

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file 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 Middlebury
Town
Village

Local Law No. 1 of the year 2012

A local law entitled, "Town of Middlebury Code of Ethics"

Be it enacted by the Town Board of the

County
City of Middlebury as follows:
Town
Village

As set forth in the attached page(s).

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

(1)

DOS-239 (Rev. 11/99)

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

Be it enacted by the Town Board of the Town of Middlebury as follows:

SECTION I. STATUTORY AUTHORITY, TITLE

This Local Law is adopted pursuant to the authority granted by Municipal Home Rule Law of the State of New York, specifically §10 of Article 2, which allows local government to adopt and amend local laws and shall be entitled "Town of Middlebury Code of Ethics".

SECTION II. PURPOSE

The Town Board of the Town of Middlebury recognizes that there are rules of ethical conduct for public officers and employees that must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this Local Law to promulgate these rules of ethical conduct for the officers and employees of the Town of Middlebury and to provide standards for disclosure of interest in legislation before the Town, for holding of investments in conflict with official duties, for private employment in conflict with official duties and for future employment in conflict with official duties. This Local Law shall serve as a guide for official conduct of the officers and employees of Town of Middlebury. The rules of ethical conduct of this Local Law, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law as now enacted or hereafter amended or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

SECTION III. DEFINITIONS

For purposes of this Local Law, the following terms shall have the meanings indicated:

CONTRACT – Any claim, account or demand against or agreement with the Town of Middlebury, expressed or implied and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to, an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

INTEREST - A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as a result of a contract with the municipality which such officer or employee serves. A municipal officer or employee shall be deemed to have an interest in the contract of:

- A. His or her spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.
- B. A firm, partnership or association of which such officer or employee is a member or employee.
- C. A corporation, of which such officer or employee is an officer, director or employee.

- D. A corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE - An officer or employee (as hereinafter referred to) of the Town of Middlebury, whether paid or unpaid, elected or appointed, 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 fire fighter or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.

SECTION IV. STANDARDS OF CONDUCT

Every officer or employee of the Town of Middlebury shall be subject to and abide by the following standards of conduct:

- A. GIFTS - They shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence them or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward for any official action on their part.
- B. CONFIDENTIAL INFORMATION - They shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.
- C. REPRESENTATION - They shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any municipal agency, board or department of which they are an officer, member or employee or of any jurisdiction or to which they have the power to appoint any member, officer or employee.
- D. REPRESENTATION FOR A CONTINGENT FEE - They shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency, board or department with respect to such matter, provided that this section shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. DISCLOSURE OF INTEREST IN LEGISLATION - To the extent that they know thereof, members of the Town of Board and any officers or employees of the Town of Middlebury, whether paid or unpaid, who participate in the discussion or give official opinion to the Town of Board on any legislation before the Town of Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation.
- F. INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES - They shall not invest or

hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with their official duties.

- G. PRIVATE EMPLOYMENT - They shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of their official duties.
- H. FUTURE EMPLOYMENT - They shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Middlebury in relation to any case, proceeding or application in which they personally participated during the period of their service or employment or which was under their active consideration.
- I. ACKNOWLEDGMENT AND CERTIFICATION - Every officer or employee of the Town of Middlebury, whether paid or unpaid, elected or appointed, including members of any administrative board, commission or other agency thereof shall certify in writing that they have read and understand the Town of Middlebury Code of Ethics. Officers of the Town of Middlebury shall be required to sign once their term commences and all Town employees shall sign on their initial date of hire. An Acknowledgement and Certification form is attached hereto.

SECTION V. CLAIMS BY OFFICERS OR EMPLOYEES

Nothing herein shall be deemed to bar or prevent the timely filing by present or former municipal officers or employees of any claim, account, demand or suit against the Town of Middlebury or any agency or board thereof on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

SECTION VI. DISTRIBUTION AND POSTING OF CODE OF ETHICS LOCAL LAW

- A. The Town Clerk of the Town of Middlebury shall cause a copy of this Code of Ethics Local Law to be distributed to every officer and employee of the Town. Each officer and employee elected or appointed thereafter shall be furnished with a 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 not have any effect on his or her duty of compliance with such Local Law nor its enforcement.
- B. The Town Clerk shall post a copy of the Local Law in each public building under the Town's jurisdiction in a conspicuous place. Failure to post shall have no effect on the duty of compliance with or the enforcement of the same.

SECTION VII. PENALTIES FOR OFFENSES

In addition to any penalties contained in any other provision of law, any person who shall

knowingly and intentionally violate any of the provisions of this Local Law may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

SECTION VIII. REPEAL

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION IX. SEVERABILITY/VALIDITY

In the event that any word, phrase or part of this Local Law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this Local Law and shall not effect the remainder of said Local Law which shall remain in full force and effect.

SECTION X. WHEN EFFECTIVE

This Local Law shall take effect immediately upon filing by the Town with the New York State Secretary of State and shall govern conduct on or subsequent to the date thereof.

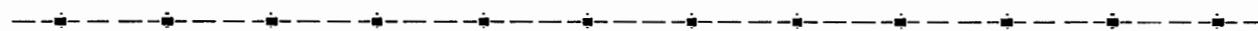
ACKNOWLEDGEMENT AND CERTIFICATION OF REQUIRED STANDARDS OF CONDUCT

Every officer or employee of the Town of Middlebury shall be subject to and abide by the following standards of conduct:

- A. GIFTS - They shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence them or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward for any official action on their part.
- B. CONFIDENTIAL INFORMATION - They shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.
- C. REPRESENTATION - They shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any municipal agency, board or department of which they are an officer, member or employee or of any jurisdiction or to which they have the power to appoint any member, officer or employee.
- D. REPRESENTATION FOR A CONTINGENT FEE - They shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency, board or department with respect to such matter, provided that this section shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. DISCLOSURE OF INTEREST IN LEGISLATION - To the extent that they know thereof, members of the Town of Board and any officers or employees of the Town of Middlebury, whether paid or unpaid, who participate in the discussion or give official opinion to the Town of Board on any legislation before the Town of Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation.
- F. INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES - They shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with their official duties.
- G. PRIVATE EMPLOYMENT - They shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of their official duties.

H. FUTURE EMPLOYMENT - They shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Middlebury in relation to any case, proceeding or application in which they personally participated during the period of their service or employment or which was under their active consideration.

I. ACKNOWLEDGMENT AND CERTIFICATION - Every officer or employee of the Town of Middlebury, whether paid or unpaid, elected or appointed, including members of any administrative board, commission or other agency thereof shall certify in writing that they have read and understand the Town of Middlebury Code of Ethics Local Law. Officers of the Town of Middlebury shall be required to sign once their term commences and all Town employees shall sign on their initial date of hire. A copy of said certification is attached to this Local Law.



I, _____, the undersigned, have been provided a copy of the Town of Middlebury Code of Ethics Local Law. I have read and understand the content thereof and acknowledge and certify to the same by my signature below.

Signature

Title

Dated: ____ - ____ - ____

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

I hereby certify that the local law annexed hereto, designated as local law no. 1 of 2012 of the ~~(County)(City)(Town)(Village)~~ Middlebury was duly passed by the Town Board on March 14, 2012, in accordance with the applicable provisions of law.

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 _____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 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 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, as was (approved)(not approved)(repassed after disapproval) by the _____. 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 _____, 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 ____ of the (County)(City)(Town)(Village) of _____, was duly passed by the _____, on _____, and was (approved)(not approved)(repassed after disapproval) by the _____, on _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 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 countywide 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 revisions 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 majority of the qualified elector of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

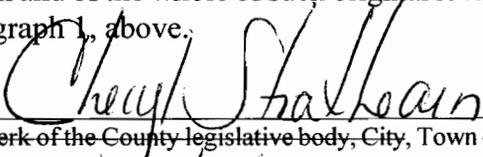
6. County local law concerning adoption of Charter.)

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 unit voting as 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, as was finally adopted in the manner indicated in paragraph 1, above.

(SEAL)

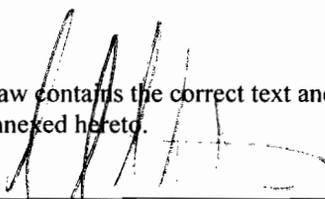

Clerk of the County legislative body, City, Town or Village Clerk

Date: 3/14/12

(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 WYOMING

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



Signature

Attorney
County
City of Middlebury
Town
Village

Date: 3/14/12