



ERIE COUNTY WATER AUTHORITY INTEROFFICE MEMORANDUM

February 27, 2019

To: Jerome D. Schad, Chair
Mark S. Carney, Vice Chair
E. Thomas Jones, Treasurer

Cc: Terrence D. McCracken, Secretary

From: Margaret A. Murphy, Attorney
Jacqueline Mattina, Associate Attorney
Karen A. Prendergast, Comptroller

Subject: Proposed Code of Ethics and Conflicts of Interest Policy

Pursuant to Public Authorities Law §2824 (1), board members of local public authorities shall “adopt a code of ethics applicable to each officer, director and employee that, at a minimum, includes the standards established” in Public Officers Law § 74. The Legal Department has drafted a new “Code of Ethics & Conflict of Interest Policy,” replacing the current Code of Ethics contained in Policy No. 11.0.

This proposed draft incorporates the best features of codes of ethics and conflicts of interest policies recommended by the Authorities Budget Office (“ABO”) and adopted by the Monroe County Water Authority (“MCWA”) and the Onondaga County Water Authority (“OCWA”): [ABO Model Conflict of Interest Policy](#); [ABO Model Code of Ethics](#); [MCWA Code of Ethics](#); [MCWA Conflict of Interest Policy](#); [OCWA Code of Ethics](#); and [OCWA Anti-Nepotism Policy](#). It also incorporates changes recommended by Commissioners Schad, Carney and Jones. The proposed draft also references the provisions of the Amended and Restated By-Laws, approved by the Board at its last meeting.

The Legal Department has also drafted a proposed in-house financial disclosure statement for the 2018 calendar year. Commissioners Schad and Jones have provided substantial assistance in the design of this form. Once the disclosure statement has been finalized and approved by the Board, it will be distributed to designated employees, officers and members, who will be required to file the statement with the Independent Ethics Panel by May 15, 2019. The form has been designed with fillable form fields in a PDF format, but then must be printed and

signed by the employee, officer, or member.

Finally, the Legal Department and the Comptroller have prepared a 2018 Financial Disclosure Vendor List. A copy of the Vendor List has been provided to the Governance Committee for its review and approval.

Excluded from this Vendor List are: (1) vendors who received less than \$250.00 in 2018; (2) current or former employees who were being reimbursed for health care or other expenses; (3) individuals who are the recipients of large service refunds or property damage settlements; and (4) large corporate vendors whom no employee could have any influence over costs and pricing. A list of excluded vendors is also being provided to the Governance Committee for its review.

The Legal Department requests that the draft code, the disclosure statement and vendor list will be reviewed by the Governance Committee and recommended to the Board at the March 26, 2019 meeting.