

A Local Law: Relating to a Code of Ethics and a Board of Ethics for the Village of Cassadaga.

Be it enacted by the: Board of Trustees of the Village of: Cassadaga as Follows:

Article I. Intent of Village Board

Section 1. Statement of Legislative Intent. The Village Board of the Village of Cassadaga recognizes that there are state statutory provisions mandating villages to establish rules and standards of ethical conduct for public officers and employees which, as 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 village as part of our state's important system of local government. In the purpose of this Local Law to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards and to create a board of ethics to render advisory opinions to the Village'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 and also in addition to common law rules and judicial decisions relating to the conduct of Village 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 "village" shall mean any board, commission, district, council or other agency, department or unit of the government of the Village of Cassadaga.

The term "village employee" shall mean any officer or employee of the Village of Cassadaga 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 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 village employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

(B) No village 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 village employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

(D) No Village employee shall engage in any transaction as representative or agent of the village 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.

(E) A village employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly his favor in the performance of his official duties, of that he is affected by the kinship, rank, position or influence of any party or person.

(F) Each village employee shall abstain from making personal investments in enterprises which he has reason to believe may be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

(G) Each village 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 and that are in violation of his trust.

(H) No village employee employed on a full-time basis no 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 or 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 Village 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 village 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 at least three members to be appointed by the village board, all of whom reside in the Village of Cassadaga and who shall serve without compensation and at the pleasure of the village board of the Village of Cassadaga. A majority of such members shall be persons other than village employees but shall include at least one member who is an elected or appointed village employee of the Village of Cassadaga.

Section 2. The board of ethics established hereunder shall render advisory opinions to village employees on written request and upon request of the village board make recommendations to such village 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 village employee be disclosed except to authorized persons and agencies. Such opinions shall be the advice of counsel employed by the board of ethics, or in none, of the village attorney.

Section 3. Such board of ethics upon its formation shall promulgate its own rules and regulations as to its form and village procedures and shall maintain appropriate records of its opinions and proceedings.

Article IV. Administration

Section 1. Upon the adoption of this Local Law, the village supervisor shall cause a copy thereof to be distributed to every village employee of this Village. Failure to distribute any such copy or failure of any village employee to receive such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof. The village supervisor shall further cause a copy of this Local Law to be kept posted conspicuously in each public building under the jurisdiction of the Village. 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 days of the adoption of this Local Law, the Village Clerk shall file a copy thereof in the office of the state comptroller.

Section 3. The village board may appropriate moneys from the general village 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 of village moneys except within the appropriations provided herein.

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.