

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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.

~~XCounty~~

~~XCity~~

Town of NEW SCOTLAND

Town

~~XVillage~~

Local Law No. 4 of the year 2001

A local law Implementing the Provisions of Article 18 of the General Municipal Law
(Insert Title) of the State of New York and to establish standards of conduct for
Town Employees of the Town of New Scotland

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

~~XCounty~~

~~XCity~~

Town of New Scotland

Town

~~XVillage~~

as follows:

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

TOWN OF NEW SCOTLAND ETHICS LAW

Section 1 - Intent

The Town Board of the Town of New Scotland recognizes that proper, ethical conduct of the public officers and employees is essential to the enhancement and maintenance of public confidence in local government. It is the purpose of this local law to implement the provisions of Article 18 of the General Municipal Law of New York State.

Section 2 - Effective Provisions

The proper administration of the town government requires that its officers and employees, whether elected or appointed, paid or unpaid, to be independent, impartial and free from any conflicts of interest in fulfilling the public responsibility so that the public will have confidence in the integrity of the town government. This local law is in addition to any statutes, common law or Attorney General and Comptroller Opinion regarding the conduct of town officers.

Section 3 - Town Employee

Any officer or employee of the Town of New Scotland, whether elected or appointed, paid or unpaid, serving full or part time or in an advisory capacity shall be considered a town employee for the purposes of this statute.

Section 4 - Conflict of Interest

No town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature which is in substantial conflict with or reasonably gives the appearance of being in conflict with the proper discharge of his duties as a town employee in the public interest. This provision is subject to the statutory exceptions set forth in Article 18 of the General Municipal Law or its successor statutes.

Section 5 - Code of Conduct

Without limiting the generality of the definition of the term "Conflict of Interest" a town employee shall be deemed to have a conflict under certain standards, including, but not limited to the following:

- A. No town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.
- B. No town 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.
- C. No town 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.

- D. No town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
- E. A town employee shall not, 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.
- F. Each town 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 to the public interest and his private interest.
- G. Each town employee shall, to the extent that he is cognizant thereof, disclose any interest he may have in legislation before the Town Board.
- H. No town employee shall knowingly accept employment to commence on or after termination of his town employment which will require disclosure of confidential information gained by reason of his official position or authority.
- I. No town employee shall directly or indirectly solicit any gift, or accept or receive any gift having a value of \$75.00 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form under circumstances in which it could reasonable be inferred that the gift was intended to influence said employee or could reasonably be expected to influence said employee in the performance of his official duties or was intended as a reward for any official action on his part.

Section 6 - Penalties

Any such town employee who shall knowingly and intentionally violate any of the provisions of this chapter shall be guilty of a violation and may be fined, suspended or removed from office or employment or otherwise punished in a manner provided by New York State Law.

Section 7 - Ethical Reviews

The Town Board will perform all Ethical Reviews if any ethical questions are raised concerning a town employee.

Section 8 - Ethical Hearing

The Ethical Reviews of the Town Board shall be confidential and in no event shall the identity of the town employee be disclosed. The Town Board shall decide whether to hold a hearing to determine if a conflict of interest has in fact occurred in violation of this statute or the Town Board may refer the case for prosecution as a violation. If the Town Board decides to hold a hearing, then the said Town Board may, at the conclusion of the hearing, dismiss the charge or find that a conflict of interest had occurred. If the Town Board finds that a conflict of interest has occurred, then it may dispose of the case with a penalty of a fine and/or suspension or removal

find that a conflict of interest had occurred. If the Town Board finds that a conflict of interest has occurred, then it may dispose of the case with a penalty of a fine and/or suspension or removal from office or employment.

Section 9 - Distribution to Employees

On the adoption of this local law, the Town Supervisor shall cause a copy hereof to be distributed to every town employee and officer in the town. Failure to distribute any such copy or failure of the town employee to receive such copy shall have no effect on the duty of compliance herewith, nor in the enforce ability of said statute. The Town Clerk shall have a copy of this local law posted conspicuously on the official bulletin board of the town in the Town Hall and the posting herein shall continue indefinitely.

Section 10 - Filing with the State

Upon the adoption of this local law, the Town Clerk shall cause a copy of this law to be filed with the State Comptroller's Office.

(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. _____ 4 _____ of 20__01__ of the ~~(County)(City)(Town)(Village)~~ of New Scotland was duly passed by the Town Board on March 14 20__01__, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 __, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. 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 _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20 __. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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 chairperson 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 20_____ 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 _____ 20____, 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 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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 _____, above.

Deane P. Deschenev

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: March 14th, 2001.

(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 ALBANY

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.

John T. Biscone

Signature JOHN T. BISCONE

Town Attorney

Title

~~County~~

~~City~~

Town

~~Village~~

of New Scotland

Date: March 14th, 2001.

Town of New Scotland
Conflicts of Interest Disclosure Statement

I, _____ (print name), have received and read the Ethics Policy adopted by the Town of New Scotland, and understand that as a term of my association with the Town of New Scotland I am obligated to comply with the Ethics Policy. I agree to abide by the Ethics Policy in all respects, and fully and completely disclose all requested information as follows: (attach additional sheets as necessary)

Please state your affiliation with the Town of New Scotland.

In accordance with the intent of the Ethics Policy, please disclose any personal or business relationship that you may have that may result in a potential conflict of interest with the Town of New Scotland. Include any known relationships that you have with parties that do business with the Town of New Scotland.

I agree to supplement this information by immediately advising the Town Board of the Town of New Scotland of any material information that may result in a potential conflict of interest with the Town of New Scotland in accordance with the Ethics Policy adopted by the Town.

I certify that the above is true, accurate and complete, with full knowledge that it will be relied upon by the Town of New Scotland.

Dated _____ 2001

Signature