



**ERIE COUNTY WATER AUTHORITY  
INTEROFFICE MEMORANDUM**

To: Jerome D. Schad, Chair  
Mark S. Carney, Vice Chair

Cc: Terrence D. McCracken, Secretary of the Authority  
Karen A. Prendergast, Chief Financial Officer  
Russell J. Stoll, Chief Operating Officer  
Leonard F. Kowalski, Executive Engineer  
Joyce A. Tomaka, Comptroller  
Lavonya C. Lester, Director of Administration

From: Margaret A. Murphy, General Counsel

Date: March 31, 2020

Subject: Extension of the Filing Deadline for the 2019 In-House Financial Disclosure Statement.

**Annual Financial Disclosure Statement  
for the County Board of Ethics**

Public Authorities Law § 2825 require members, officers and designated employees to file an Annual Financial Disclosure Statement with the Erie County Board of Ethics, in accordance with the provisions of Article 8 of the General Municipal Law.

The Erie County Code of Ethics § 4 and General Municipal Law § 812(1)(a) require these Annual Financial Disclosure Statements to be filed by the 15<sup>th</sup> day of May with respect to the preceding calendar year. Individuals who have lawfully obtain an automatic extension to file a federal tax return are entitled to an extension to file the Annual Financial Disclosure Statement with the County Board of Ethics.

Commissioners Schad, Carney and Jones, along with the Authority's Secretary, COO, CFO, General Counsel and its Executive Engineer will be required to file an Annual Financial Disclosure Statement with the County Board of Ethics by May 15, 2020.

The Governor has not issued any executive order extending this filing deadline, even though the Internal Revenue Service has extended the deadline for filing a federal income tax return to July 15, 2020. The extended deadline is not technically an automatic extension. In any case, the County Board of Ethics has not

posted its Annual Financial Disclosure Statement for calendar year 2019.

### **Annual In-House Financial Disclosure Statement**

On March 24, 2020, the Board approved amendments to the Authority's Code of Ethics & Conflicts of Interest Policy (Policy No. 11) and changes to the Authority's Financial Disclosure Statement for Calendar Year 2019 ("In-House Financial Disclosure Statement").

Pursuant to Policy No. 11, Article VI, §2(e), members, ad hoc members, officers and designated employees are required to file the In-House Disclosure Statement by May 15, 2020. Last year, 55 individuals were required to file disclosure statements. Packages were mail and emailed to those individuals on April 11, 2019.

This year we are expected to mail and email approximately 60 packages to Authority personnel. Given the reduction in workforce and the Board's ability to suspend its own policies, I recommend the Board postpone the filing deadline for In-House Financial Disclosure Statements.

The Authority should encourage personnel to stay close to home. We should not be bringing in personnel to handle this mailing or require employee to find the means to mail back these packages with the proper postage. While the Authority is operating under a Declaration of Emergency, the Board should consider this filing requirement as not essential for ensuring the continuing operations of the Authority or necessary for the safety, health and welfare of its employees or the public. The prudent measure would be to extend the filing deadline until August 15, 2020, one month following the filing deadline for federal income tax returns.