

**A LOCAL LAW RELATING TO A CODE OF ETHICS AND A BOARD OF ETHICS
FOR THE TOWN OF WELLSVILLE**

BE IT ENACTED by the Town Board of the town of Wellsville as follows:

ARTICLE I

Intent of Town Board

SECTION 1. Statement of legislative intent. The Town Board of the Town of Wellsville recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees who, 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 and to create a board of ethics to render advisory opinions to the town's officers and employees as provided for 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. 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.

ARTICLE II

Code of Ethics

SECTION 1. 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 Wellsville.

The term "town employee" shall mean any officer or employee of the Town of Wellsville, whether paid or unpaid, whether serving in a full-time, part-time, or advisory capacity.

SECTION 2. Rule with respect to conflicts 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 other employment, which will impair his or her 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 or her to disclose confidential information, which he or she has gained by reason of his or her official position or authority.
- c. No town employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for him or her or others.
- d. 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 official duties.
- e. 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 his or her official duties, or that he or she 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 or she has, reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest.
- g. Each town employee shall endeavor to pursue a course of conduct, which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his or her trust.
- h. No town employee 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 of

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.

SECTION 4. 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, suspended or removed from office or employment in the manner provided by law.

ARTICLE III
Board of Ethics

SECTION 1. There is hereby established a Board of Ethics consisting of five (5) members to be appointed by the Town Board, all of whom reside in the Town of Wellsville and who shall serve without compensation and at the pleasure of the Town Board of the Town of Wellsville. A majority of such members shall be persons other than town employees but shall include at least one member who in an elected or appointed town employee of the Town of Wellsville.

SECTION 2. The Board of Ethics established hereunder shall render advisory opinions to town employees on written request and upon request to 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 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.

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.

ARTICLE IV
Administration

SECTION 1. Upon the adoption of this local law, the Supervisor of the Town of Wellsville shall cause a copy thereof to be distributed to every town employee of this town. Failure to distribute any such copy or failure of any town employee to receive such copy shall have no effect on the duty of compliance with this code, or the enforcement of provisions hereof. The Supervisor of the Town of Wellsville 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.

SECTION 2. Within thirty (30) days of the adoption of this local law, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

SECTION 3. The Town Board of the Town of Wellsville may appropriate moneys 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 to town moneys except within the appropriations provided therefore.

ARTICLE V
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 have been rendered.

ARTICLE VI
Effective Date

SECTION 1. This local law shall take effect immediately.

December 10, 1970