



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM
March 8, 2023

To: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair
Michele M. Iannello, Treasurer

Cc: Terrence McCracken, Secretary
Joyce Tomaka, Chief Financial Officer
Mark S. Carney, General Counsel
Russell J. Stoll, Chief Operating Officer
Leonard Kowalski, Executive Engineer
Raymond Herman, Ad Hoc Member
Robert C. Freeman, Ad Hoc Member
BrittneyLee Penberthy, Ad Hoc Member

From: Jacqueline C. Mattina, Associate Attorney

Date: March 13, 2023

Subject: Recommendations from the Independent Ethics Panel

The Independent Ethics Panel (the "IEP") held a meeting on February 14, 2023, to review the following items, and subsequently forward their recommendations, along with the draft minutes of that meeting, for review by the Governance Committee and the Board of Commissioners:

- (1) ECWA Financial Disclosure Form for Calendar Year 2022
- (2) Policy No. 11: Code of Ethics & Conflict of Interest Policy
- (3) Policy No. 16: Whistleblower Protection Policy
- (4) 2022 Vendor List
- (5) Employee letter sent via regular mail
- (6) Employee Email

2022 Financial Disclosure Form

After a thorough review and discussion, the IEP's only recommended changes were to update the form to reflect the year 2022.

Policy No. 11 Code of Ethics & Conflict of Interest Policy

After a thorough review and discussion, the IEP did not recommend any changes to the Code of Ethics & Conflict of Interest Policy.

Policy No. 16 Whistleblower Protection Policy

After a thorough review and discussion, the IEP did not recommend any changes to the Whistleblower Protection Policy.

2022 Vendor List

The Vendor List is sent to employees, and others required to file an in-house financial disclosure pursuant to Policy 11. All applicable filers will need to review the list to determine if they may have a potential conflict of interest that needs to be reported to the Authority. After review and discussion of the Vendor List, the IEP is recommending to continue the practices of only including vendors on the Vendors List receiving \$500 or more in the calendar year, removing all total dollar (\$) amounts paid to vendors and omitting employee garnishments.

Employee Letter and Employee Email

The Authority notifies those required to file in-house financial disclosure statements in two ways, the first is via regular mail with a hard copy of all necessary documentation, and the second is via Email with links to all documentation necessary to complete the financial disclosure statement. After review and discussion, the IEP recommends minor changes to the Employee letter and Employee Email (as identified in red) by adding a sentence clarifying that retirees and/or any employee who worked in the applicable filing year are required to file if required to do so by Policy 11. Also, since the employee designated to accept the disclosure statements at the Service Center had retired, the proper designated in-person drop offs at both Ellicott Square and the Service Center were updated in the last paragraph.

ERIE COUNTY WATER AUTHORITY
AUTHORIZATION FORM
For Approval/Execution of Documents
(check which apply)

Contract: _____ **Project No.:** _____
Project Description: Approval of 2022 Independent Ethics Packet for mailing to employees
required to submit a Financial Disclosure Statement

Item Description:

- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT Agreement | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum |
| <input type="checkbox"/> Recommendation for Award of Contract | <input type="checkbox"/> Recommendation to Reject Bids | | |
| <input type="checkbox"/> Request for Proposals | | | |
| <input checked="" type="checkbox"/> Other <u>Approval of 2022 FDS, 2022 Vendor List, and IEP Employee Communications</u> | | | |

Action Requested:

- | | |
|---|--|
| <input type="checkbox"/> Board Authorization to Execute | <input checked="" type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input type="checkbox"/> Execution by the Chairman |
| <input type="checkbox"/> Board Authorization to Advertise for Bids | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals | |
| <input checked="" type="checkbox"/> Other <u>Board approval of 2022 Independent Ethics Packet</u> | |

Approvals Needed:

APPROVED AS TO CONTENT:

- | | | |
|---|---|-----------------------|
| <input type="checkbox"/> Other (if Applicable) | _____ | Date: _____ |
| <input type="checkbox"/> Chief Operating Officer | _____ | Date: _____ |
| <input type="checkbox"/> Executive Engineer | _____ | Date: _____ |
| <input type="checkbox"/> Director of Administration | _____ | Date: _____ |
| <input type="checkbox"/> Risk Manager | _____ | Date: _____ |
| <input type="checkbox"/> Chief Financial Officer | _____ | Date: _____ |
| <input checked="" type="checkbox"/> Legal |  | Date: <u>3/9/2023</u> |

APPROVED FOR BOARD RESOLUTION:

- | | | |
|--|--|------------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: <u>3/13/2023</u> |
|--|--|------------------------|

Remarks: _____

Resolution Date: _____ **Item No:** _____

MINUTES and REPORT of the MEETING of the ERIE COUNTY WATER AUTHORITY'S INDEPENDENT ETHICS PANEL held in the first-floor conference room, 3030 Union Road, Cheektowaga, New York 14227 on the 14th day of February 2023.

PRESENT: Raymond Herman, Ad hoc Member
Robert C. Freeman, Ad hoc Member
BrittanyLee Penberthy, Ad hoc Member
Jacqueline Mattina, Associate Attorney
Mary Stepanik, Confidential Liaison

CALL TO ORDER AT 9:04 a.m.

I.- ROLL CALL

ITEM 1-Election of IEP Chairperson

Motion by Ms. Penberthy and seconded by Mr. Freeman to nominate and move to approve the election of Raymond Herman as Chairperson for the ensuing year.
Motion carried 3-0.

II. - READING OF MINUTES

Motion by Mr. Freeman, seconded by Ms. Penberthy, to waive the reading of the Minutes of the Meeting held on Tuesday July 19, 2022.
Motion carried 3-0.

III. - APPROVAL OF MINUTES

Motion by Mr. Freeman, seconded by Ms. Penberthy to approve the Minutes of the Meeting held on Tuesday July 19, 2022.
Motion carried 3-0.

IV. NEW BUSINESS

ITEM 1- Review and Discuss ECWA Financial Disclosure Statement form for Calendar Year 2022.

Discussion was had amongst the Panel, and it was determined that the only changes to be recommended to the Board to the 2022 Financial Disclosure Statement is the changing of the dates on the form from 2021 to 2022 to coincide with the proper year of filing. The Panel noted that changes recommended in past years had been incorporated into the 2022 statement and they were satisfied with those changes as they appear on the statement of financial disclosure.

Motion by Ms. Penberthy and seconded by Mr. Herman to approve the financial disclosure statements with the updated changes to reflect the year of filing.
Motion carried 3-0.

ITEM 2- Review and Discuss the Code of Ethics & Conflicts of Interest Policy.

The Panel reviewed and discussed Policy 11, the Code of Ethics & Conflicts of Interest Policy. Discussion included whether there were any new positions within the Authority that should be required to file a financial disclosure statement. The Panel determined that there were none, and no changes would be recommended to the Code of Ethics & Conflicts of Interest Policy.

Motion by Mr. Freeman and seconded by Mr. Herman to recommend no changes to the Code of Ethics & Conflicts of Interest Policy.
Motion carried 3-0.

ITEM 3- Review and Discuss the Authority's Whistleblower Policy.

The Panel reviewed and discussed Policy 16, the Whistleblower Policy. After discussion, it was determined that no changes would be recommended to the Policy.

Motion by Ms. Penberthy and seconded by Mr. Freeman to recommend that no changes would be recommended to the Whistleblower Policy.
Motion carried 3-0.

ITEM 4- Review and Discuss the 2022 Vendor List

The 2022 Vendor List was reviewed and discussed amongst the Panel. Discussion included what vendors were included in the Vendor List. It was recognized that this list included vendors paid more than \$500 in the calendar year 2022. The total amounts of payments were excluded as recommended by the Panel and reviewed and approved by the Board in previous years. Also removed from the list was any employee garnishments or other employee payments.

Motion by Ms. Penberthy and seconded by Mr. Freeman to recommend approval of the 2022 Vendor List.
Motion carried 3-0.

ITEM 5- Review and Discuss the Draft Employee Letter and Email to Employees.

The Panel reviewed and discussed the proposed employee letter and email sent out to notify employees of their obligation to file financial disclosure statements for 2022. There was a discussion on the failure of past or retired employees who worked during the filing year to complete the disclosure statement. It was determined that a sentence would be added to indicate that retirees and/or any employee who worked in the applicable filing year are required to file if their position was listed in and required to do so by Policy 11.

Motion by Ms. Penberthy and seconded by Mr. Freeman to recommend the draft employee letter and email to employees with the applicable changes.
Motion carried 3-0.

Post -meeting, the Associate Attorney and Confidential Liaison, upon reviewing the letter and email noticed that the employee designated to accept the disclosure statements in person at the Service Center had retired. The wording of the applicable sentence was changed to reflect the proper designated in-person drop offs at both Ellicott Square and the Service Center.

ITEM 6- Review of Three (3) New Financial Disclosure Statements.

The financial disclosures were reviewed at the beginning of the meeting by Mr. Herman and Ms. Penberthy as Mr. Freeman arrived several minutes late to the meeting due to traffic issues. The three (3) financial disclosure statements were submitted by two (2) retirees and one (1) new employee and were approved.

Motion by Mr. Herman and seconded by Ms. Penberthy to approve the three (3) financial disclosure statements.
Motion carried 2-0. With Mr. Freeman abstaining.

ITEM 7- Recommendations to Authority's Board of Commissioners.

The Panel discussed and agreed that the Board would receive recommendations in accordance with the above. The Associate Attorney would send the Board draft communications to the Chairperson of the Panel for his review prior to sending to Board.

ITEM 8- Set next meeting date

The Panel tentatively scheduled its next meeting for Tuesday, June 13, 2023, at 9:00 am in the first-floor conference room at the Service Center.

V. ADJOURNMENT

Motion to adjourn by Ms. Penberthy and seconded by Mr. Herman. Motion carried and meeting adjourned at 9:37 a.m.

**ERIE COUNTY WATER AUTHORITY
HR Policies/Procedures**

**Re: CODE OF ETHICS &
CONFLICTS OF INTEREST
POLICY & PROCEDURES**

Policy No.: 11

Application: All Employees

**ARTICLE I
DEFINITIONS**

Section 1 Definitions.¹

- (a) “Ad hoc member” means a committee member who is not a duly appointed Commissioner and who is appointed to serve as a non-voting committee member pursuant to the Authority’s By-laws.
- (b) “Authority” means the Erie County Water Authority.
- (c) “Board” means the Authority’s Board of Commissioners.
- (d) “Chief Operating Officer” means the individual whose position is defined under the job specifications for Executive Director.
- (e) “Code” means this Code of Ethics and Conflicts of Interest Policy.
- (f) “Employee” includes any Authority employee holding either a full-time position or a regular, part-time position.
- (g) “Ethics Committee” means a standing committee of the Board, as described in Article IV, section 4 of the Authority’s By-Laws.

¹ This Code of Ethics & Conflicts of Interest Policy and Procedures replaces H.R. Policy No. 11.0 (Code of Ethics).

- (h) “First-degree family members” mean parents, stepparents, children, step- children, and siblings, including half- and stepsiblings.
- (i) “General Counsel” means the individual whose position is defined under the job specifications for Attorney.
- (j) “Immediate family” means any first-degree family member related by blood or marriage.
- (k) “Interested Person” means any member, ad hoc member, officer, or employee who has a direct or indirect personal financial interest in any matter pending before the Authority.
- (l) “Independent Ethics Panel” or “IEP” means the entity whose powers are proscribed in Article VI, section 4, sub-section (e) of the Authority’s By- Laws.
- (m) “Members” mean the Authority’s Commissioners, duly appointed pursuant to Public Authorities Law § 1053(1).
- (n) “Officers” mean the Chair, Vice Chair and Treasurer and other officers as may be appointed pursuant to Public Authorities Law § 1053(3), including but not limited to the Secretary to the Authority.
- (o) “Personal financial interest” means a financial interest benefiting a member, ad hoc member, officer, or employee, and/or his/her immediate family.
- (p) “Personal loan” means a loan to the member, ad hoc member, officer, or employee, or member of his/her immediate family.

ARTICLE II CODE OF ETHICS

Section 1 Purpose.

As a public benefit corporation, the Authority must conduct its operations in a manner that best serves the interests of its customers and the public. Its mission is to provide the Authority's customers with a plentiful supply of safe, high quality and affordable drinking water through reliable infrastructure.

The Authority expects its members, ad hoc members, officers, and employees to observe high ethical standards of conduct in the performance of their duties, and in compliance with all laws and regulations governing the Authority's operation. This Code of Ethics shall serve as a guide for official conduct and is intended to enhance the ethical and professional performance of the Authority's members, ad hoc members, officers, and employees and to preserve the public confidence in the Authority's mission.

Section 2 Policy.

Members, ad hoc members, officers, and employees shall perform their duties with transparency and without favor and shall refrain from engaging in outside matters of personal financial interest or of personal interest, including other employment, which could impair their independence of judgment, or prevent the proper exercise of one's official duties.

This Code is in addition to all other laws, restrictions, standards, and provisions applicable to the conduct of the Authority's members, ad hoc members, officers, and employees.

Section 3 Standard of Conduct.

- (a) The Authority's members, ad hoc members, officers, and employees shall:
 - (1) Endeavor to perform the duties of their position to the best of their ability and in a spirit of service to all persons and concerns for which the Authority was created;

- (2) Uphold the high standards of dedicated public service rendered over the years by Authority members, ad hoc members, officers, and employees;
 - (3) Support and encourage fellow employees in the proper execution of their duties;
 - (4) Address any question of conduct or regulation that may occur to either the Authority's General Counsel, or the Chair of the Independent Ethics Panel (IEP).
- (b) Members, ad hoc members, officers, and employees shall conduct themselves at all times in a manner that avoids an appearance that they can be improperly or unduly influenced, that they could be affected by the position of, or relationship with, any other party, or that they are acting in violation of the public trust.
- (c) Members, officers, and employees shall manage all matters within the scope of the Authority's mission independent of any other affiliations or employment. Members, including ad hoc members, officers, and employees shall strive to fulfill their professional responsibility to the Authority without bias and shall support the Authority's mission to the fullest.

Section 4 Prohibited Conduct.

- (a) The Authority's members, ad hoc members, officers, and employees shall not:
- (1) Directly or indirectly receive any compensation or interest, financial or otherwise, or incur any obligation, which would be a substantial conflict with the proper discharge of their duties with the Authority;
 - (2) Engage in other employment that might impair the independence of their judgment in the execution of their duties with the Authority;

- (3) Disclose confidential information, acquired in the course of official duties, or use such confidential information to further personal financial interests;
 - (4) Directly or indirectly solicit, accept, or receive any gift, whether in the form of a promise, money, services, a loan, lodging, meals, entertainment, or anything of value.
 - (5) Arrange for the extension of credit or renew an extension of credit in the form of a personal loan from the Authority.
- (b) Unless otherwise permitted by the IEP or the Ethics Committee, no immediate family member of a member, ad hoc member, officer, or employee may directly or indirectly solicit, accept, or receive any other items described in § 4(a)(4) of this Article.
- (c) Unless otherwise permitted by the IEP or the Ethics Committee, no member, ad hoc member, officer, employee nor an immediate family member of a member, ad hoc member, officer, or employee may engage in the following actions:
 - (1) Speculating or dealing in equipment, supplies, or materials normally purchased by the Authority;
 - (2) Borrowing money from the Authority, suppliers, significant commercial customers, individuals, or firms with whom the Authority does business (loans or mortgages from banks or individuals doing business with the Authority are exempt if the terms are at current rates and the customary collateral for such transactions is provided);
 - (3) Acquiring an interest in real estate in which it is known that the Authority also has a current or anticipated interest;

- (4) Misusing information to which the individual has access by reason of his or her position, including, but not limited to, disclosing confidential information (of a technical, financial, or business nature) to others outside or inside the business (whether or not a consideration is received), or using such information for one's own interest or the interest of an immediate family member;
 - (5) Soliciting funds or other items of value from the Authority's vendors, suppliers, or consultants for self-interest or for the benefit of any other organization, club, or person, whether such other persons or entities are charitable, religious or profit-making;
 - (6) Serving as an officer, director, manager, consultant, volunteer, or an independent contractor with another company or business organization directly or indirectly related to the Authority without specific authorization from the Authority; and
 - (7) Legally representing or exerting influence in favor of a current or potential vendor, including but not limited to, assisting in the drafting of applications, plans or proposals for Authority approval or submitting such applications, plans or proposals to the Authority.
- (d) The prohibited actions and activities set forth in this section do not encompass every situation that may lead to a conflict of interest.

ARTICLE III

CONFLICTS OF INTEREST POLICY

Section 1 Purpose.

- (a) The purpose of this Conflicts of Interest Policy is to protect the Authority's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a member, ad hoc member, officer, or employee of the Authority. This policy is intended to supplement, but not

replace, any applicable state laws governing conflicts of interest applicable to the Authority.

- (b) A conflict of interest is just one example of a violation of ethical conduct. This policy is intended to complement the Authority's Code of Ethics by providing specific procedures to deal with conflicts of interest. To the extent that a matter falls within the scope of both this policy and the Authority's Code of Ethics, the provisions of this Conflicts of Interest Policy shall govern.

Section 2 Prohibition against Conflicts.

- (a) Section 1068 of the New York Public Authorities Law sets forth the following requirements with respect to conflicts of interest:

It shall be a misdemeanor for any of the members of the authority, or any officer, agent, servant, or employee thereof, employed or appointed by them to be in any way or manner interested directly or indirectly in the furnishing of work, materials, supplies or labor, or in any contract therefor which the authority is empowered by this act to make.

- (b) In the event the Authority discovers a violation of the above provision, the Authority shall investigate and, if warranted, report the offense to the Inspector General of the State of New York.
- (c) This Conflicts of Interest Policy provides additional guidance regarding actual or potential conflicts of interest, including circumstances not within the scope of Public Authorities Law § 1068.

Section 3 Personal Financial Interest.

- (a) A person has a personal financial interest if the person has, directly or indirectly, through business, investment, or family:

- (1) an ownership or investment interest in, or employment with, any entity with which the Authority has a transaction or business arrangement; or
 - (2) a compensation arrangement with any entity or individual with which the Authority has a transaction or arrangement; or
 - (3) a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Authority is negotiating a transaction or arrangement.
- (b) Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature.
- (c) A personal financial interest is not necessarily a conflict of interest. No conflict of interest exists where a personal financial interest arises solely from an immediate family member that holds a clerical, ministerial or low-level management position with an existing or potential vendor, lacks the power to influence the relationship between the business and the Authority and did not obtain his or her position as a means to influence a member, ad hoc member, officer, or employee of the Authority.
- (d) A person who has a personal financial interest may have a conflict of interest only if the Board determines that a conflict of interest exists pursuant to the enforcement and hearing procedures set forth in Article V, § 2 of this Code.

Section 4 Duty to Report.

- (a) A member, ad hoc member, officer, or employee must immediately report to the Authority's General Counsel or to the IEP Chair gifts of any value, whether in the form of a promise or an offer to give money, services, a loan, or to provide lodgings, meals, or entertainment.
- (b) An interested person must disclose the existence of his or her personal financial interest and all material facts surrounding

the Financial Interest to the Authority's General Counsel and to the IEP.

- (c) If the Authority's General Counsel or the IEP have reasonable cause to believe an interested person has failed to disclose an actual or possible conflict of interest, they shall inform the interested person of the basis for such belief and afford him/her an opportunity to explain the alleged failure to disclose.
- (d) After disclosure of the personal financial interest, the General Counsel and the IEP will interview the interested person and conduct whatever investigation is warranted by the disclosure.
- (e) After exercising due diligence, the IEP will report its findings and recommendation to the Ethics Committee. The Ethics Committee will review such findings and recommendations. If the Ethics Committee determines further action should be taken, it will forward the matter to the Board.

Section 5 Standard of Review.

- (a) After exercising due diligence, if the Ethics Committee determines the Authority can obtain an equal or more advantageous transaction or arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest, then it will forward the matter to the Board with its recommendation.
- (b) If the Ethics Committee determines an equal or more advantageous transaction or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, then it will forward the matter for the Board to determine whether the transaction or arrangement should proceed or be terminated. A Board ruling to proceed shall include a determination that the transaction or arrangement is in the Authority's best interest, is done for its own benefit and is fair and reasonable to the Authority.

ARTICLE IV EMPLOYMENT RESTRICTIONS

Section 1 One-Year Moratorium.

- (a) No person who has served as a member, officer or employee of the Authority shall within a period of one year after the termination of such service or employment appear or practice before the Authority or receive compensation for any services rendered by the member, officer or employee through or on behalf of any person, firm, corporation or association in relation to any case or transaction with respect to which such person was directly concerned, or participated in, during the period of his or her service with the Authority.
- (b) Notwithstanding the foregoing, the one-year moratorium shall not apply to (i) normal business issues arising because of the person's status as a water customer of the Authority and (ii) professional services provided by such person pursuant to a written agreement with the Authority, to the extent such agreement is otherwise consistent with this Code of Ethics.

Section 2 Nepotism Policy.

- (a) In no event shall an immediate family member of a member be hired during the term of the member.
- (b) An immediate family member of an ad hoc member, officer, or employee may be considered for a permanent position only if all the following conditions are met:
 - (1) The ad hoc member, officer, or employee had no role in approving or appointing the immediate family member, pursuant to H.R. Policy No. 92 (Employment Policy and Procedures); and
 - (2) The immediate family member is an appointment from a Civil Service List; or
 - (3) There will be no supervisory relationship between the immediate family member and the related ad hoc

member, officer, or employee, and the immediate family member and the related member, ad hoc member, officer, or employee will not work in the same department.

- (c) If current members, ad hoc members, officers, or employees marry, it may be necessary for the Authority to reassign one or both individuals, particularly in the case of close working, or direct supervisory relationships.
- (d) An immediate family member may be considered for summer or temporary employment only if all the following conditions are met:
 - (1) There will be no supervisory relationship between the immediate family member and the related ad hoc member, officer, or employee; and
 - (2) The immediate family member and the related ad hoc member, officer, or employee will not work in the same department.
- (e) In no event shall a related ad hoc member, officer, or employee participate in any decision to hire, promote, discipline, or discharge an immediate family member.
- (f) The effective date of this section is March 26, 2019. Immediate family members whose date of hire is before May 1, 2018, may continue in their current position or may be promoted despite the provisions set forth in this section.

ARTICLE V

IMPLEMENTATION & ENFORCEMENT

Section 1 Distribution.

The Code shall be reviewed annually by the Board and posted on the Authority's website. All members, ad hoc members, officers, and employees shall be given a copy of this Code upon appointment or commencement of employment and thereafter annually.

Section 2 IEP & Ethics Committee.

- (a) The Board designates the ad hoc members of the IEP as its Ethics Officers, who shall report to the Ethics Committee and Board.
- (b) The Ethics Committee shall prepare, review, update, and approve financial disclosure statements to be filed by members, ad hoc members, officers, and designated employees with the IEP.
- (c) The IEP shall have the following duties:
 - (1) Interpret and make recommendations regarding any questions or purported violations of this Code and any statutory ethical standards affecting members, ad hoc members, officers, employees or their immediate family;
 - (2) Counsel in confidence all members, ad hoc members, officers, employees, and their immediate family, who seek advice about ethical behavior;
 - (3) Receive and investigate complaints about possible conflicts of interest and ethics violations;
 - (4) Recommend the dismissal of any complaint found to be without substance;
 - (5) Prepare an investigation report of its findings and recommendations for the Ethics Committee to consider and to recommend such further action be taken by the Board;
 - (6) Record the receipts of gifts or gratuities of any kind, received by any member, ad hoc member, officer, employee, or immediate family member, who shall notify the IEP within 48 hours of receipt of such gifts and gratuities.

- (d) Any reports or recommendations made by the IEP must list those ad hoc members who concur or dissent with the report or recommendation.
- (e) Members, ad hoc members, officers, and employees are required to report possible unethical behavior by a member, ad hoc member, officer, or employee to the IEP and the Authority's General Counsel. Such a complaint may be filed anonymously and protects the reporting member, ad hoc member, officer, or employee from retaliation. Any form of retaliation is prohibited under this Code and constitutes an ethical violation of this Code.
- (f) At its discretion, the Ethics Committee may recommend to the Board appropriate disciplinary action, which may include, but is not limited to, a reprimand, suspension, or termination. No disciplinary action may be taken without affording the person due process to be heard and to respond to the complaint of unethical behavior. This hearing may also be subject to the applicable provisions, if any, of Civil Service Law § 75 or any applicable provisions of a collective bargaining agreement.

Section 3 Records of Proceedings.

The IEP shall keep records of all proceedings, including:

- (a) Names of the persons who disclosed or otherwise were found to have a personal financial interest in connection with an actual or possible conflict of interest, the nature of the personal financial interest, any action taken to determine whether a conflict of interest was present, and the Board's ruling, if any, as to whether a conflict of interest in fact existed.
- (b) Names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken, or written rulings made in connection with the matter.

ARTICLE VI

FINANCIAL DISCLOSURE STATEMENTS

Section 1 Erie County Board of Ethics.

- (a) Pursuant to Public Authorities Law § 2825 (3) and Article 18 of the General Municipal Law, members, officers, and designated employees must file an annual financial disclosure statement with the Erie County Board of Ethics on or before the fifteenth day of May with respect to the preceding calendar year.
- (b) A member, officer, or designated employee who has timely filed an application for automatic six-month extension with the Internal Revenue Service (“IRS”) may file a supplemental statement of financial disclosure seven days after the expiration of the six-month automatic extension with the IRS. This six-month extension does not extend the May 15th deadline but does allow an individual to file a supplemental financial statement, correcting any representations made in the initial financial statement.
- (c) The following members, officers, and employees are required to file annual disclosure statements with the Erie County Board of Ethics: Commissioners, the Secretary of the Authority, the Chief Operating Officer, the Chief Financial Officer, the General Counsel, and Executive Engineer.
- (d) The following members, officers, and employees are required to file an Employee Disclosure Form with the Erie County Board of Ethics within ten (10) days of appointment: Commissioners, the Secretary of the Authority, the Chief Operating Officer, the Chief Financial Officer, the General Counsel, and Executive Engineer.

Section 2 In-House Financial Disclosure Statements.

- (a) The members, ad hoc members, officers, and designated employees are required to file an in-house financial disclosure statement with the Authority’s IEP within ten (10) days of appointment or commencement of employment and thereafter annually.

- (b) In-house financial disclosure statements shall be filed by all members, all employees holding an “exempt” job title, and other employees holding certain job titles:

(1) Exempt Job Titles

- i. Associate Attorney;
- ii. Associate Attorney RPT;
- iii. Chief Financial Officer;
- iv. Chief Operating Officer;
- v. Comptroller;
- vi. Comptroller (Part time);
- vii. General Counsel;
- viii. Executive Engineer;
- ix. Secretary to the Authority;
- x. Senior Associate Attorney.

(2) Designated Job Titles

- i. Administrative Assistant;
- ii. Assistant Business Office Manager;
- iii. Assistant Manager of Accounting Services;
- iv. Automotive Mechanic Crew Chief;
- v. Business Office Manager;
- vi. Cash Manager;
- vii. Chemist and Chief Water Treatment Plant Operator;
- viii. Chief Business Officer Manager-Budget Director;
- ix. Chief Customer Service Representative;
- x. Claims Representative-Risk Manager;
- xi. Construction Inspector;
- xii. Coordinator of Employee Relations;
- xiii. Deputy Associate Attorney;
- xiv. Deputy Director/Chief Financial Officer;
- xv. Director of Administration;
- xvi. Director of Cybersecurity and Information Technology;
- xvii. Director of Employee Relations;
- xviii. Director of Equal Employment Opportunity (ECWA);
- xix. Director of Human Resources;
- xx. Director of Purchasing & Inventory Management;
- xxi. Director of Operations;
- xxii. Director of Water Quality;

- xxiii. Distribution Engineer;
- xxiv. Electrical Engineer;
- xxv. Employee Benefits Specialist;
- xxvi. Manager of Accounting Services;
- xxvii. Municipal Liaison ECWA (Part time);
- xxviii. Production Engineer;
- xxix. Production Technician;
- xxx. Security Officer (ECWA);
- xxxi. Senior Distribution Engineer;
- xxxii. Senior Micro Technical Support Specialist (ECWA);
- xxxiii. Senior Production Engineer;
- xxxiv. Senior Stores Clerk; and
- xxxv. Any other position designated by Board resolution.

- (c) The General Counsel or the Independent Ethics Panel may direct any other employee who procures goods and services on the Authority's behalf to file a financial disclosure statement.
- (d) All members, ad hoc members, officers, and designated employees have the ongoing obligation to immediately report any conflict of interest that may arise for them or for any of their immediate family members.
- (e) Members, ad hoc members, officers, and designated employees must annually file an in-house financial disclosure statement with the IEP on or before the fifteenth day of May with respect to the preceding calendar year. In-house financial disclosure statements shall be placed in a sealed envelope and addressed to the Independent Ethics Panel, c/o Legal Department, 295 Main Street, Room 350, Buffalo, New York 14203.
- (f) The Authority shall retain all in-house financial disclosure statements for a period of seven years from the required filing date.

DRAFT EMAIL

Good Morning:

As part of the Erie County Water Authority's Code of Ethics Policy, you are required to file an in-house financial disclosure statement with the Authority's Independent Ethics Panel within ten days of appointment or commencement of employment and thereafter annually. **This includes retirees and/or any person that was employed at the Authority in any part of the year 2022.** In that regard, enclosed please find the following:

1. Policy No. 11 - Code of Ethics & Conflict of Interest Policy.
2. Policy No. 16 - Whistleblower Protection Policy
3. 2022 ECWA Financial Disclosure Statement, with a PDF fillable form available online for you to complete, print and sign.
4. 2022 ECWA Vendor List

PLEASE NOTE: If you have any questions regarding Policy No. 11 you may email the Independent Ethics Panel (IEP@ecwa.org) or you may contact Associate Attorney Jackie Mattina, by leaving a message at extension 8452 or by email at jmattina@ecwa.org. If you leave a voice message, please give your name, phone number and the best time to return your call.

**You are required to return your completed
2022 ECWA Financial Disclosure Statement no later than May 15, 2023.**

Enclosed please find a return envelope in which you are to place and seal your **completed, signed financial disclosure statement**. It is very important **your name is written or typed in the top box for each page**. Please return the financial disclosure statement in the sealed envelope and return it to work, or mail and postmark it no later than May 15, 2023 to the **Independent Ethics Panel, c/o Legal Department, 295 Main Street, Room 350, Buffalo, New York 14203**. All Financial disclosure forms must be date stamped, so if you plan to drop off your Financial Disclosure Statement to the **Service Center or Ellicott Square office, please hand deliver the statements directly to Debbie, Mel, or the Reception/Switchboard Operator on duty, so they can be processed correctly.**



Erie County Water Authority

295 Main Street • Room 350 • Buffalo, NY 14203-2494
716-849-8484 • Fax 716-849-8463

Independent Ethics Panel

Raymond Herman, Ad Hoc Member
Robert Freeman, Ad Hoc Member
BrittanyLee Penberthy, Ad Hoc Member

TO: Applicable ECWA Members, Officers, and Employees

FROM: Independent Ethics Panel

DATED: April 3, 2023

RE: 2022 ECWA Financial Disclosure Statement

As part of the Erie County Water Authority's Code of Ethics Policy, you are required to file an in-house financial disclosure statement with the Authority's Independent Ethics Panel within ten days of appointment or commencement of employment and thereafter annually. **This includes retirees and/or any person that was employed at the Authority in any part of the year 2022.** In that regard, enclosed please find the following:

1. Policy No. 11 - Code of Ethics & Conflict of Interest Policy.
2. Policy No. 16 - Whistleblower Protection Policy
3. 2022 ECWA Financial Disclosure Statement, with a PDF fillable form available online for you to complete, print and sign.
4. 2022 ECWA Vendor List

PLEASE NOTE: If you have any questions regarding Policy No. 11 you may email the Independent Ethics Panel (IEP@ecwa.org) or you may contact Associate Attorney Jackie Mattina, by leaving a message at extension 8452 or by email at jmattina@ecwa.org. If you leave a voice message, please give your name, phone number and the best time to return your call.

**You are required to return your completed
2022 ECWA Financial Disclosure Statement no later than May 15, 2023.**

Enclosed please find a return envelope in which you are to place and seal your **completed, signed financial disclosure statement**. It is very important **your name is written or typed in the top box for each page**. Please return the financial disclosure statement in the sealed envelope and return it to work, or mail and postmark it no later than May 15, 2023 to the **Independent Ethics Panel, c/o Legal Department, 295 Main Street, Room 350, Buffalo, New York 14203**. All Financial disclosure forms must be date stamped, so if you plan to drop off your Financial Disclosure Statement to the **Service Center or Ellicott Square office, please hand deliver the statements directly to Debbie, Mel, or the Reception/Switchboard Operator on duty, so they can be processed correctly.**



Erie County Water Authority

295 Main Street • Room 350 • Buffalo, NY 14203-2494
716-849-8484 • Fax 716-849-8463

Independent Ethics Panel (IEP)

FINANCIAL DISCLOSURE STATEMENT For Calendar Year 2022

Name:

First

Middle

Last

Position:

Business Email:

Business Phone No:

Home Address:

Street

City

Zip

ACKNOWLEDGEMENTS

Please acknowledge the following statements by checking the appropriate boxes.

I hereby acknowledge receiving & reading a copy of Policy No. 11, entitled "Code of Ethics & Conflicts of Interest Policy" and Policy No. 16, "Whistleblower Protection Policy".

PLEASE NOTE: If you have any questions regarding Policy No. 11 you may email the Independent Ethics Panel (IEP@ecwa.org) or you may contact Associate Attorney Jackie Mattina, at extension 8452 or by email at jmattina@ecwa.org.

I hereby acknowledge that I have complied with the provisions of Policy No. 11.

If you have not checked each box in this section, please give an explanation on page 6.

STANDARD OF CONDUCT

(ARTICLE II, § 3)

Please affirm the following statements by checking the appropriate boxes.

I affirm that I have endeavored and will endeavor to perform the duties of my position to the best of my ability and in a spirit of service to all persons and concerns for which the Erie County Water Authority ("ECWA") was created.

Name:

I affirm that I have upheld and will uphold the high standards of dedicated public service rendered over the years by ECWA members, officers and employees.

I affirm that I have supported and encouraged, and will support and encourage, my fellow employees in the proper execution of their duties.

I affirm that I will seek the advice of the Authority's General Counsel, or the members of the Independent Ethics Panel ("IEP") when I have a question of conduct or about the policy.

I affirm that I have not engaged in, and will not engage in, any conduct, at any time, which suggests or demonstrates I could be improperly or unduly, influenced to violate my public duty or the public trust.

I affirm and acknowledge my duty to immediately report to the Authority's General Counsel or to the IEP Chair gifts of any value, whether in the form of a promise or an offer to give money, services, a loan, or to provide lodgings, meals or entertainment.

I affirm that I have supported and will support the ECWA mission to the fullest, that I manage all matters within the scope of that mission independent of any other affiliations or employment, and that I strive to fulfill my professional responsibility to ECWA.

If you have not checked each box in this section, please give an explanation on page 7.

PROHIBITED CONDUCT

(ARTICLE II, § 4)

Please affirm the following statements by checking appropriate boxes.

PLEASE NOTE: You must review the Vendor List provided to you with this Financial Disclosure Statement before you complete the remaining sections of this form.

I affirm that I have **not**:

Directly or indirectly received any compensation or interest, financial or otherwise, or incurred any obligation, which would be a substantial conflict with the proper discharge of my duties.

Engaged in other employment that might impair the independence of my judgment in the execution of my ECWA duties.

Disclosed confidential information, acquired in the course of my official duties or used such confidential information to further a personal financial interest.

Name:

PLEASE NOTE: Personal financial interest means a financial interest benefiting you or an immediate family member. An immediate family member means any first-degree family member related by blood or marriage. First-degree family members mean parents, step-parents, children, step-children, and siblings, including half- and step-siblings

Directly or indirectly solicited, or accepted or received any gift, whether in the form of a promise, money, services, a loan, lodging, meals, entertainment, or anything of value.

Arranged for the extension of credit or renewed an extension of credit in the form of a personal loan from the Authority.

Unless otherwise permitted by the Independent Ethics Panel or Ethics Committee, I affirm to the best of my knowledge:

No immediate family member has directly or indirectly solicited, accepted, or received any gift, whether in the form of a promise, money, services, a loan, lodging, meals, entertainment, or anything of value.

Neither I nor any member of my immediate family has engaged in speculating or dealing in equipment, supplies or materials normally purchased by ECWA.

Neither I nor any member of my immediate family has borrowed money from ECWA, or any suppliers, significant commercial customers, individuals or firms with whom ECWA does business.

PLEASE NOTE: Loans or mortgages from banks or individuals doing business with the Authority are exempt if the terms are at current rates and the customary collateral for such transactions is provided.

Neither I nor any member of my immediate family has acquired an interest in real estate in which it is known that ECWA also has a current or anticipated interest.

Neither I nor any member of my immediate family has misused information to which I have had access by reason of my position – such as by disclosing confidential information of a technical, financial or business nature to others outside or inside ECWA regardless of whether such information was disclosed for my own interest or the interest of an immediate family member.

Neither I nor any member of my immediate family has solicited funds or other items of value from ECWA vendors, suppliers or consultants.

Neither I nor any member of my immediate family has served as an officer, director or manager with another company or business organization directly or indirectly doing business with ECWA without specific authorization from ECWA.

Neither I nor any member of my immediate family legally represents, or exerts influence in favor of, a current or potential ECWA vendor including, but not limited to, assisting in the drafting of applications, plans or proposals for ECWA approval or submitting such applications, plans or proposals to ECWA.

If you have not checked each box in this section, please give an explanation on page 7.

**CONFLICTS OF INTEREST
(ARTICLE III § 3)**

PLEASE NOTE:

- The questions in this CONFLICT OF INTEREST section do not relate to a domestic or commercial ECWA water customer.
- Answer each question to the best of your knowledge after making a diligent inquiry of immediate family members.
- Any unanswered questions, will be treated as if you answered “Yes.”

Please check “Yes” or “No” to the following questions

YES NO

Do you or an immediate family member, have any ownership or investment interest in an entity with which ECWA does business or has entered into a transaction and/or business arrangement?

Are you or an immediate family member an officer, director, manager, consultant, volunteer, or an independent contractor of any entity or individual having business dealings with ECWA or having engaged in a transaction and/or business arrangement with ECWA?

Do you or an immediate family member hold any position with an entity or individual, doing business with ECWA or otherwise engaged in a transaction and/or business arrangement with ECWA?

Have you or an immediate family member accepted compensation from an entity with which, or individual with whom, ECWA has done any business or has engaged in a transaction and/or business arrangement?

Do you or an immediate family member, through business or investment, have a potential ownership or investment interest with an entity or individual, negotiating a transaction and/or business arrangement with ECWA?

Name:

Do you or an immediate family member, through business or investment, have pending compensation arrangement with an entity or individual, negotiating a transaction and/or business arrangement with ECWA?

PLEASE NOTE:

- Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature.
- A personal financial interest is not necessarily a conflict of interest. No conflict of interest exists where a personal financial interest arises solely from an immediate family member that holds a clerical, ministerial or low-level management position with an existing or potential vendor, lacks the power to influence the relationship between the business and the Authority and did not obtain his or her position as a means to influence a member, ad hoc member, officer, or employee of the Authority.
- A person who has a personal financial interest may have a conflict of interest only if the Board determines that a conflict of interest exists pursuant to the enforcement and hearing procedures set forth in Article V, § 2 of Policy No. 11.

If you have answered “Yes” or failed to answer any question in this section, please give an explanation on page 7.

IF YOU ARE AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF NEW YORK, PLEASE ANSWER THE FOLLOWING QUESTIONS:

YES NO

If you have a private practice, do you represent any county, city, town or village (i.e. municipal corporation) or any Indian nation or tribe?

If yes, please list which municipal corporation(s) and/or Indian nation(s) or tribe(s) you represent:

NEPOTISM POLICY

(ARTICLE IV § 2)

Please check “Yes” or “No” to the following questions

YES NO

Have any of your immediate family members worked for ECWA during the 2022 calendar year?

If you answered “Yes,” please answer the following:

YES NO

Did you have any role in approving or appointing an immediate family member to a position with ECWA?

Was the immediate family member appointed from a Civil Service list?

Do you directly supervise an immediate family member?

Is an immediate family member supervised by someone over whom you have direct or indirect supervision?

Does an immediate family member work in the same department as you?

Please list the names of any immediate family member who works or worked for ECWA in calendar year 2022.

ADDITIONAL INFORMATION

If necessary, you may attach additional pages

Acknowledgement Section:

Standard of Conduct Section:

Prohibited Conduct Section:

Conflicts of Interest Section:

**ERIE COUNTY BOARD OF ETHICS
(ARTICLE VI§ 1)**

If you are a Commissioner, the Secretary of the Authority, the Chief Operating Officer, the Chief Financial Officer, General Counsel or Executive Engineer, please answer the following question.

Please check “Yes” or “No” to the following questions

YES NO

Have you filed with the Erie County Board of Ethics the Annual Statement of Financial Disclosure for the County of Erie for Calendar Year 2022?

Please indicate the date you filed:

Return this Financial Disclosure Statement by May 15, 2023.

I affirm, under penalty of perjury, all information in this financial disclosure statement is true to the best of my knowledge.

Date

Signature

Acknowledgment

I, _____, received the letter, dated April 3, 2023 from the Independent Ethics Panel (IEP), along with a copy of the 2022 ECWA Financial Disclosure Statement, Policy No. 16 (Whistle-blower Protection Policy, and Policy No. 11 (Code of Ethics & Conflicts of Interest Policy).

I affirm, under penalty of perjury, that I have reviewed and read the materials provided to me with this Acknowledgment.

Employee Signature _____ Date _____

Print Name: _____

For your convenience, this Financial Disclosure Statement may be filled out electronically but requires an original signature for submission. Please submit your statement in a sealed envelope to the Independent Ethics Panel, c/o Legal Department, 295 Main Street, Room 350, Buffalo, New York 14203. Your name must be placed on the outside of the sealed envelope. All envelopes will be time-stamped when received. Envelopes will be open by members of the Independent Ethics Panel.

For IEP Use Only

Reviewed by: _____ Date Reviewed: _____ Needs Follow-Up: ____ Date Approved by IEP: _____

VENDOR NUMBER	VENDOR NAME
V2755	2229 GROUP LLC
V5386	4TH GENERATION CONSTRUCTION INC
V7867	716 SITE CONTRACTING, INC.
V0095	ABC LOCKSMITH SERVICE, INC
V3291	ABSOLUTE STANDARDS INC
V2445	ACE HARDWARE
V3389	AD SPECIALTY SOLUTIONS LLC
V3216	ADMAR SUPPLY CO INC
V8736	ADVANCE AUTO PARTS PROFESSIONAL
V4330	ADVANCED ANALYTICAL SOLUTIONS
V0231	ALLPRO PARKING, LLC
V3287	ALLSTATE INSURANCE COMPANY
V3404	ALP STEEL CORP.
V4232	ALRO STEEL CORPORATION
V8444	ALTA CONSTRUCTION EQUIPMENT NEW YORK LLC
V3398	AMAZON.COM
V0022	AMERICAN WATER WORKS ASSOCIATION
V3277	AMSTAR OF WESTERN NEW YORK, INC.
V3428	ANALYTICAL TECHNOLOGY, INC.
V1681	ANDERSON EQUIPMENT COMPANY
V0182	APPLIED INDUSTRIAL TECHNOLOGIES INC
V3332	APPLIED SPECIALTIES INC
V3407	ARCADIS U.S., INC.
V4190	ARROW SHEET METAL WORKS, INC.
V3172	ASHLAND PEST CONTROL INC
V0081	ASSOCIATION OF METROPOLITAN WATER AGENCI
V4375	ATOMIC LED INC.
V3238	AUTOMATECH INC - GE FANUC
V0102	A-VERDI LLC
V3418	AVIAT US, INC.
V3409	AZTECA SYSTEMS, INC.
V3443	AZUGA INC
V3971	B&H
V3851	BACHS TOWING
V0224	BAKER HALL INC
V0221	BARBERS CHEMICALS INC
V3959	BARCLAY DAMON, LLP

V3790	BARTON & LONGUIDICE
V0289	BASIL FORD INC (QUICK LANE TIRE & AUTO)
V4309	BAYVIEW ROAD ASSOCIATES LLC
V0111	BEE PUBLICATIONS, INC
V0115	BIEL'S INFORMATION TECH SYSTEMS
V3657	BISON LABORATORIES INC
V3699	BLACKBURN MANUFACTURING CO
V0155	BLAIR SUPPLY CORPORATION
V3814	BOBCAT COMPANY
V3674	BOBCAT OF BUFFALO
V4237	BROWN AND CALDWELL
V0298	BUFFALO & PITTSBURGH RAILROAD, INC
V3823	BUFFALO EMERGENCY ASSOCIATES LLC
V0313	BUFFALO WATER
V0220	BUSINESS FIRST OF BUFFALO INC
V3965	BXI CONSULTANTS
V8612	C R M CONTRACTING INC
V9707	C S BUSINESS SYSTEMS, INC
V0427	C S X TRANSPORTATION
V8432	CALERO SOFTWARE, LLC
V2597	CALKINS TECHNICAL PRODUCTS INC
V2534	CAMPIONE SAFETY
V2822	CAPITAL MARKETS ADVISORS, LLC
V2838	CAPPELLINO CHEVROLET
V0467	CARAHSOFT TECHNOLOGY CORPORATION
V0446	CARDMEMBER SERVICE
V8641	CARUS CORPORATION
V2819	CASULLOS AUTOMOTIVE
V2593	CATCO
V0317	CCH INCORPORATED
V2532	CDW GOVERNMENT
V2821	CHA CONSULTING, INC
V0494	CHILD & FAMILY SERVICES
V2604	CINTAS CORPORATION - SAFETY TRAINING
V6479	CITY OF LACKAWANNA
V2811	CLARK PATTERSON LEE
V8814	CLEARVIEW MAINTENANCE CORP
V0302	CMH COMPANY INC
V2441	COMMISSIONER OF FINANCE - E C HEALTH DEP
V4534	COMPASS MINERALS

V4349	COMPULINK TECHNOLOGIES INC
V4262	COMSOURCE INC
V2642	COPIER FAX BUSINESS TECHNOLOGIES INC
V7962	CORE & MAIN LP
V0331	CORPORATE SCREENING & INVESTIGATIVE GRP
V0346	CORR DISTRIBUTORS INC
V4365	COUNSEL PRESS INC.
V0347	COUNTY LINE STONE CO INC
V2454	COUNTY OF ERIE COMPTROLLER
V4339	CPI PROCESS SYSTEMS INC
V8619	CROSS CONNECTION CONTROL FOUNDATION, INC
V4188	CUMMINS-WAGNER HOLDINGS, INC.
V4303	CURTIS POWER SOLUTIONS LLC
V0528	DELACY FORD INC
V4799	DELL MARKETING LP
V4731	DELTA SONIC DETAIL SHOP INC
V4261	DERIVE TECHNOLOGIES LLC
V4851	DERRICK CORPORATION
V4811	DIDONATO ASSOCIATES PE PC
V4460	DISTRIBUTED TECHNOLOGY GROUP
V0520	DIVAL SAFETY EQUIPMENT INC
V4456	DJM CONTRACTING, INC.
V4821	DLT SOLUTIONS, LLC
V4452	DN TANKS INC.
V0508	DOBMEIER JANITOR SUPPLY INC
V4628	DOUBLE EAGLE EMBROIDERY
V4844	DRESCHER & MALECKI LLP
V0700	E & R GENERAL CONSTRUCTION INC
V2405	E 3 COMMUNICATIONS INC
V2134	E.H.WACHS COMPANY
V5187	EATON CORPORATION
V0601	EATON OFFICE SUPPLY CO INC
V5159	EDS TIRE SERVICE INC
V5189	EL-DON BATTERY POST INC
V1903	ELLCOTT GROUP LLC
V2493	EMERSON OIL CO INC.
V2486	ENVIROLUTIONS, LLC
V2412	ENVIRONMENTAL PROTECTION AGENCY
V5102	ENVIRONMENTAL SYSTEMS RESEARCH INST INC
V4248	EPLUS TECHNOLOGY INC

V0615	ERB CO INC
V5158	ERDMAN ANTHONY AND ASSOCIATES INC
V5185	ERIE COUNTY DEPT OF PUBLIC WORKS
V5198	ERIE COUNTY DEPT OF PUBLIC WORKS
V5107	ERIE COUNTY PUBLIC HEALTH LABORATORY
V2474	ESC ENVIRONMENTAL
V6880	EUROFINS EATON ANALYTICAL, INC.
V4121	EVERETT J PRESCOTT INC
V0671	E-Z PASS NEW YORK
V8310	F.W. WEBB CO. -WATERWORKS
V0786	FASTENAL COMPANY
V8012	FCX PERFORMANCE
V5279	FERGUSON ELECTRIC SERVICE CO INC
V4222	FERGUSON WATERWORKS
V5350	FERRELLGAS LP
V3063	FERRY INC
V5387	FIRSTLIGHT
V0708	FISHER SCIENTIFIC COMPANY
V5329	FITCH INC
V2015	FLEETPRIDE(UNIVERSAL JOINT SALES CO INC)
V0721	FLUID KINETICS INC
V5228	FM COMMUNICATIONS INC
V5369	FM OFFICE EXPRESS, INC (INTIVITY)
V3054	FORTRA, LLC.
V0723	FREDERICK MACHINE REPAIR INC
V5376	FREY HEAVY DUTY
V5588	GEITER DONE OF WNY, INC.
V5702	GENESEE VALLEY FORD LLC
V0856	GENUINE PARTS COMPANY
V5577	GHD CONSULTING ENGINEERS, LLC
V5596	GLOBAL KNOWLEDGE TRAINING, LLC
V5697	GLOBAL SIGNAL ACQUISITIONS LLC
V4295	GLOBALSECURITYIQ LLC
V0838	GOODYEAR SERVICE STORES
V0819	GRAYBAR ELECTRIC COMPANY INC
V5565	GREATER NIAGARA MECHANICAL INC
V5536	GREENMAN - PEDERSON,INC
V0817	GROVE ROOFING SERVICES INC
V5562	GZA GEOENVIRONMENTAL OF NEW YORK
V0934	HACH COMPANY

V7042	HANES SUPPLY INC
V0990	HARRIS BEACH PLLC
V0989	HAZEN AND SAWYER
V7045	HEALTHWORKS-WNY LLP
V7135	HERC RENTALS, INC.
V4277	HJS SUPPLY
V7136	HODGSON RUSS ATTORNEYS LLP
V7067	HOHL INDUSTRIAL SERVICES INC
V4336	HOTFOIL-EHS INC
V0447	HUNT ENGINEERS, ARCHITECTS & SURVEYORS
V0977	HYDROVERGE
V1014	IBM CORPORATION
V5822	IDEXX DISTRIBUTION INC
V5806	INDIAN SPRINGS SPECIALTY PRODUCTS INC
V5929	INDUSTRIAL SCIENTIFIC
V5915	INFORMATION MANAGEMENT SERVICES
V5938	INGENIOUS INC.
V5876	INNER-TITE CORP
V4329	INTERSTATE BATTERY OF GREATER BUFFALO
V4371	INTUITECH, INC.
V1009	IRISH CARBONIC & WELDING CORP
V5905	IRON MOUNTAIN INFORMATION MANAGEMENT INC
V1012	IRR SUPPLY CENTERS INC
V4305	ITSAVVY LLC
V6069	JACKSON WELDING & GAS PRODUCTS
V1056	JAMESTOWN COMMUNITY COLLEGE
V1060	JET ACTION INC
V6005	JIMS TRUCK PLAZA
V4288	JM DAVIDSON ENGINEERING, D.P.C.
V0255	JOE BASIL CHEVROLET INC
V6664	JOHN J MOGAVERO
V4931	JOHNSON CONTROLS
V1053	JONES CHEMICALS INC
V1101	K & S CONTRACTORS SUPPLY INC
V1102	KAMAN AUTOMATION INC.
V6126	KAMINSKI & SONS TRUCK EQUIPMENT
V1121	KANDEY COMPANY INC
V6208	KANTOLA PRODUCTIONS LLC
V1188	KELLER BROS & MILLER PRINTING INC
V6209	KEMIRA WATER SOLUTIONS INC

V6205	KENWORTH NORTHEAST GROUP, INC.
V6200	KEYBANK NATIONAL ASSOCIATION
V6190	KINSLEY POWER SYSTEMS
V4286	KLINDEK AMERICA CORP
V0462	KOOLTRONIC, INC.
V1158	KRACKELER SCIENTIFIC INC
V6162	KRAVITCH MACHINE COMPANY
V6198	KRONOS, INC.
V1138	KURK FUEL COMPANY
V1254	LABELLA ASSOCIATES DPC
V6449	LABOR-MANAGEMENT HEALTHCARE FUND
V1221	LAWLEY SERVICE INC
V6245	LAWSON PRODUCTS, INC.
V6493	LEDGE CREEK DEVELOPMENT INC
V4356	LIFE STORAGE INC.
V1326	LINDE GAS & EQUIPMENT INC (PRAXAIR)
V3355	LINEAGE
V1214	LOCK CITY SUPPLY INC
V6453	LOWES COMPANIES INC
V6404	LUDECA INC
V6752	M K S PLUMBING CORP
V1358	MANUFACTURERS & TRADERS TRUST COMPANY
V2832	MARK CERRONE INC
V6990	MASIELLO, MARTUCCI, CALABRESE & ASSOC.
V6513	MATRIX IMAGING SOLUTIONS, INC
V6895	MAZIUK & CO INC
V6804	MCCARTHY TIRE SERVICE CO.
V1258	MCMAHON & MANN CONSULTING ENGINEERING
V1262	MCMASTER-CARR SUPPLY COMPANY
V6838	MERCY AMBULATORY EMER DEPT
V4357	MERIDIAN DEVELOPMENT LLC
V6996	METRO CONTRACTING & ENVIRONMENTAL INC
V6721	MICRO MOTION INC
V4374	MICROCAD TRAINING AND CONSULTING, INC.
V6966	MICROSOFT AZURE
V6811	MIDWAY INDUSTRIAL SUPPLY
V4908	MILTON-CAT
V6666	MODERN DISPOSAL SERVICES INC
V6505	MOHAWK LTD
V2794	MOLEY MAGNETICS INC

V4308	MRP TONAWANDA REALTY
V6864	MSC INDUSTRIAL SUPPLY CO INC
V5995	MUTUAL OF OMAHA
V4579	NATALE BUILDING CORP
V1401	NATIONAL FUEL GAS CORPORATION
V8574	NATIONAL INSTITUTE OF GOV'T PURCHASING
V8506	NATIONAL OVERHEAD DOOR INC
V8070	NATIONAL SOCIETY OF PROFESSIONAL ENGINEE
V1415	NATIONALGRID
V1403	NEPTUNE TECHNOLOGY GROUP INC
V4512	NEW FRONTIER EXCAVATING & PAVING, INC
V1461	NEW YORK SECTION AWWA
V1410	NEW YORK STATE DEPT OF ENVIRONMENTAL
V1407	NEW YORK STATE ELECTRIC & GAS CORP
V8054	NEW YORK STATE THRUWAY AUTHORITY
V8549	NIAGARA COATINGS SERVICES INC
V8056	NIAGARA FRONTIER EQUIPMENT SALES INC.
V1494	NOCO ENERGY CORP
V1424	NUSSBAUMER & CLARKE INC
V2305	NYE AUTOMOTIVE GROUP
V1408	NYS & LOCAL EMPLOYEES RETIREMENT SYSTEM
V8014	NYS GOVERNMENT FINANCE OFFICERS ASSOC
V8524	NYS INDUSTRIES FOR THE DISABLED INC
V5606	OCCUPATIONAL SAFETY & ENVIRONMENTAL ASSC
V5667	ODP BUSINESS SOLUTIONS (OFFICE DEPOT)
V4299	ONSOLVE LLC
V1546	ORFFEO PRINTING & IMAGING, INC.
V5676	OSC EQUIPMENT SERVICES INC
V4138	P&A ADMINISTRATIVE SERVICES INC
V2417	PACE ANALYTICAL SERVICES INC
V6981	P-A-M CONSULTING SERVICE, INC.
V4224	PCS PUMP AND PROCESS INC
V6943	PEARSON EDUCATION INC.
V4062	PEOPLE INC
V1610	PERTECH
V8361	PHENOVA INC
V7181	PHILADELPHIA MIXERS
V1586	PHILIPPS BROS SUPPLY INC
V4377	PHOTIKON CORPORATION
V1557	PITNEY BOWES, INC.

V1559	POLLARDWATER
V1580	POSTMASTER BUFFALO NEW YORK
V1562	POWER DRIVES INC
V7189	PRECISION SCALE
V6947	PRO BUSINESS SUPPLY
V0365	PROLIFT INC
V2522	PVS-CDI CHEMICALS INC (CHEMICAL DIST)
V4358	R E LORENZ CONSTRUCTION, INC
V5096	R M F PRINT MANAGEMENT GROUP, INC.
V8114	R.B. U'REN EQUIPMENT INC.
V1666	R.M. HEADLEE CO., INC
V4234	RAILPROS FIELD SERVICES INC
V7319	RAZ-LEE SECURITY
V4320	READY DATA INC
V5046	RED WING SHOES
V7133	REGIONAL INTERNATIONAL OF WNY INC
V8096	RICOH USA INC(FORMERLY IKON OFFICE)
V7289	ROBINSON SALES INC
V5042	ROSEMOUNT INC
V1671	ROSS VALVE MANUFACTURING CO INC
V7320	ROUTE 5 BOOTS & SHOES
V5056	RUCKER LUMBER INC
V1683	RUSINIAKS SERVICE INC
V7286	RUSSO DEVELOPMENT INC
V7854	SAFE DRIVER ACADEMY
V4998	SAFELITE GLASS CORP
V4988	SAF-GARD SAFETY SHOE COMPANY
V7766	SAIA COMMUNICATIONS INC
V1751	SCHAEFER PLUMBING SUPPLY CO INC
V7560	SHANOR ELECTRIC SUPPLY COMPANY, INC
V4387	SHENEHON & ASSOCIATES, INC.
V4992	SHI INTERNATIONAL CORP
V8188	SHIMADZU SCIENTIFIC INSTRUMENTS INC
V8179	SIEMENS INDUSTRY INC
V1858	SIEWERT EQUIPMENT COMPANY, INC
V4963	SIMMERS CRANE DESIGN & SERVICES CO.
V4968	SIRIUS COMPUTER SOLUTIONS INC
V7597	SISTERS OF CHARITY HOSPITAL
V4953	SLACK CHEMICAL COMPANY INC
V4352	SOLOMON & SOLOMON, PC

V7873	SOUTHTOWN SUPPLY INC.
V0287	STANLEY CONVERGENT SECURITY SOLUTION INC
V1772	STANLEY STEEL SERVICE CORPORATION
V1768	STAPLES BUSINESS ADVANTAGE
V1473	STATE OF NEW YORK DEPARTMENT OF HEALTH
V7833	STC CONSTRUCTION INC
V7816	STEELCASE
V7880	SUBCARRIER COMMUNICATIONS INC.
V6566	SUN LIFE FINANCIAL
V1787	SUNOCO CREDIT CARD CENTER
V1853	SUPERIOR LUBRICANTS CO INC
V6767	T. MINA SUPPLY, INC.
V8484	TALLEY, INC.
V4266	TENACITY INC
V8483	TESSCO INCORPORATED
V0132	THE BUFFALO NEWS
V5125	THE ENVIRONMENTAL SERVICE GROUP (NY) INC
V8558	THE NOTABLE CORPORATION
V1593	THE PRENTICE GROUP OF NY INC.
V4101	THE PUMP DOCTOR INC
V0873	THE REMI GROUP, LLC
V8168	THE SAFETY & HEALTH TRAINING CENTER INC
V7889	THE SARATOGA HILTON
V1795	THE STATE INSURANCE FUND
V8128	THE UNITED STATES POSTAL SERVICE
V1983	THERMO ELECTRON NORTH AMERICA LLC
V5374	THOMPSON PIPEGROUP PRESSURE, INC.
V1961	THRUWAY FASTENERS INC
V2778	THYSSENKRUPP ELEVATOR CORP.
V2714	TIME WARNER CABLE - SPECTRUM BUSINESS
V8480	TI-SALES INC
V4379	T-MOBILE USA
V1921	TONAWANDA TOWN CLERK
V3718	TOSHIBA BUSINESS SOLUTIONS - NY
V2738	TOSHIBA INTERNATIONAL CORPORATION
V0685	TOWN OF EVANS
V9095	TRANSWAVE COMMUNICATIONS SYSTEMS INC
V2709	TRIMBLE NAVIGATION LTD
V2706	TRIMM INC
V4655	U&S SERVICES INC.

V4285	UNITED AUTO SUPPLY OF SYRACUSE WEST INC
V2019	UNITED BUSINESS SYSTEMS
V2030	UNITED PARCEL SERVICE
V0709	UNITED RENTALS NORTH AMERICA INC
V8145	UNIVAR USA INC
V4623	US TRAFFIC CONTROL, INC.
V8131	USA BLUEBOOK
V4337	USA SEALING INC
V8435	V P SUPPLY CO INC
V8410	VALLEY FAB AND EQUIPMENT INC
V8404	VALLEY TIRE CO INC
V8415	VAN BORTEL FORD INC
V8719	VERAVIEW LLC
V1411	VERIZON
V2073	VISION SERVICE PLAN
V2083	VISONE CONSTRUCTION INC
V2062	VOLLAND ELECTRIC EQUIPMENT CORP
V2050	VWR INTERNATIONAL LLC
V0815	W W GRAINGER INC
V6507	W.B.MASON CO.,INC.
V8357	WATERISAC
V8322	WATSON-MARLOW INC.
V8366	WATTS ARCHITECTURE AND ENGINEERING PC
V8381	WAYPOINT TECHNOLOGY GROUP
V2168	WELLINGTON LABORATORIES LLC
V8336	WENDEL
V2117	WESCO DISTRIBUTION, INC.
V2113	WEST PUBLISHING PAYMENT CENTER
V4355	WEST-HERR ACQUISITIONS, LLC
V4654	WEST-HERR DODGE
V4312	WHAG PROPERTIES II LLC
V4331	WILLETT BUILDERS INC
V4323	WITMER PUBLIC SAFETY GROUP INC
V7722	WM SCHUTT & ASSOCIATES PC
V8232	WOOLPERT INC
V5554	XYLEM, INC
V4318	Y & S TECHNOLOGIES
V0781	YOKOGAWA FLUID IMAGING TECHNOLOGIES INC
V8703	ZEND TECHNOLOGIES INC
V2297	ZENGER GROUP

ERIE COUNTY WATER AUTHORITY
HR Policies/Procedures

**Re: WHISTLEBLOWER PROTECTION
POLICY & PROCEDURES**

Policy No.: 16

Application: All Employees

PURPOSE

The Erie County Water Authority requires members, ad hoc members, officers, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Authority, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

As part of our ethical responsibility, any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading information, or abuse of authority engaged in by an Authority Employee (as defined herein) that relates to the Authority shall be reported to the appropriate individuals as set forth herein.¹

POLICY

Section 1 Reporting Responsibility.

It is the responsibility of all members, ad hoc members, officers, and employees to comply with Policy No. 11 Code of Ethics & Conflict of Interest Policy and to report violations or suspected violations in accordance with this Whistleblower Protection Policy.

Section 2 No Retaliation.

No member, ad hoc member, officer, or employee who in good faith reports a violation of Policy No. 11 Code of Ethics & Conflict of Interest Policy shall suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Protection Policy is intended to encourage and enable employees and others to raise serious concerns within the Authority prior to seeking resolution outside the Authority.

¹ This Whistle Blower Protection Policy & Procedures restates and replaces H.R. Policy No. 16.0 (Whistleblower Protection Policy).

Section 3 Reporting Violations.

All Authority Employees who discover or have knowledge of potential wrongdoing concerning board members, ad hoc members, officers, or employees of this Authority; or a person having business dealings with the Authority; or concerning the Authority itself, shall report such activity in accordance with the following procedures:

- (a) The Authority Employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her supervisor, or to the Authority's General Counsel, the Director of Human Resources, or any member of the Independent Ethics Panel.
- (b) All Authority Employees who discover or have knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner.
- (c) The identity of the whistleblower and the substance of his or her allegations will be kept confidential to the best extent possible.
- (d) Any report of potential wrongdoing shall be investigated and handled in a timely and reasonable manner, which may include referring such information to the Authorities Budget Office or an appropriate law enforcement agency where applicable.
- (e) Should an Authority Employee believe in good faith that disclosing information within the Authority pursuant to Section 3(a) above would subject him or her to adverse personnel action or be ineffective, the Authority Employee may instead disclose the information to the Authorities Budget Office or an appropriate law enforcement agency, if applicable. The Authorities Budget Office's toll-free number (1-800-560-1770) should be used in such circumstances.

Section 4 Compliance Officials.

The Office of the Secretary and the Independent Ethics Panel with assistance from the Authority's Legal Department are responsible for investigating and resolving all reported complaints and allegations concerning violations of Policy No. 11 Code of Ethics & Conflict of Interest Policy and will report, on a confidential basis, all allegations to the Board of Commissioners (the "Board"). The Board has the authority to provide funds for investigations as required.

Section 5 Acting in Good Faith.

Information concerning potential wrongdoing is disclosed in “good faith” when the individual making the disclosure reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing.

Section 6 Confidentiality.

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Section 7 Handling of Reported Violations.

The Authority’s General Counsel, the Director of Human Resources, a supervisor, or any member of the Independent Ethics Panel to whom notice of the reported violation or suspected violation was given will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

Section 8 Employees.

All board members, and officers and staff employed at the Authority whether full-time, part-time, employed pursuant to contract, employees on probation and temporary employees and former employees shall be considered employees for the purposes of applicability of this policy.