

(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 Germantown
Town of
~~Village~~

Local Law No. 1 of the year 1992

A local law enacting a Code of Ethics and establishing a Board of Ethics for
(Insert Title) the Town of Germantown.

Be it enacted by the Town Board of the
(Name of Legislative Body)

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

SECTION 1: Statement of legislative intent

The Town Board of the Town of Germantown recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this town as part of our state's important system of local government. It is the purpose of this local law to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards and to create a board of ethics to render advisory opinions to the town's officers and employees as provided for herein.

SECTION 2: Nature of law

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statutes of the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of town officers to the extent that the same are more severe in their application than this local law.

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

SECTION 3: Definitions

As used in this local law, the term "Town" shall mean any board, commission, district, council or other agency, department or unit of the government of the Town of Germantown.

The term "town employee" shall mean any officer of employee of the Town of Germantown whether paid or unpaid, including members of any administrative board, commission or other agency thereof, whether serving in a full-time, part-time or advisory capacity. No person shall be deemed to be a town officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.

SECTION 4: Rules With Respect to Conflicts of Interest

(a) No town officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

(b) No town officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, whether individually or as a member of a board, nor shall any such town officer or employee have the power or duty to negotiate, prepare, authorize or approve such contract or payments thereunder, audit bills or claims under such contract or appoint an officer or employee who has any of the powers or duties set forth herein.

(c) No chief fiscal officer, treasurer or deputy or employee of the Town shall have an interest in a bank or trust company designated as a depository of funds of the municipality.

(d) No town officer or employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

(e) No town officer or employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority. No town officer or employee shall disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.

(f) No town officer or employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

(g) No town officer or employee shall engage in any transaction as representative or agent of the town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

(h) No town officer or employee shall conduct himself in a manner which presents a reasonable basis for the impression that another party can improperly influence him or unduly enjoy his favor in the performance of his official duties.

(i) Each town officer or employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

(j) Each town officer or employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaging in acts that are in violation of his trust.

(k) No town officer or employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the town in which such employee serves or is employed.

(l) Each town officer or employee shall, to the extent that he is cognizant thereof, disclose any interest he may have in any matters pending before the Town or any agency or board thereof.

(m) No town officer or employee shall be involved in any contractual matter affecting the town involving a person who has been a town officer or employee within the preceding two (2) years or with any entity in which such former town officer or employee is associated. If any contract is made under such circumstances, the Town shall have the right to declare such contract to be null and void upon the discovery of such circumstances.

(n) No town officer or employee shall directly or indirectly solicit any gift or accept or receive any gift

having a value of Seventy-Five Dollars (\$75.00) or more whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or in any other form under such 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.

SECTION 5: Disclosure of Interest

Any municipal officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the municipality or other matter pending before any board or agency thereof, shall publicly disclose the nature and extent of such interest in writing to the governing body thereof as soon as he has knowledge of such actual or prospective interest.

SECTION 6: Violations

In addition to any penalty contained in any other provision of law, any such town officer or employee who shall knowingly and intentionally violate any of the provisions of this local may be fined, suspended or removed from office or employment in the manner provided by law.

SECTION 7: Board of Ethics

(a) There is hereby established a Board of Ethics consisting of at least three (3) members to be appointed by the Town Board, all of whom reside in the Town of Germantown and who shall serve without compensation at the pleasure of the Town Board of the Town of Germantown. A majority of such members shall be persons other than town officers or employees but shall include at least one member who is an elected or appointed town officer or employee of the Town of Germantown.

(b) The Board of Ethics established hereunder shall render advisory opinions to town officers or employees on written request and upon the request of the Town Board make recommendations to such Town Board as to any amendments of this local law. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall the identity of the town officer or employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics, or if none, of the Town Attorney.

(c) Such Board of Ethics upon its formation shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

SECTION 8: Administration

(a) Upon the adoption of this local law, the Town Supervisor shall cause a copy thereof to be distributed to every officer or employee of this town. Failure to distribute any such copy or failure of any town officer or employee to receive such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this local law to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to so post this local law shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

(b) As soon as is practicable after the adoption of this local law, the Town Clerk shall file a copy thereof in the office of the State Comptroller and an additional copy with the Temporary State Commission on Local Government Ethics.

(c) The Town Board may appropriate monies from the general town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of town monies except within the appropriations provided herein.

SECTION 9: Severability Clause

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 10: Effective Date

This local law shall take effect immediately.

Filed with NYS 4/15/92