TOWN OF PLATTSBURGH
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TOWN OF PLATTSBURGH
Local Law No. 2, 2009

A Local Law repealing "Town of Plattsburgh Local Law No. 1 of the year 1970 a Local Law relating to a Code of Ethics and a Board of Ethics for the Town of Plattsburgh"

Adopted 3/2/09 by Board Resolution 09-98

TOWN OF PLATTSBUGH
LOCAL LAW NO. 2, 2009

A Local Law repealing "Town of Plattsburgh Local Law No. 1 of the year 1970 a Local Law relating to a Code of Ethics and a Board of Ethics for the Town of Plattsburgh" and enacting a Local Law Establishing a Code of Ethics and a Board of Ethics for the Town of Plattsburgh.

ARTICLE 1
INTENT OF THE BOARD

Section 1. Statement of Legislative Intent. Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board of the Town of Plattsburgh recognizes that there are statutory provisions authorizing 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 government 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 penalties for violations of such standards and create a Board of Ethics with the power necessary to investigate matters and to enforce violations of the Code of Ethics as well as to render advisory opinions to the Town's officers and employees as provided herein.

Section 2. The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common laws 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.

ARTICLE 2
CODE OF ETHICS

Section 1. Definitions. As used in this local law,

a. The term "Town" shall mean any Board, Commission, District, Council, or other agency, department or unit of the government of the Town of Plattsburgh.

b. The term "Town employee" shall mean any officer or employee of the Town of Plattsburgh, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief or assistant chief.

c. The term "recusal" means that the Town employee may not deliberate, vote, or participate in any matter in which he or she has a conflict of interest.

d. The term "family member" shall mean spouse, mother, father, sister, brother, child, grandchild, son in-law, daughter in-law, father in-law, or mother in-law.

Section 2. Rules with respect to conflict of interest.

No Town 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.

Section 3. Standards.

a. No Town employee shall accept employment or engage in any business or professional activity, which will require him or her to disclose confidential information which he or she has gained by reason of their official position or authority.

b. No Town employee shall attempt to use his or her official position to secure unwarranted privileges or exemptions for themselves or others.

c. No Town employee shall engage in any transaction as representative or agent of the Town with any business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her duties.

d. A Town employee shall not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person.

e. Each Town employee shall abstain from making personal investments in enterprises which they have reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create a substantial conflict between his or her duty in the public interest and his or her private interest.

f. Each Town employee shall endeavor to pursue a course of conduct, which will not raise suspicion among the public that he or she is likely to be engaged in acts that are violation of his or her trust.

g. Each Town employee shall, to the extent that he or she is cognizant thereof, disclose any interest he or she may have in legislation before the Town Board.

h. No Town employee shall within two (2) years after the termination of his or her service or employment with the Town shall accept or resume employment which will involve contacts with the Town which can work to his or her special advantage by virtue of his or her prior contact and relationship with the Town. He or she is permanently barred from appearing before the Town Board or any of its agencies or receiving compensation regarding a matter he or she was personally involved in as a town employee.

i. No Town employee shall use Town owned property or assets for personal purposes or profit or to benefit a private party. Use of town property or assets is restricted to the conduct of official business.

Section 4. Recusal. Any Town employee must recuse himself or herself when faced with any conflict of interest situations.

Section 5. Nepotism. Family members may not serve in positions creating a conflict of interest.

Section 6. Gifts. No Town employee shall, directly, or indirectly, solicit any gift; or accept any gift, favor or service having a value in excess of Seventy Five Dollars ($75.00) in connection with the discharge of his or her official duties, except payments of lawful compensation.

Section 7. Subordinates. No Town employee shall solicit political contributions from subordinates.

Section 8. Incompatible Positions-Judicial Standards. A Town employee is prohibited from:

(a) Holding positions when one is subordinate to the other

(b) Holding positions when the duties of the positions conflict.

Section 9. Training. It is recommended that all elected municipal officials annually receive training concerning the requirements of the Code of Ethics and the procedure for seeking an opinion or investigation by the Board of Ethics.

Section 10. Violations. In addition to any penalty contained in any other provision of law, any such Town employee who shall knowingly and intentionally violate any of the provisions of this local law may be fined up to $500.00 per violation, suspended or removed from office or employment in the manner provided by law.

ARTICLE 3
BOARD OF ETHICS

Section 1. There is hereby established a Board of Ethics consisting of five (5) members and two (2) alternates to be appointed by the Town Board, a majority of whom shall not be officers or employees of the Town and at least one of whom shall be an elected or appointed officer or employee of the Town. The majority of the appointed members of the Board of Ethics must reside in the Town of Plattsburgh and shall serve without compensation.

Section 2. The Board of Ethics established hereunder shall render advisory opinions to town employees upon written request and/or upon 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 confidential and in no event shall the identity of the Town employee be disclosed except to authorized persons and agencies. A majority vote of the entire Board of Ethics (not only those present) is required to take action. Such opinions or actions shall be on the advice of counsel employed by the Board of Ethics. The Board of Ethics will have the power to conduct investigations and enforce violations of this code of ethics through fines of up to $500.00 for each violation. Evidence of a crime discovered by the Board of Ethics will be referred to the Office of the District Attorney.

Section 3. 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 and shall choose its own chairperson.

ARTICLE 4
SEVERABILITY CLAUSE

Section 1. 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 be rendered.

ARTICLE 5
TERMS OF APPOINTMENT

Section 1. The initial term for Board Members shall be from one to five years with alternates having an initial two year term. All subsequent appointments shall be for a five-year term except for appointments to replace Board Members or alternates who have not completed their term. In such cases Board Members or alternates shall be appointed for the unexpired portion of the term. The Town Board reserves the right to replace any member of the Board of Ethics or alternate for failure to attend meetings of the Board of Ethics .

ARTICLE 6
CONTRACTS VOID

Any contract willfully entered into by or with the Town of Plattsburgh in which there is an interest prohibited by this local law shall be null, void and wholly unenforceable.

ARTICLE 7
GENERAL MUNICIPAL LAW TO TAKE PRECEDENCE

In the event that any provision of this local law shall conflict with the provision of Article 18 of the General Municipal Law of the State of New York, then, in that event, the provisions of said Article 18 shall prevail.

ARTICLE 8
DISTRIBUTION OF CODE OF ETHICS

The Supervisor of the Town of Plattsburgh shall cause a copy of this Code of Ethics to be distributed to every employee of the Town of Plattsburgh. Each officer and employee elected or appointed on or after the effective date of this local law shall be furnished said copy before entering upon the duties of his or her office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with this local law, nor with the enforcement of the provisions thereof.

ARTICLE 9
REPEAL

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed. Specifically "Town of Plattsburgh Local Law No.1, 1970 A Local Law relating to a Code of Ethics and Board of Ethics for the Town of Plattsburgh" is repealed in its entirety.

ARTICLE 10
EFFECTIVE DATE

This local law shall take effect immediately.