

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
167 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

XXXXXX
XXXXX of PEACHTAVILLE
Town
XXXXXX

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
NOV 12 1936

Local Law No. 7 of the year 1936.

A local law known as the "Ethics and Disclosure Law"
(Insert Title)

Allyn K. Friedman
SECRETARY OF STATE

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County
City
Town
of PEACHTAVILLE
as follows:

See local Law annexed hereto.

(If additional space is needed, attach pages the same size as this sheet, and number each.)
(1)

TOWN OF PRATTSVILLE

ETHICS AND DISCLOSURE LAW

ARTICLE I

SECTION 1.0 STATEMENT OF LEGISLATIVE INTENT

(a) The Town Board of the Town of Prattsville 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 for use as a guide for the Officers and Employees of the Town of Prattsville:

(b) Standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflict of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of Town Officers and Employees to the extent that the same are more severe in their application than this local law.

ARTICLE II

SECTION 2.0 DEFINITIONS

As used in this local law, the following words shall have the meanings indicated:

- (a) "TOWN" shall mean any Board, Commission, District, Council or other Agency, Department or Unit of the Government of the Town of Prattsville.
- (b) "TOWN OFFICER OR EMPLOYEE" shall mean any Officer or Employee of the Town of Prattsville, whether paid or unpaid, part-time, full-time or in an 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.
- (c) "INTEREST" shall mean any interest, whether direct or indirect, financial, material or otherwise, that results from a contract, business or professional

transaction or any transaction with the Town of Prattsville and accruing to:

- (i) A Town Officer or Employee, or the spouse, child, or stepchild of a Town Officer or Employee who resides with said Town Officer or Employee or contributes to the household income of said Town Officer or Employee.
 - (ii) A firm, partnership or association of which a Town Officer or Employee is a member or Employee;
 - (iii) A corporation of which such Town Officer or Employee is an Officer, Director or Employee;
 - (iv) A corporation, any stock of which is accrued or controlled directly or indirectly by such Town Officer or Employee.
- (d) Whenever words or terms are not defined herein, they shall have the meanings set forth in Article 18 of the General Municipal Law, unless otherwise expressly stated or unless the context otherwise requires.

ARTICLE III

SECTION 3.0 CONFLICT OF INTEREST: GENERAL RULES

- (a) Every Officer or Employee of the Town of Prattsville shall be subject to and abide by the following standards of conduct:
 - (i) No Town Officer or Employee, acting in his official capacity, shall take action or participate in any manner whatsoever in the discussion, negotiation or awarding of any contract or in any business or professional dealings with the Town which the Officer or Employee has, or will have, an interest in such contract or business or professional dealing;
 - (ii) No Town Officer or Employee shall engage in any transaction as a representative or agent of the Town with any business entity in which he has a financial interest that might reasonably tend to conflict with the proper discharge of his official duties;

(iii) No Town Officer or Employee shall invest or hold any investment in any financial, business, commercial or other private transaction, which creates a conflict with his official duties;

(iv) No Town Officer or Employee shall engage, in, solicit, negotiate for or promise to accept private employment or render services for his personal benefit when such employment or services creates a conflict or impairs the proper discharge of his official duties;

(v) No Town Officer or Employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an Officer, Member or Employee, or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any Officer, Member or Employee;

(vi) No Town Officer or Employee shall receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees, based upon the reasonable value of the services rendered;

(vii) No Town Officer or Employee shall, directly or indirectly, solicit any gifts, or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form, from any person, firm or corporation, which to his knowledge, is interested, directly or indirectly, in any matter or business dealings with the town nor shall he accept any gift under 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 duties, or was intended as a reward for any official action on his part;

- (viii) No Town Officer or Employee shall, by his conduct, give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank position or influence of any party or person;
- (ix) No Town Officer or Employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others;
- (x) Each Town Officer or Employee shall endeavor to pursue a course of conduct which shall not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust; and
- (xi) Each Town Officer or Employee shall abstain from making personal investment 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 and the public interest and his private interest.

SECTION 3.1 DISCLOSURE OF INTEREST

- (a) Each Town Officer or Employee shall, to the extent that he is cognizant thereof, disclose any interest he may have in legislation before the Town Board.
- (b) To the extent that he knows thereof, any Town Officer or Employee, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board, or who has an interest in any action of the legislative body, or who participates in the discussion or gives official opinion of any official board, agency, officer or employee on any matters being considered by any such official board, agency, officer or employee, on any matters being considered by any such official board, agency, officer or employee, shall publicly disclose on the record the nature and extent of any interest he has in such legislation, or in any action of the legislative body or in such matters being considered by any official board, agency, officer or employee, as the case may be.

SECTION 3.2 CONFIDENTIALITY OF INFORMATION

- (a) No Town Officer or Employee shall disclose confidential information acquired in the course of his official duties or use such information to further his personal interest.
- (b) No Town Officer or Employee shall accept employment or engage in any business or provisional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
- (c) After the termination of service or employment with the Town, no Town Officer or Employee shall appear before any Board or Agency of the Town in relation to any case, proceeding or application in which he personally participated on behalf of the Town during the period of his service or employment, or which was under his active consideration, unless so requested specifically by the Town.
- (d) No Town Officer or Employee, within two (2) years after the termination of his service or employment with the town, shall accept employment which will involve contact with the town, which can work to his special advantage by virtue of his private contact and relationship with the town.

SECTION 3.3 PROHIBITED USE OF TOWN PROPERTY

No Town Officer or Employee shall request or permit the use of town owned vehicles, equipment, materials or property for personal convenience or profit of himself or any other person, except, however, when such property, vehicles, equipment, material or services are available to the public generally, or which are provided as a matter of town policy for the use of Officers or Employees in the conduct of their official business.

SECTION 3.4 POLITICAL ACTIVITY

- (a) No appointed Town Officer or Employee shall orally, by letter, or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution to any political party or candidate from any Town Employee or Officer, nor shall he be a party to such solicitations of others.
- (b) It shall be unlawful for any Town Officer or Employee in uniform to solicit any person to vote at any political caucus, primary or election for any candidate or to challenge any voter, or in any manner to attempt to influence any voter at any political caucus, primary, or at any election.

ARTICLE IV

SECTION 4.0 DISTRIBUTION OF THE CODE OF ETHICS

- (a) The Town Supervisor shall cause a copy of this local law to be distributed to every Officer and Employee of the Town within fourteen (14) days after the effective date of this local law. Each Officer and Employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office for employment.
- (b) Failure to distribute any such copy of 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.
- (c) 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.

ARTICLE V

SECTION 5.0 ANNUAL CODE OF ETHICS REVIEW

- (a) Every Town Officer and Employee is required to attest on an annual basis that he has reviewed and understands the Code of Ethics of the Town of Prattsville and that he is not in violation of any provision of the Code. Such attestation shall be made on or before the 1st of April of each year.
- (b) Newly appointed or elected Officials or Employees whose duties commence after the annual 1st of April filing deadline, will be required to submit an attestation that he has reviewed and understands the Code of Ethics of the Town of Prattsville and that he is not in violation of any provision of the Code, within forty-five (45) days after the commencement of their duties.

ARTICLE VI

SECTION 6.0 CLAIMS AGAINST THE TOWN

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Town Officer or Employee of any claim, account, demand or suit against the town, on behalf of himself or any

member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

ARTICLE VII

SECTION 7.0 ETHICS BOARD

No separate Ethics Board shall be established by the Town. All possible violations of this local law shall be reviewed and determined by the Town Board.

ARTICLE VIII

SECTION 8.0 VIOLATIONS

- (a) If any Town Officer or Employee refuses or fails, either unknowingly or intentionally, to file a statement as required by this local law, the Town Clerk will notify the Town Board that said individual has not filed a statement. Upon such notification, the Town Board may suspend the Official or Employee without pay (if compensated). In addition, the Officer or Employee shall also be notified by certified mail that no statement has been filed.
- (b) Once a statement has been filed, the Town Clerk will promptly notify the Town Board that the Officer or Employee has complied with the filing requirement of this local law, reinstate the Officer or Employee and release all monies withheld.
- (c) Any person who shall knowingly and intentionally violate any of the provisions of this local law may be suspended or removed from office or employment, as the case may be, in the manner provided by law.
- (d) Nothing in this section will be construed as precluding the prosecution of Town Officers or Employees for violations of any offense, criminal or civil, pursuant to the laws, ordinances or statutes of the State of New York, nor the review of any action taken by the Town Board under Article 78 of the Civil Practice Law and Rules.

ARTICLE IX

SECTION 9.0 SEVERABILITY

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.

ARTICLE X

SECTION 10.0 EFFECTIVE DATE

This local law shall become effective immediately upon its filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 1996 of the ~~(County)~~(City)(Town)(Village) of Prattville was duly passed by the Town Board on October 14, 1996, in accordance with the applicable provisions of law. (Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ 19____ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____ in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Mildred Harkness Town Clerk
Clerk of the County Legislative Body, City, Town or Village Clerk
or officer designated by local legislative body
Mildred Harkness-Town Clerk
Date: November 6, 1996

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF GREENE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Larry F. Gardner
Signature Larry F. Gardner

Title Town Attorney

County
City of Prattsville
Town of
Village

Date: November 6, 1996