

BOARD OF ETHICS

RESOLUTION NO. 1-2018

GUIDELINES PROMULGATED BY THE BOARD OF ETHICS FOR DETERMINING WHICH PERSONS MAY BE DEEMED TO HOLD POLICY-MAKING POSITIONS PURSUANT TO SUBDIVISION 1 OF SECTION 22-4.3 OF THE NASSAU COUNTY ADMINISTRATIVE CODE.

(Adopted September 17, 2018. Votes in favor 4; votes against 0).

RESOLVED, the Board of Ethics promulgates the following Guidelines to assist in determining which persons hold policy-making positions for purposes of Section 22-4.3 of the Nassau County Administrative Code.

For the purposes of the Code of Ethics, a person is considered to hold a policymaking position if he or she exercises responsibilities of a broad scope in the formulation of plans for the implementation of goals or policy for a county department, board or agency, or acts as an advisor to a person in such a position.

In determining whether a person holds a policymaking position, the following factors should be considered. These factors should be applied to the powers and duties of the position as set forth in the job description or any applicable law or regulation as well as the actual duties performed by the person:

- (1) Whether the filing of an annual disclosure statement would tend to promote public confidence in County government.
- (2) Whether the person's duties involve the negotiation, authorization or approval of:
 - (a) contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses as defined in Section 73 of the New York Public Officers Law;
 - (b) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor;
 - (c) the obtaining of grants of money or loans; or
 - (d) the adoption or repeal of any rule or regulation having the force and effect of law; or

- (3) Whether the position of the person permits meaningful input into the governmental decision-making process on issues where there is room for principled disagreement on goals or their implementation;
- (4) Whether the powers and duties of the position of the person are broadly defined and require more than the exercise of simple ministerial competence;
- (5) Whether the position permits the person to exercise control over other officers or employees;
- (6) Whether the position of the person involves the establishment of priorities or the development of programs;
- (7) Whether the position of the person requires or authorizes the conducting of studies or entails a significant degree of involvement in the preparation of budgets or budget requests for a local agency or municipality;
- (8) Whether the position of the person authorizes the person to speak on behalf of local elected officials or other policymakers;
- (9) Whether the position entails frequent contact with local elected officials or their principal deputies.

This Resolution shall supersede Resolution 1-1991, and shall take effect immediately.

The forgoing is a true copy of the resolution adopted by the Board of Ethics on the date first set forth above.



Sean Berman, Secretary

Dated: September 17, 2018