteen of the general municipal law and in recognition of the policy of the state of New York and the county of Erie to maintain the highest standards of integrity in the public service. It is the intent of this code to establish reporting standards at least as high as those established in chapter eight hundred thirteen of the laws of New York of nineteen hundred eighty-seven. It is the intent of the legislature to exercise all authority granted under subdivision three of section eight hundred twelve of the general municipal law. This code shall be in addition to all other restrictions, standards and provisions pertaining to the conduct of county officers and employees.

Section 3. Definitions. As used in this code:

a. The term "candidate for elected office" shall mean a person who seeks to be designated, nominated or elected to the office of county executive, county legislator, district attorney, county clerk, sheriff, or county comptroller and who has (1) taken the action necessary to qualify himself for nomination for election or election or (2) received contribution or made expenditures with a view toward bringing about his nomination for election or election.

b. The terms "constituted committee" and "political committee" as used in subdivision (f) of this section shall have the same meanings as in section 14-100 of the election law.

c. The term "elected official" shall mean the county executive, a member of the county legislature, the district attorney, the sheriff, the county comptroller and the county clerk.

d. The term "interest" means a direct or indirect pecuniary or material benefit accruing to a covered individual or his relative, as defined in this section.

e. The term "ministerial matter" shall have the same meaning as ascribed to such term by subdivision one of section seventy-three of the public officers law.

f. The term "officer or employee" shall mean the head or heads of any department, division, special district or other administrative unit of county government and their deputies and assistants; and such others who hold policy-making positions as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the Erie county board of ethics during the month of February. Said designation of those employees and officers as "policy making" may be challenged by the designated employees or officers upon filing a written petition in opposition to such designation within thirty days

from the date of the filing of such designation with the Erie County Board of Ethics. The aforementioned Board of Ethics shall upon receipt of a petition in opposition promptly make a determination as to the petition's merits upon a majority vote of a quorum of the Board, and shall notify all interested parties within ten days of its decision.

g. The term "political party official" shall mean: (i) any chairman of a county committee elected pursuant to section 2-112 of the election law, or his or her successor in office, who received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the report period aggregating thirty thousand dollars or more; (ii) any person designated by the rules of a county committee as the "county leader" or "chairman of the executive committee", or by whatever other title designated, who pursuant to the rules of a county committee or in actual practice, possesses or performs any or all of the follow duties or roles, provided that such person received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting aggregating thirty thousand dollars or more:

(1) The principal political, executive and administrative officer of the county committee;

- (2) The power of general management over the affairs of the county committee;
- (3) The power to exercise the powers of the chairman of the county committee as provided for in the rules of the county committee;
- (4) The power to preside at all meetings of the county executive committee; if such a committee is created by the rules of the county committee or if such committee exists de facto, or any other committee or subcommittee vested by such rules with, or having de facto, the power of general management over the affairs of the county committee at times when the county committee is not in actual session;
- (5) The power to call a meeting of the county committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the county committee pursuant to the rules of the county committee, for the purpose of filling an office at a special election in accordance with section 6-114 of the election law; for the purpose of filling a vacancy in accordance with section 6-116 of such law; or for the purpose of filling a vacancy or vacancies in the county committee which

exist by reason of an increase in the number of election districts within the county occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its member, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a chairperson of an assembly district committee or other district committee smaller than a county and created by the rules of a county committee, to call a meeting of such district committee for such purpose;

- (6) The power to direct the expenditure of funds by the county committee; or
- (7) The power to procure from one or more bank accounts of the county committee the necessary funds to defray the expenses of the county committee.

h. The term "relative" shall mean such individual's spouse, child, stepchild, stepparent, or any other person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

i. The term "spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual pursuant to: (i) a judicial order, decree or judgement; or (ii) a legally binding separation agreement.

j. The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the reporting individual.

Section 4. Financial disclosure. Every elected official, employee, and each political party official subject to the reporting provisions of this section, shall, on or before the fifteenth day of May in each year, file with the Erie county board of ethics an annual statement of financial disclosure containing the information and in the form set forth in section seven of this local law. Such information shall relate to the calendar year immediately preceding the year of filing.

a. A person who is required to file a disclosure statement and who timely filed with the internal revenue service an application for automatic extension of time in which to file an individual income tax return of the immediately preceding calendar or fiscal year shall be required to

file such a financial disclosure statement on or before May fifteenth, but may, without being subject to any civil penalty for on account of 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 in 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.

b. A person who is required to file an annual financial disclosure statement with the temporary state commission on local government ethics, and who is granted additional time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to the applicable statutes, shall file such statement within the additional time granted.

c. (i) As used in this section, 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.

(ii) Candidates for elected office who filed designating petitions for nomination at a primary election shall file such statement within seven days after the last day allowed by law for the filing of designating petitions naming them as candidates for the next succeeding primary elections.

(iii) Candidates for independent nomination for elected office who have not been designated by a party to receive a nomination shall file such statement within seven days after the last day allowed by law for the filing of independent nominating petitions naming them as candidates for elected office in the next succeeding general or special election.

(iv) Candidates for elected office who receive the nomination of a party for a special election or who receive the nomination of the party other than at a

primary election, whether or not for an uncontested office, shall file such statement within seven days after the date of the meeting of the party committee at which they are nominated.

d. Such statements shall be filed with the Erie county board of ethics as established by section five of this local law.

e. The Erie county board of ethics shall obtain from the Erie county board of elections, lists of all candidates for elected office, and from such lists shall determine and publish lists of those candidates who have not, within ten days after the required filing date for filing such statement, filed the statement required by this section.

f. Political party officials and any person required to file such 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 a political party official.

g. 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 section may satisfy the requirements of this section by filing a copy of

the statement filed pursuant to section seventy-three-a with the Erie county board of ethics on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by this subdivision.

h. For purposes of compliance with subdivision (g) of section eight hundred twelve of the general municipal law, any such filings for Erie county shall be made with the Erie county board of ethics.

i. An elected official who is simultaneously a candidate for elected office shall satisfy the filing deadline requirements of this section by complying only with the deadline applicable to one who holds such elected office.

j. 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 section by complying with the earliest applicable deadline only.

Section 5. Disclosure of interest in county business.

a. Any elected official, officer or employee or political party official, as defined in this local law, who has, or later acquires an interest, direct or indirect, in

any actual or proposed contract with the county, shall publicly disclose the nature and extent of such interest in writing to the clerk of the county legislature as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be time stamped by the clerk and received as an official record of the legislature of such body.

b. When a member of the Erie county legislature must take official action on a matter in which he has a substantial personal economic interest distinct from that of the general community or a substantial class of the general community or his constituents, he should consider divesting himself of the interest, if he can do so without undue hardship. His decision in that regard shall be conclusive. Regardless of whether he divests himself of such interest, he shall disclose it in a concise written statement to the clerk of the legislature, who shall time stamp and receive such statement as an official record of the legislature, provided that divestment of such an interest need not be reported if more than one year has passed since such divestment. If he does not divest himself of that interest, he must abstain from participation in such action.

Section 6. Prohibited activities. No elected official, county officer or employee shall:

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] over which he exercises administrative discretion or to which he has the power to appoint any member, officer or employee; or

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 the 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, provided, however, that this section shall not be applicable to any county officer or employee who does not receive compensation by reason of his county position, not to any matter before a county agency which does not possess substantial discretion in the matter, not to any judicial proceeding in any county court or any other court;

e. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the county of Erie in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration. In light of the legislative involvement in all levels of county government this prohibition on appearances shall apply to members of the Erie County Legislature for a period of (1) year after their termination of service.

f. He shall not act as an attorney, nor be retained as an expert, rendering professional services in any

legal action brought against the county of Erie arising out of personal injury or property damage or any lawful benefit authorized by law, while he is an elected official, officer or employee of the county of Erie. Nothing in this Code of Ethics shall be deemed to bar or prevent the timely filing by a present or former county officer or employee of any claim, account, demand, or suit against the county of Erie or any agency thereof on behalf of himself or any member of his family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.

g. utilize any county equipment, materials, supplies or property for personal gain or benefit, with the exception of incidental use.

h. No elected official, officer, employee or relative as defined in Section 3 sub h of this Local Law acting in an individual, or business capacity in which the individual is a sole proprietor, general partner or stockholder in a closely held corporation in which he holds fifty percent or more of the stock of said corporation shall (1) sell any goods or provide services having a value in excess of \$100.00 to any agency of the County or to contract for or provide such services for or to any private entity

when a power to contract, appoint or retain on behalf of such private entity is exercised directly or indirectly, by an agency of the County or an officer or employee thereof, unless such goods or services are sold or provided pursuant to an award or contract let after public notice and upon competitive bidding.

i. in addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate this section may be fired, suspended or removed from office or employment in the manner provided by law.

Section 7: Non prescribed activities. Nothing contained in this section shall be construed as prohibiting an elected official, officer or employee from:

(a) participating in public discussions or advocating any position in any manner in an official or in another capacity without compensation, including but not limited to acting as a public advocate whether or not on behalf of constituents.

(b) Appearing, unless otherwise prohibited, before all designated courts of law or agencies of the County in a representative capacity if such appearance before such agency is incident to a ministerial matter or with a matter not involved in the normal function or scope of duties of his office or position.

(c) Appearing before an agency of the County in a representative capacity on behalf of an employee organization in any manner where such appearance is authorized by an employee organization. This proscription does not apply to elected officials.

(d) Representing or filing any action against an agency of the County, or officer or employee thereof, in which the subject matter involves the normal functions or is within the scope of the duties of his office or position.

Section 8. Annual financial disclosure statement.
Commencing with the calendar year next succeeding the calendar year in which this local law is adopted, the

following form of financial disclosure shall be annually filed by all persons required to file financial disclosure statement under this local law:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE

County of Erie

For Calendar Year _____

1. Name - _____
2. (a) Title of Position - _____
(b) Department, Agency or other Governmental Entity - _____
(c) Address of Present Office - _____

(d) Office Telephone Number - _____
3. (a) Marital Status - _____. If married, please give spouse's full name including maiden name where applicable. _____

(b) List the names of all unemancipated children

_____	_____
_____	_____
_____	_____

Answer each of the following questions completely, with respect to calendar year _____, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following categories: Category A under \$5,000; Category B - \$5,000 to under \$20,000; Category C - \$20,000 to under \$60,000; Category D - \$60,000 to under \$100,000; Category E - \$100,000 to under \$250,000; and Category F - \$250,000 or over. A reporting individual shall indicate the category by letter only.

For the purpose of this of this statement, anywhere the term "local agency" shall appear such term shall mean a local agency, as defined in section eight hundred ten of the general municipal law of the political subdivision for which this financial disclosure statement has been filed.

4. (a) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the County of Erie. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of such agency.

Position

Organization

State or Local Agency

(b) List any office, trusteeship, directorship, partnership or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

<u>Position</u>	<u>Organization</u>	<u>State or Local Agency</u>

5. (a) List the name, address and description of any occupation, employment, trade, business profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

<u>Position</u>	<u>Name and Address of Organization</u>	<u>Description</u>	<u>State or Local Agency</u>

(b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regula-

tory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

<u>Position</u>	<u>Name and Address of Organization</u>	<u>Description</u>	<u>State or Local Agency</u>

6. List any interest, in excess of \$1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include

the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract except guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

<u>Self, Spouse or Child</u>	<u>Entity Which Held Interest in Contract</u>	<u>Relationship to Entity & Interest in Contract</u>	<u>Contracting State or Local Agency</u>	<u>Category of Value of Contract</u>

7. List any position the reporting individual held as an officer of any political party or political organization,

as a member of any political party committee, or as a political party town or ward zone leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the name of the individual clients, customers or

patients.

(b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000 excluding investments in securities and interests in real property.

9. List each source of gifts, excluding campaign contributions, in excess of \$1,000 received by the reporting

individual or such individual's spouse or unemancipated child from the same donor excluding gifts from a relative. Include the name and address of the donor. The term "gifts" does not include reimbursements which term is defined in item 10.

Indicate the value and nature of each such gift.

<u>Self, Spouse or Child</u>	<u>Name of Donor</u>	<u>Address</u>	<u>Nature of Gift</u>	<u>Category of Value of Gift</u>

10. Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures and expenditures in connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding event. The term "reimbursements"

does not include gifts reported under item 9.

Source

Description

11. List the identity and value of each interest in a trust, estate or other beneficial interest, including retirement plans other than retirement plans of the State of New York or the City of New York and deferred compensation plans established in accordance with the United States internal revenue code, in which the reporting individual held a beneficial interest in excess of \$1,000 at any time during the preceding year. Do not report interests in a trust, estate or other beneficial interest established by, or the estate of, a relative

Identity

Category of Value

12. (a) Describe the terms of, and the parties to, any contract, promise, or other agreement between the reporting individual and any person, firm or corporation with respect to the employment of such individual after leaving office or position, including than a leave of absence.

(b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the reporting individual in excess of \$1,000 from a prior employer other than the political subdivision for which this statement is filed. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments, etc.)

13. List below the nature and amount of any income in excess of \$1,000 from each source for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, salary for government employment, income from other compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in

connection with a matrimonial action, alimony and child support payments shall not be listed.

<u>Self/Spouse</u>	<u>Source</u>	<u>Nature</u>	<u>Category of Amount</u>
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14. List the sources of any deferred income in excess of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

<u>Source</u>	<u>Category of Amount</u>
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15. List each assignment of income in excess of \$1,000 and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of \$1,000 which would otherwise be required to be reported herein and is not or has not been so reported.

Item Assigned or Transferred Assigned or Transferred to Category of Value

16. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in excess of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership if the reporting person or the reporting person's spouse holds more than five percent of the stock of a corporation in which the stock is publicly traded or more than ten percent of the stock of a corporation in which the stock is not publicly traded. Also list securities owned for investment purposes by a

corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if the security is corporate stock, not publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

<u>Self/ Spouse</u>	<u>Issuing Entity</u>	<u>Type of Security</u>	<u>Category of Market Value Value as of the close of the taxable year last occurring prior to the filing of this statement</u>	<u>Percentage of Corpo- rate Stock owned or controlled</u>

17. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in excess of \$1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do not list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

<u>Self/ Spouse/ Other Party</u>	<u>Location</u>	<u>Size</u>	<u>General Nature</u>	<u>Acquisition Date</u>	<u>Category of Market Value</u>	<u>Percentage of Ownership</u>

18. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting indi-

vidual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in excess of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

<u>Name of Debtor</u>	<u>Type of Obligation, Date Due & Nature of Collateral, if any</u>	<u>Category of Amount</u>

19. List below all liabilities of the reporting individual and such individual's spouse, in excess of \$5,000 as of the date of filing of this statement, other than liabilities to a relative. Do not list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or

corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action; alimony or child support payments. Revolving charge account information shall only be set forth if liability thereon is, in excess of \$5,000 at the time of filing. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

<u>Name of Creditor or Guarantor</u>	<u>Type of Liability & Collateral, if any</u>	<u>Category of Amount</u>

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

Signature of Reporting

Date (month/day/year)

Section 9. Penalties. A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows or should have known to be false on such statement of financial disclosure filed pursuant to this section, shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the Erie county board of ethics. For a violation of this subdivision, other than for conduct which constitutes a violation of subdivision twelve of section seventy-three of the public officers law, the board of ethics may, in lieu of a civil penalty, refer a violation to the district attorney and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false

filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is knowingly understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for failure to file or for false filing of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The Erie county board of ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Erie county board of ethics, pursuant to article seventy-eight of the civil practice law and rules.

Section 10. Erie county board of ethics.

a. The Erie county board of ethics, heretofore created by resolution of the Erie county legislature adopted the twenty-ninth day of December nineteen hundred seventy, and continued in existence by Erie county local law number

seven of nineteen hundred seventy-three, is continued in existence subject to the provisions of this section.

b. The board shall consist of [five] six members who shall serve five-year terms of office, one such term expiring each year. Members shall be appointed by the county executive subject to confirmation by the county legislature. In the event a vacancy occurs prior to the expiration of a five-year term of office, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. No more than three members of the same political party shall serve on the board at any time. [A majority of members shall be persons other than county officers or employees, but at least] No member shall be an elected official, a political party officer, a member of a political party committee or have substantial business interests with the County of Erie. One member shall be a county officer or employee, who shall be a non-voting member of the Board. All members shall reside in Erie county. All members shall serve without compensation, except that any member who is a county officer or employee shall be entitled to his usual compensation when attending upon the business of the board.

c. The members shall elect a chairman from among themselves.

d. The board shall be the repository for completed annual statements of financial disclosure required by this local law.

e. the board shall have all the powers and duties ascribed to a board of ethics by article eighteen of the general municipal law.

f. Any county officer or employee may make written request to the board to render an advisory opinion as to any question concerning the application of the Erie county code of ethics or article eighteen of the general municipal law to his own affairs, or if he be the head of a county department, administrative unit, or other agency of the county, the affairs of any of his subordinates. The board shall disclose its opinion only to the person who has requested it or in relation to whose affairs the opinion has been requested. To the extent that it can do so without disclosing the identity of the person who has requested the opinion or in relation to whose affairs the opinion has been requested, and subject to such omissions as may be appropriate to protect personal privacy, the board shall make its opinions a matter of public record.

g. The board may adopt and amend such rules of procedure as are appropriate.

h. The County Executive and the County Legislature will make available any support staff necessary for the Board of Ethics to carry out its duties and functions.

i. The Board shall be established thirty days after this law takes effect.

Section 11. Duty to report. Every county officer or employee shall report to the district attorney and the county attorney any action which may reasonably be interpreted as an improper attempt to influence him in the conduct of his office.

Section 12. Validity of claims. Nothing in this code of ethics shall be deemed to bar or prevent the timely filing by a current or former county officer or employee of any claim, account, demand, or suit against the county of Erie or any agency or officer thereof on behalf of himself or any member of his family arising out of personal injury, property damage, or any lawful right or benefit authorized or permitted by law.

Section 13. Compilation and distribution of this code. The county executive shall cause a copy of this code to be compiled with article eighteen of the general municipal law and such other material as he shall deem relevant and shall cause a copy of such compilation to be distributed to every officer and employee of the county within thirty days after the effective date of this local law or as soon thereafter as may be practicable. Every officer and employee elected or appointed thereafter shall be furnished a copy of such compilation within ten days after entering upon the duties of his office of employment.

Section 14. Laws repealed. Erie county local law number seven of nineteen hundred seventy-three as amended by Erie county local law number four of nineteen hundred seventy-five, constituting the Erie county code of ethics, is hereby repealed.

Section 15. Effective date. This local law shall be effective immediately.

ROGER I. BLACKWELL

LEONARD R. LENIHAN

RAYMOND K. DUSZA

MICHAEL A. FITZPATRICK

EDWARD J. KOWIK

DAVID M. MANZ

THOMAS J. MAZUR

G. STEVEN PIGEON

WILLIAM F. ROBINSON

CHARLES M. SWANICK

[] Bracketed Material Is Deleted
____ Underlined Material Is New

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of ERIE
~~Town~~
~~Village~~

Local Law No. 4 of the year 19 94

A local law amending Erie County Local Law number ten of nineteen hundred eighty-nine,
(Insert Title) constituting the Erie County Code of Ethics, in relation to
filing disclosure statements.

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

County
~~City~~ of ERIE
~~Town~~ as follows:
~~Village~~

SECTION 1. Section three of Erie county local law number ten of nineteen hundred eighty-nine, constituting the Erie county code of ethics is hereby amended by amending renumbering subdivisions d, e, f, g, h, i, and j thereof as subdivisions e, f, g, h, i, j, and k, respectively.

SECTION 2. Section three of Erie county local law number ten of nineteen hundred eighty-nine, constituting the Erie county code of ethics, is hereby amended by adding a new subdivision d thereto to read as follows:

d. Except as otherwise provided in this code, the term "employee" shall mean any person who receives a salary or wage from the county of Erie, whether as an elected officer, officer or employee.

SECTION 3. Section three of Erie county local law number ten of nineteen hundred eighty-nine, constituting the Erie county code of ethics, is hereby amended by amending subdivision g thereof to read as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

9. For purposes of subdivision b of section eight of this local law, the term "officer or employee" shall mean the head or heads of any department, division, special district or other administrative unit of county government and their deputies and assistants; and such others who hold policy making positions as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the Erie county board of ethics during the month of February. Said designation of those officers or employees as policy making may be challenged by the designated officers or employees upon filing a written petition in opposition to such designation within thirty days from the filing of such designation with the Erie county board of ethics. The aforementioned board of ethics shall upon receipt of a petition in opposition promptly make a determination as to the petition's merits upon a majority vote of a quorum of the board, and shall notify all interested parties within ten days of its decision.

SECTION 4. Section eight of Erie county local law number ten of nineteen hundred eighty-nine, constituting the Erie county code of ethics, is hereby amended to read as follows:

Section 8. Disclosure. a. Every employee of the county of Erie, other than those persons required to make annual financial disclosures under subdivision b of this section, shall file, within ten days of taking office, or within ten days of appointment to a position of employment with Erie county, and annually on the fifteenth day of May in every year, the following disclosure statement:

COUNTY OF ERIE
EMPLOYEE DISCLOSURE FORM

File this form with your department head. Every section must be filled out. If you have no employment or interest to disclose, write "NOT APPLICABLE" in the first line of that section.

NAME: _____

POSITION: _____

DEPARTMENT: _____

WORK: ADDRESS: _____

HOME ADDRESS: _____

WORK TELEPHONE: _____ HOME TELEPHONE: _____

1. State every employment for pay which you now hold, whether full time or part time, other than your employment with the County of Erie:

EMPLOYER: _____

ADDRESS : _____

TELEPHONE: _____

YOUR POSITION: _____

YOUR USUAL WORK HOURS: _____

2. State the name of any firm or partnership of which you are a member:

BUSINESS NAME: _____

ADDRESS: _____

TELEPHONE: _____

NATURE OF BUSINESS: _____

USUAL HOURS OF WORK: _____

3. State any self employment or business which you own or operate personally:

BUSINESS NAME: _____

ADDRESS: _____

TELEPHONE: _____

NATURE OF BUSINESS: _____

USUAL HOURS OF WORK: _____

4. State the Name of any corporation in which you, your spouse or your minor children hold five per cent or more of the stock:

CORPORATE NAME: _____

ADDRESS: _____

TELEPHONE: _____

NATURE OF BUSINESS: _____

YOUR POSITION WITH CORPORATION: _____

I file this statement pursuant to Section 8 of the Erie County Code of Ethics. Any false statement or failure

to provide required information shall be punishable under the laws prohibiting filing of a false statement.

Date: _____

Signature

Such disclosure form shall be filed with the department head or other person appointing the officer or employee, and shall be held in the permanent personnel record of the employee or officer. Such record shall be made available to the Erie county board of ethics at any time, upon request of the board.

b. The following form of financial disclosure shall be filed annually by every elected official; officer or employee; political party official; and candidate for elected office, as those terms are defined in section three of this local law:

SECTION 5. This local law shall be effective immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ was duly passed by the _____ of the (County)(City)(Town)(Village) of _____ in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 19 94 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on April 28, 19 94, and was (approved)(not disapproved)(repassed after disapproval) by the ERIE COUNTY EXECUTIVE and was deemed duly adopted on June 1, 19 94, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ was duly passed by the _____ of the (County)(City)(Town)(Village) of _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____, having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____, State of New York, having been submitted to the electors at the General Election of November _____, 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities or said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.



Clerk of the County legislative body, ~~Clerk of the County~~
~~or officer designated by local legislation, budget~~

(Seal)

Date: 6/2/94

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



ERIE COUNTY ATTORNEY
Title

County
~~City~~ of ERIE
Town
Village

Date: 6/2/94

SECTION 10: CODE OF ETHICS & CONFLICT OF INTEREST

- A. Members of the Board of Trustees shall abide by the same standards expressed in the statutes governing ethics and conduct and the rules for conflict of interest set forth in General Municipal Law Sec. 801 and the Code of Ethics adopted by the Board of Trustee as it may be amended from time to time.
- B. SUNY ECC may adopt specific ethics standards and additional conflicts of interest policies in addition to those outline in Section 10 A.

 ERIE COMMUNITY COLLEGE POLICY	NUMBER II - H	Board of Trustees
APPROVED 8/95, 9/03	SUBJECT Code of Ethics Statement	

Purpose – To establish a Code of Ethics that shall govern the conduct of members of the Board of Trustees, and to establish “ethical job descriptions” for individual Trustees and the Board as a whole.

Code of Ethics Statement

I pledge my best efforts as a Trustee to:

- Evidence good citizenship in community and state affairs,
- Refrain from making any decisions or commitments concerning community college governance, except in Board meetings or when designated by the Board to do so,
- Act in good faith and avoid situations leading to conflicts of interest,
- Bring credit to the college through personal effort, either directly or indirectly, in business, social, professional and personal relationships,
- Make decisions which are responsive to the geographic distribution and social, ethnic, economic and minority make-up of the community,
- Make decisions which give priority to the students and support the College and its Mission,
- Be enthusiastic in the work of the Board and keep well informed on matters pertaining to the community college movement,
- Fulfill the responsibilities of my commission without regard to prejudice or partisanship.
- Be alert to political encroachment, which might jeopardize functions of the College and diminish their potential for excellence.

 <p>Category: Academic Affairs Community Colleges Legal and Compliance Research</p> <p>Responsible Office: <u>Academic Affairs</u></p>	<p>Policy Title: START-UP NY Program Participation Policy</p> <p>Document Number: 6800</p> <p>Effective Date: February 10, 2014</p> <p>This policy item applies to: Community Colleges State-Operated Campuses</p>
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Summary

A. START-UP NY is a state economic development program that positions SUNY campuses as magnets for entrepreneurs and businesses from around the globe. START-UP NY aligns with SUNY's mission of teaching, research and public service; enabling engagement with industry, knowledge acceleration, translation of research into practical applications, and delivering the 21st century workforce businesses need to grow and thrive. START-UP NY will transform university communities to deliver unprecedented economic benefits to New York. To participate in the program, all campuses must comply with this policy and any applicable rules and regulations issued by the NYS Commissioner of Economic Development.

B. This policy governs the review process that all participating campuses must follow to secure SUNY's approval and/or review of the plans, applications, and other documents required by the NYS Commissioner of Economic Development to participate in the START-UP NY program. It also prescribes special requirements for the disclosure and management of actual or potential conflicts of interest in matters pertaining to the campus' START-UP NY program. Any conflict between this policy and any other applicable Conflict of Interest policy shall be resolved in favor of disclosure of any potential, actual, or perceived conflict of interest relating to the

campus' START-UP NY program to the President or Chief Executive Officer of the sponsoring campus.

Policy

- C. **Campus Plans for Designation of Tax-Free Area(s):** Any campus intending to submit a Campus Plan for Designation of Tax-Free Area(s) ("Campus Plan") to the NYS Commissioner of Economic Development must first have it reviewed and approved by the Chancellor or designee. The Chancellor or designee shall approve or reject all Campus Plans within fifteen (15) business days of receipt. Any rejected Campus Plan shall be accompanied by an explanation of the basis for rejection. Once approved by the Chancellor or designee a campus may submit its Campus Plan to the NYS Commissioner of Economic Development in accordance with the Commissioner's rules and regulations. Any Campus Plan that is rejected can be resubmitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures. Any amendments to approved Campus Plans must be submitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures.
- D. **Sponsoring University or College Applications for Business Participation:** After a campus is notified by the Commissioner of Economic Development that its Campus Plan or any amendment(s) to an approved Campus Plan has been approved, it may submit a Sponsoring University or College Application for Business Participation ("Sponsor Application") to the NYS Commissioner of Economic Development and to the Chancellor or designee for concurrent review and approval. Only Commissioner of Economic Development approval is required.
- E. **Delegations:** The Chancellor or designee may charge a group of individuals, collectively called the SUNY START-UP NY Proposal Review Team, to evaluate all submitted Campus Plans and Sponsor Applications prior to accepting or rejecting them.
- F. **Conflicts of Interest:** Service as an Official shall not be used as a means for private benefit or inurement for any Official, a Relative thereof, or any entity in which the Official or Relative thereof has a Business Interest. A conflict of interest exists whenever an Official has a Business Interest or other interest or activity outside of the university that has the possibility, whether potential, actual, or perceived, of (a) compromising the Official's judgment, (b) influencing the Official's decision or behavior with respect to the START-UP NY Program, or (c) resulting in personal or a Relative's gain or advancement. Any Official who is an owner or employee of an entity that is the subject of any matter pertaining to the university's START-UP NY Program, or who has a Business Interest in any entity that is the subject of any matter pertaining to the university's START-UP NY Program, or whose Relative has such a Business Interest, shall not vote on or otherwise participate in the administration by the university of any START-UP NY matter involving such entity. Any Official or other campus representative who becomes aware of a potential, actual or apparent conflict of interest, either their own or that of another Official, related to a sponsoring university or college's

START-UP NY program must disclose that interest to the President or Chief Executive Officer of the sponsoring college or university. Each such President or Chief Executive Officer shall maintain a written record of all disclosures of actual or potential conflicts of interest made pursuant to this policy, and shall report such disclosures on a calendar year basis, by January 31st of each year, to the University Auditor or to the Chancellor's designee, in which case the University Auditor shall be copied on the correspondence to such designee. SUNY shall then forward such reports to the Commissioner of Economic Development for the State of New York, who shall make public such reports.

G. **Exceptions:** There are no exceptions to this policy.

Definitions

- H. **Business Interest** means that an individual (1) owns or controls 10% or more of the stock of an entity (or 1% in the case of an entity the stock of which is regularly traded on an established securities exchange); or (2) serves as an officer, director or partner of an entity.
- I. **Official** means an employee at the level of dean and above as well as any other person with decision-making authority over a campus' START-UP NY Program, including any member of any panel or committee that recommends businesses for acceptance into the START-UP NY program.
- J. **Relative** means any person living in the same household as another individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant.
- K. **Sponsoring College or University** means any entity defined or described in NYS Education Law Sec. 352 and Article 126.
- L. **START-UP NY Program** means the SUNY Tax-free Areas to Revitalize and Transform Upstate New York Program established by Article 21 of the Economic Development Law.
- M. **Tax-Free NY Area** means vacant land or space designated by the Commissioner of Economic Development Article 21 of the Economic Development Law that is eligible to receive benefits under the START-UP NY program.

Other Related Information

- N. **Start-Up NY Regulations:** available at the [Start-Up NY Website](#).
- O. At least thirty days before submitting the Campus Plan to the Commissioner of Economic Development the campus must provide a copy of the Plan to the chief executive officer of the municipality or municipalities in which the proposed Tax-free NY Area is located, local economic development entities, the applicable university or college faculty senate, union representatives and the campus student government. The campus shall include in their submission to the Commissioner of Economic Development certification of such notification, as well as a copy of any written response from chief executive officer of the municipality or municipalities in which the proposed Tax-free NY Area is located, local economic development entities, the applicable campus or college faculty senate, union representatives and the campus student government.

P. StartUp-NY.gov website and program information.

Procedures

Q. [START-UP NY Program Participation, Procedures for](#)

Forms

R. [SUNY START-UP NY Campus Plan for Designation of Tax-Free Area\(s\) Memorandum](#)

[SUNY START-UP NY Campus Plan for Designation of Tax-Free Area\(s\) Template](#)

[ESD START-UP NY Sponsoring University or College Application for Business Participation](#)

[ESD START-UP NY Business Application Instructions](#)

[ESD START-UP Business Application](#)

Authority

S. [State University of New York Board of Trustees Resolution 2014-12, START-UP New York Program Administration, adopted January 14, 2014](#)

T. [Law, New York Economic Development Law Article 21 \(Start-Up NY Program\)](#)

U. [Start-Up NY Regulations](#)

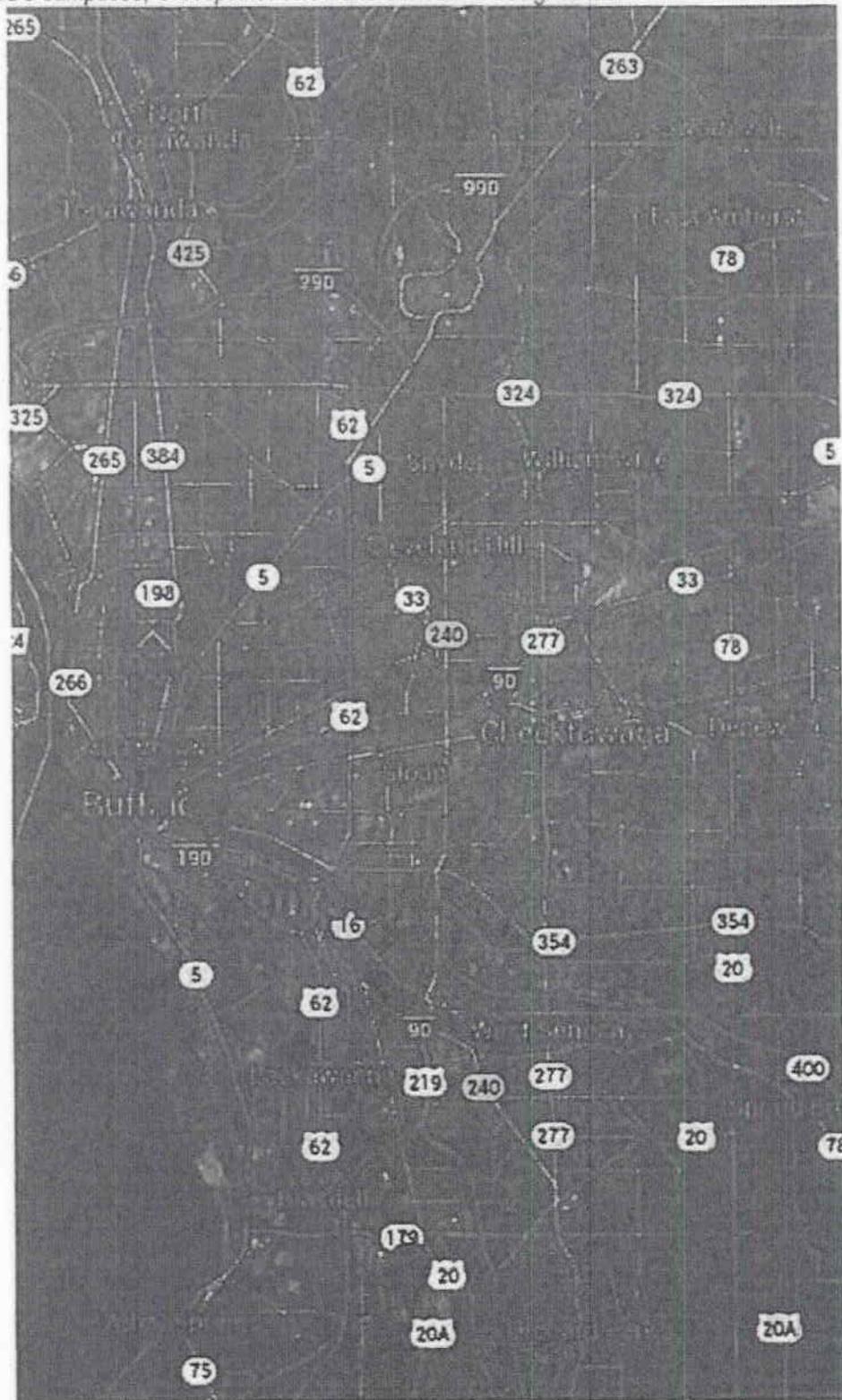
History

V. Enacted into law in June 2013, START-UP NY is a groundbreaking new initiative from Governor Andrew M. Cuomo that provides major incentives for businesses to relocate, start up or significantly expand in New York State through affiliations with public and private universities, colleges and community colleges. Businesses will have the opportunity to operate state and local tax-free on or near academic campuses, and their employees will pay no state or local personal income taxes.

Appendices

W. There are no appendices relevant to this policy.

Map showing ECC campuses, Crosspoint PKWY and Seneca St designations



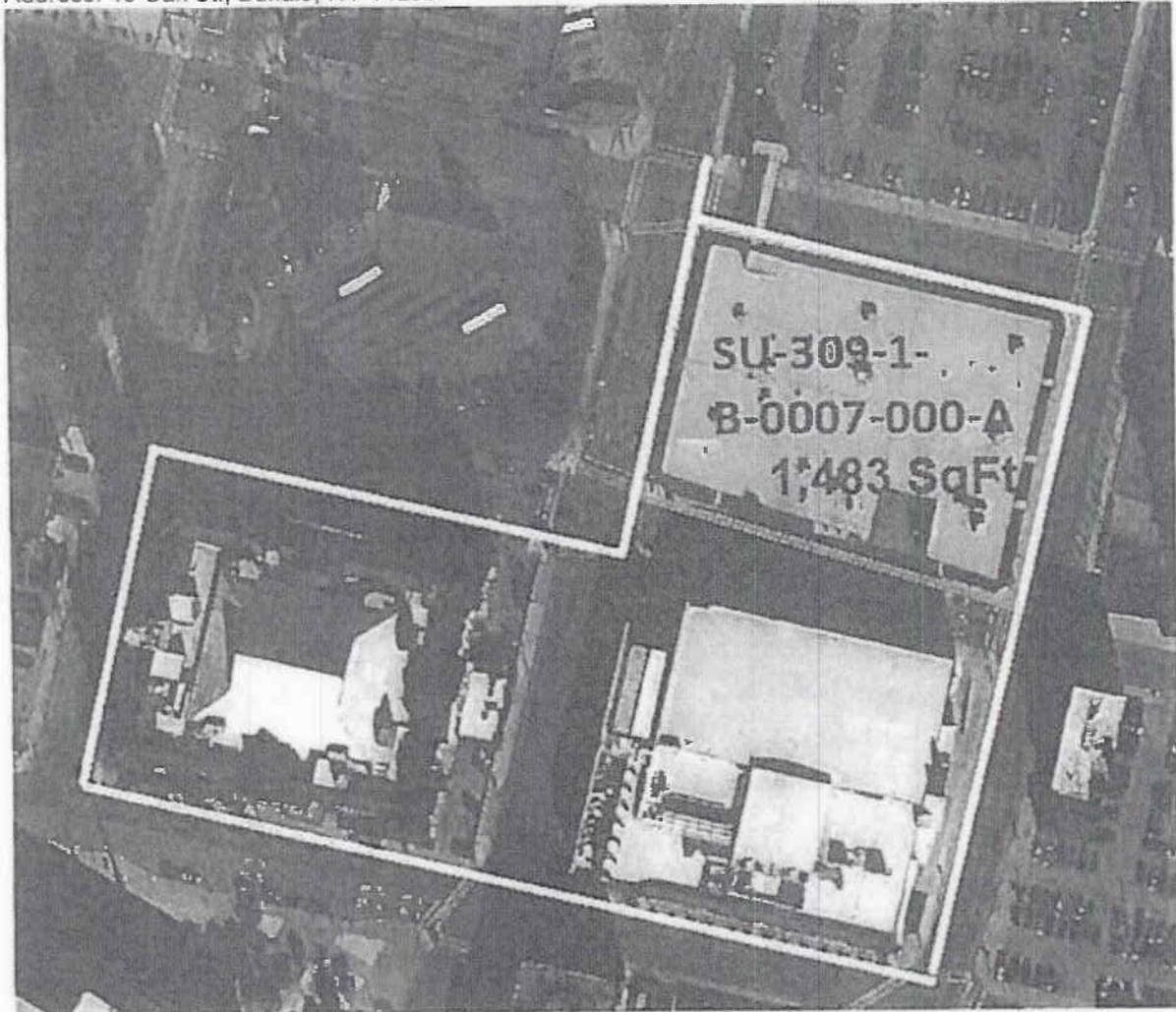
Map of Crosspoint PKWY Designation
350 Crosspoint PKWY, Getzville, NY 14068



White = Building Site Boundary

6,668 SF

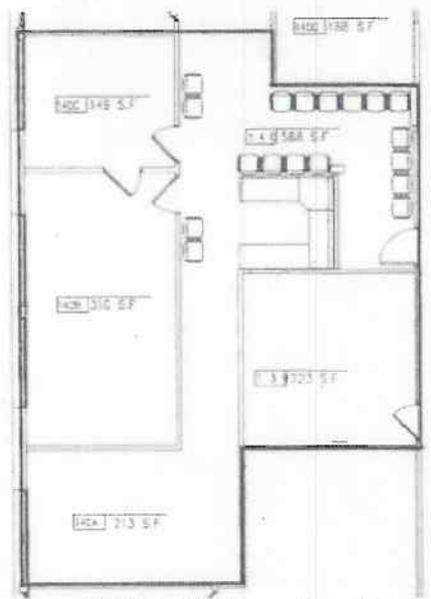
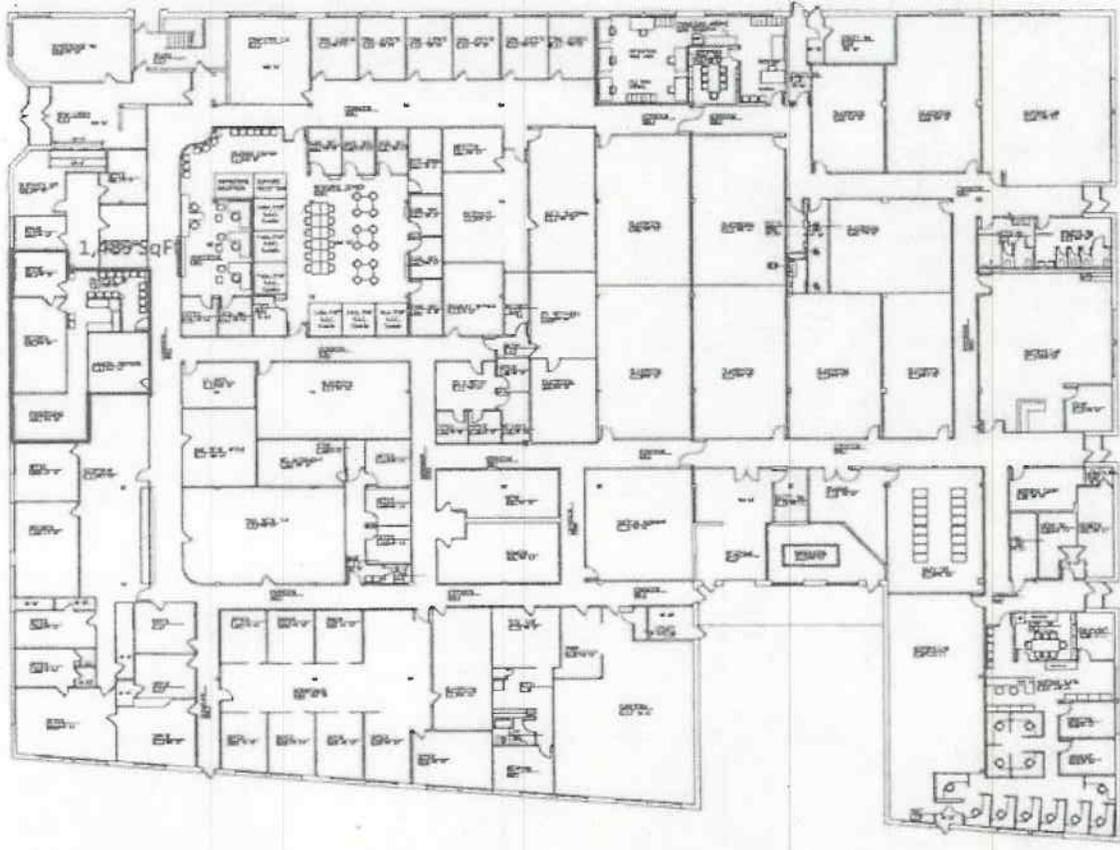
Erie Community College City Campus
Address: 45 Oak St., Buffalo, NY 14203



White = Campus Boundary
Yellow = 45 Oak Building Boundary

Building schematic for 45 Oak St. location (City Campus)

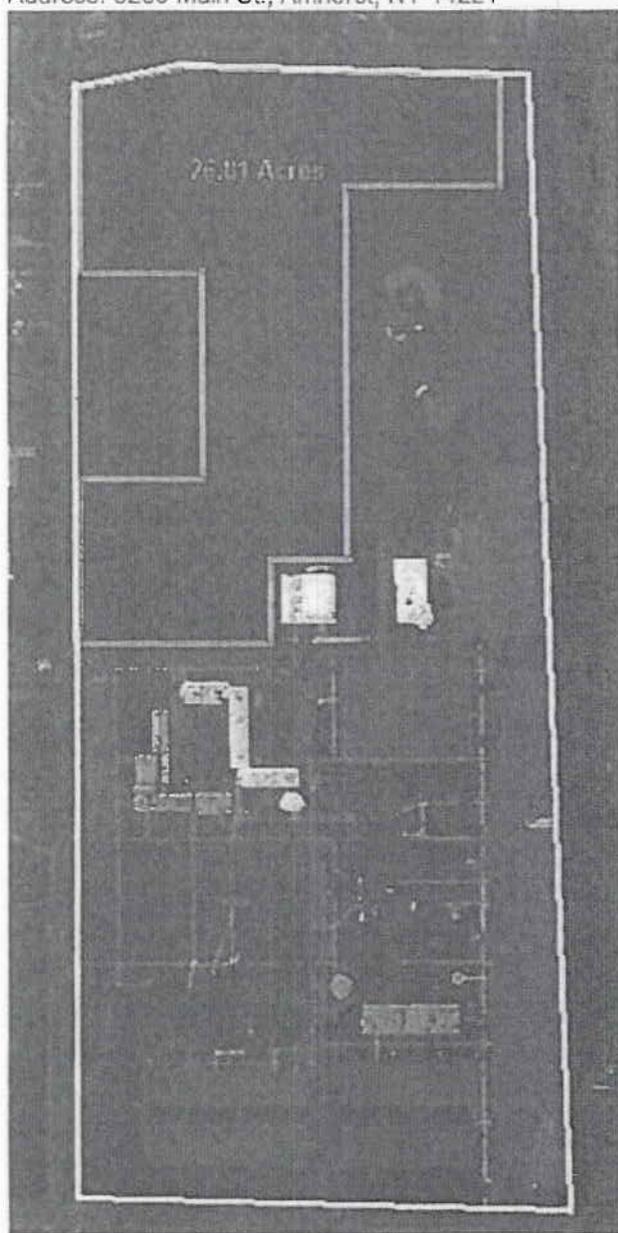
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1,483 SqFt

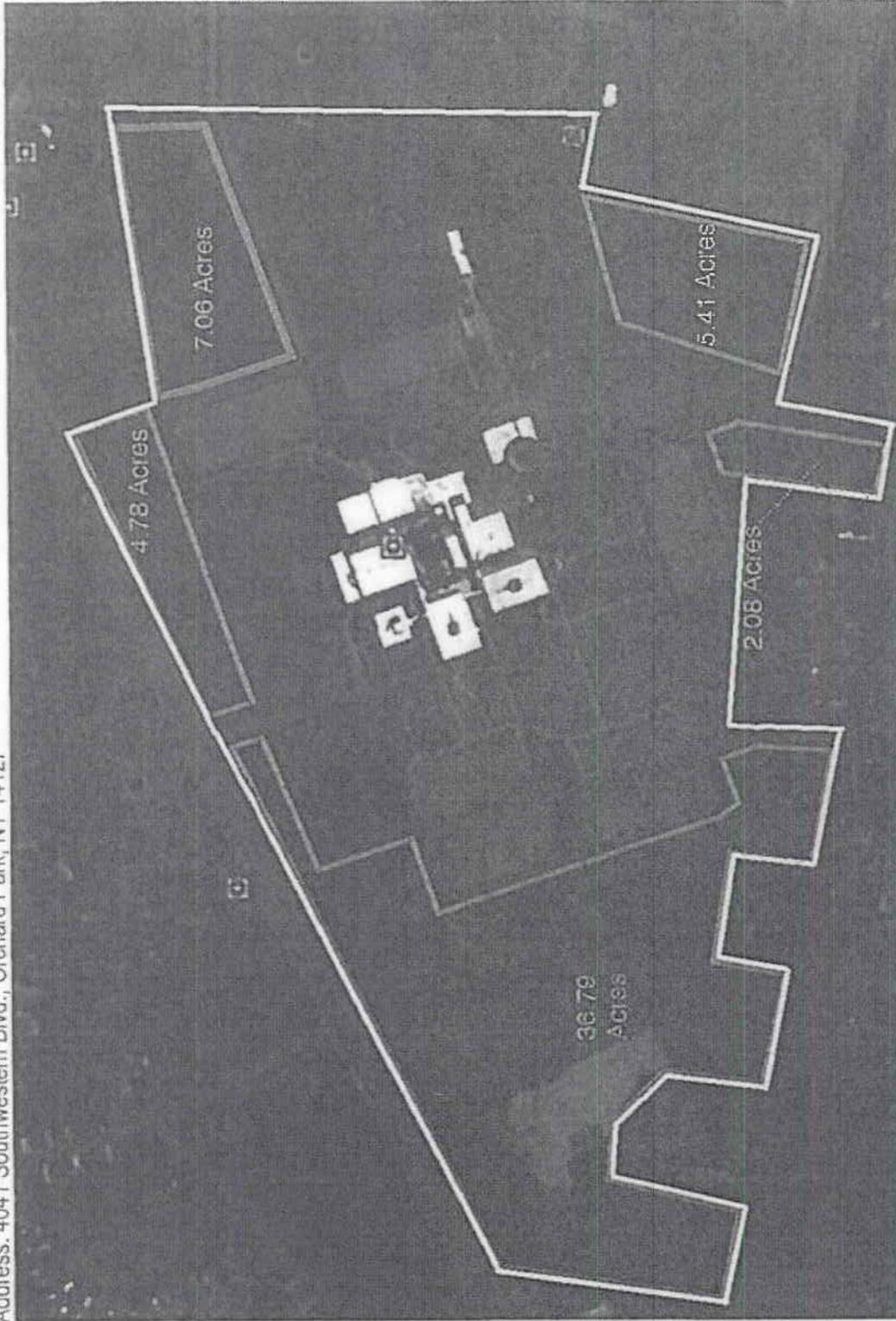
Red = START-UP Space Boundary

Erie Community College North Campus
Address: 6205 Main St., Amherst, NY 14221



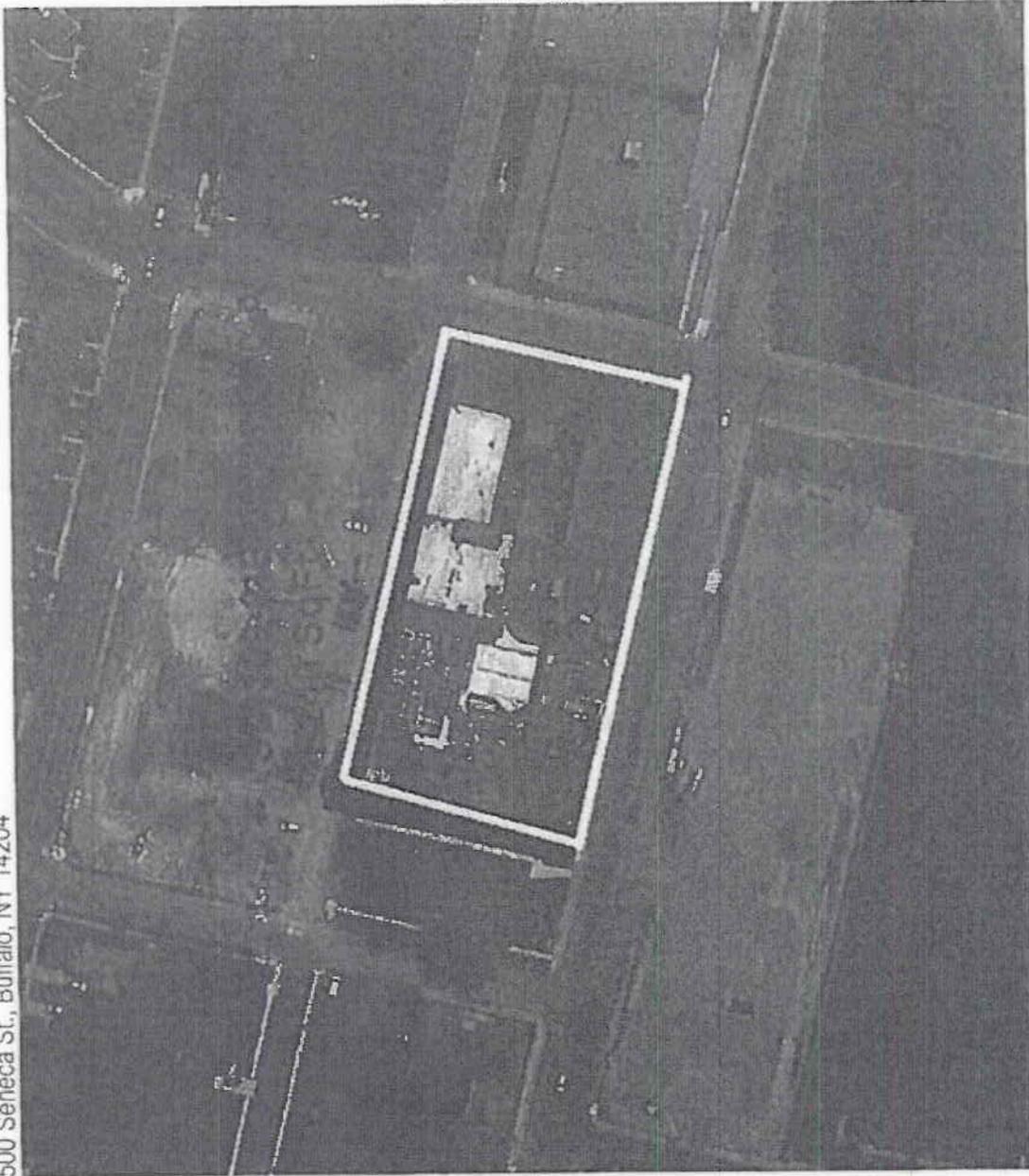
White = Campus Boundary
Yellow = Property Designation Boundary

Erie Community College South Campus
Address: 4041 Southwestern Blvd., Orchard Park, NY 14127



White = Campus Boundary
Yellow = Property Designation Boundaries

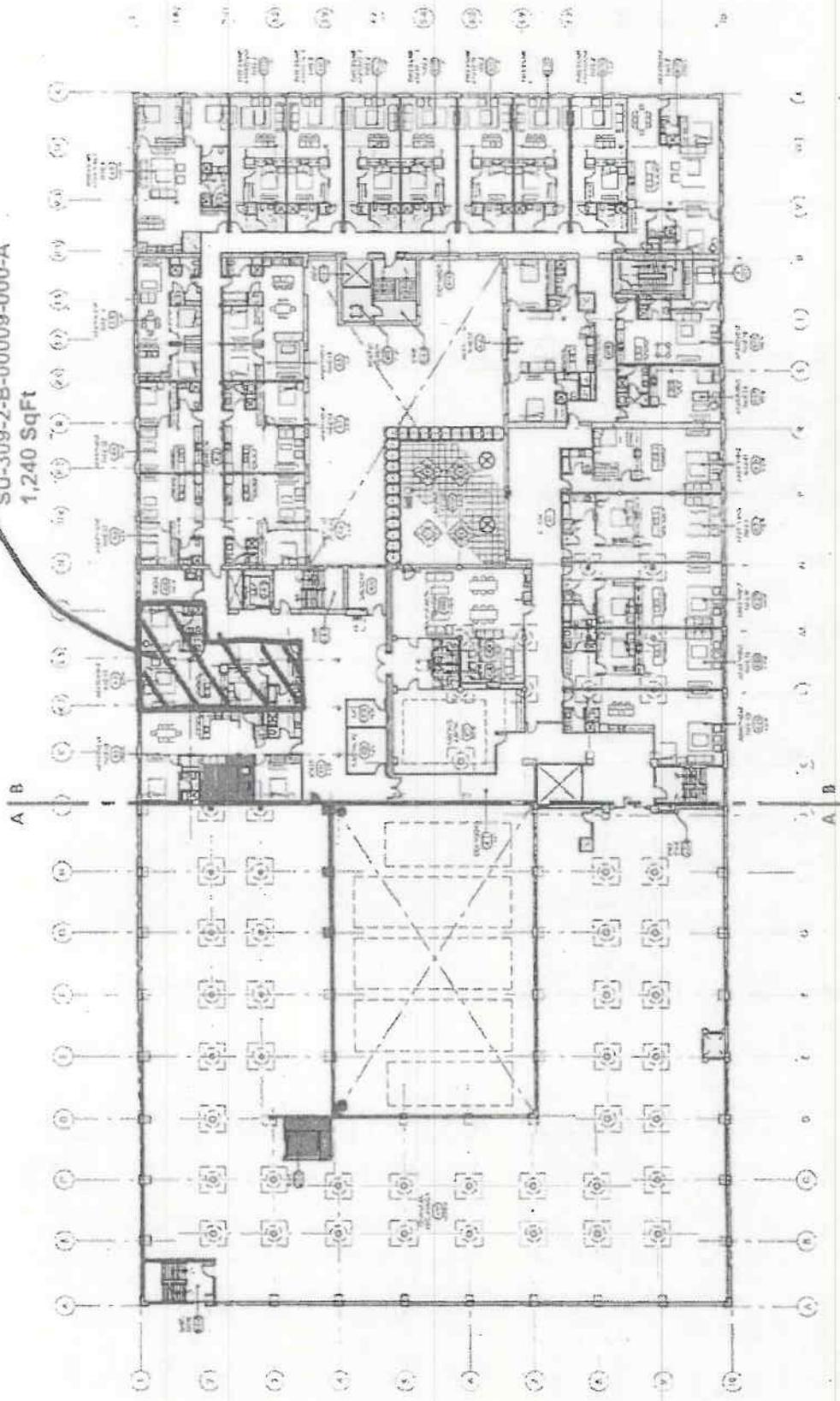
Map of Seneca St. Designation
500 Seneca St., Buffalo, NY 14204



White = Building Boundary

Building schematic of Seneca St. Designation

SU-309-2-B-00009-000-A
1,240 SqFt



Red = START-UP Space Boundary

Location	Unique ID	Owner	Property Type	Street Address	City	Zip Code	Parcel ID	Building	Space Type	Sqft	Acres	Description	On Campus	Within 1/2 mile of campus	Latitude	Longitude	Note
Town of Amherst	SU-309-1-8-0000-000-A	Blacklock, Inc.	1	350 Crosspoint Pkwy	Getzville	14068	N/A	Yes	C	6,600	N/A	Data Center	Yes	N/A	43 045373° -78 749488°		
City of Buffalo	SU-309-1-8-0007-000-A	Erle Community College	1	45 Oak St	Buffalo	14203	N/A	Yes	C	1,493	N/A	One-story Building	Yes	N/A	42 882416° -78 871279°		
Town of Amherst	SU-309-1-4-0000-000-A	Erle Community College	1	6205 Main St	Amherst	14221	N/A	No	D	N/A	26.81	Open Land	Yes	N/A	42 861441° -78 721635°		
Town of Orchard Park	SU-309-1-4-0002-000-A	Erle Community College	1	4041 Southwestern Blvd Orchard Park	Orchard Park	14127	N/A	No	D	N/A	36.79	Open Land	Yes	N/A	42 771098° -78 800945°		
Town of Orchard Park	SU-309-1-4-0003-000-A	Erle Community College	1	4041 Southwestern Blvd Orchard Park	Orchard Park	14127	N/A	No	D	N/A	4.78	Open Land	Yes	N/A	42 774392° -78 796430°		
Town of Orchard Park	SU-309-1-4-0004-000-A	Erle Community College	1	4041 Southwestern Blvd Orchard Park	Orchard Park	14127	N/A	No	D	N/A	7.08	Open Land	Yes	N/A	42 774694° -78 796018°		
Town of Orchard Park	SU-309-1-4-0005-000-A	Erle Community College	1	4041 Southwestern Blvd Orchard Park	Orchard Park	14127	N/A	No	D	N/A	5.41	Open Land	Yes	N/A	42 770546° -78 795362°		
Town of Orchard Park	SU-309-1-4-0006-000-A	Erle Community College	1	4041 Southwestern Blvd Orchard Park	Orchard Park	14127	N/A	No	D	N/A	2.08	Open Land	Yes	N/A	42 768848° -78 797271°		
City of Buffalo	SU-309-2-8-0000-000-A	Sarango Companies	2	500 Service St	Buffalo	14204	N/A	Yes	G	1,240	N/A	4th Floor Office Space	No	Approx 75 miles off campus	42 877603° -78 856966°		

- 1= on campus
- 2= 1 mile off campus
- 3= State Asset

•• A=entire building
 B=Floor within building
 C=Room within building
 D=land on campus
 E= land off campus
 F=entire building off campus
 G=partial building off campus
 H=state asset

