

LOCAL LAW NO. ___ OF 2022
TO IMPROVE THE ETHICS LAWS OF THE TOWN OF IRONDEQUOIT

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

Section 1. Legislative Purpose, Intent, and Findings. In 1990, the Town of Irondequoit adopted Chapter 20 of the Irondequoit Code, known as the “Ethics Law of the Town of Irondequoit,” to establish minimum standards for the ethical conduct of Town officers and employees to ensure that the business of Town government is free from improper influence that may result from opportunities for private gain. The Town now wishes to improve the Ethics Law of the Town of Irondequoit to expand upon its standards of ethical conduct for Town officers and employees and to ensure the prudent stewardship of Town resources.

Section 2. Authority. This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law and Article 18 of the General Municipal Law.

Section 3. Conflicts of Interest, Recusal, and Abstention. Section 20-4 of the Code of the Town of Irondequoit, pertaining to conflicts of interest, is hereby amended by striking the matter shown in brackets and strikethrough font, and adding the matter shown in bold underscored font, to read as follows:

§ 20-4 Conflicts of interest, ~~recusal, and abstention.~~

A. Except as provided in § 802 of the General Municipal Law, as amended or changed:

- (1) No municipal officer or employee or local elected official or local officer or employee shall have an interest in any contract with the town when such officer or employee, individually or as a member of a board, has the power or duty to:
 - (a) Negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder.
 - (b) Audit bills or claims under the contract.
 - (c) Appoint an officer or employee who has any of the powers or duties set forth above.
- (2) No municipal officer or employee or local elected official or local officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest or any private organization in which he or she serves as an owner, officer, director, or voting member.**

(a) In the event that this section prohibits a municipal officer or employee or local elected official or local officer or employee from exercising or performing a power or duty:

(i) if the power or duty is vested in a such person as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(ii) if the power or duty that is vested in such person individually, then the power or duty shall be exercised or performed by his or her deputy or, if the person does not have a deputy, the power or duty shall be performed by another person to whom the person may lawfully delegate the function.

(iii) if the power or duty is vested in an employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

[~~2~~] **(3)** No chief fiscal officer, treasurer or his or her deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the town.

B. No municipal officer or employee or local elected official or local officer or employee shall engage in any act which is in conflict or gives the appearance of conflict with the performance of his or her official duties. A municipal officer or employee is prohibited from and deemed to have a conflict of interest if he or she:

(1) Directly or indirectly solicits any gift having a value of \$75 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 reasonably be inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of his or her official duties or was intended to be an award for any official action on his or her part;

(2) Discloses confidential information acquired by him or her in the course of his or her official duties or uses such information to further his or her personal interests;

(3) Receives or enters into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any town agency of which he or she is an officer, member or employee or of any town agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee;

(4) Receives or enters into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the town

whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered; or

- (5) Willfully engages in any business transaction or professional activity or shall have a financial or any other private interests, direct or indirect, or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her official duties, unless he or she abstains from voting or otherwise officially acting with respect to the subject matter affected.

(6) Willfully participates in any decision or takes any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest or any private organization in which he or she serves as an owner, officer, director, or voting member, unless he or she abstains from voting or otherwise officially acting with respect to the subject matter affected.

- C. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.
- D. In addition to the foregoing regulations, Article 18 of the General Municipal Law, entitled “Conflicts of Interest of Municipal Officers and Employees,” is incorporated as part of this chapter as if the same had been set forth in full, together with any amendments of or additions to said Article hereafter adopted by the Legislature.
- E. In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this section may be fined, suspended or removed from office or employment in the manner provided by law.

Section 4. Prohibition on Use of Municipal Position for Personal or Private Gain. Chapter 20 of the Code of the Town of Irondequoit, pertaining to ethics, is amended to add a new section, Section 20-6, as follows, and renumbering the subsequent sections accordingly.

§ 20-6 Prohibition on use of municipal position for personal or private gain.

- A. No municipal officer or employee or local elected official or local officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, or any private organization in which he or she serves as an owner, officer, director, or voting member.

- B. No municipal officer or employee or local elected official or local officer or employee shall use his or her municipal position or official powers and duties to influence another person—including municipal employees—to provide a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, or any private organization in which he or she serves as an owner, officer, director, or voting member.
- C. This Chapter’s prohibitions on use of a municipal position, disclosure requirements, and requirements relating to recusal and abstention, shall not apply with respect to the following matters:
 - (1) adoption of the Town’s annual budget;
 - (2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - (i) all Town officers or employees; or
 - (ii) all residents or taxpayers of the Town or an area of the Town; or
 - (iii) the general public; or
 - (3) any matter that does not require the exercise of discretion.

Section 5. Use of Town Resources. Chapter 20 of the Code of the Town of Irondequoit, pertaining to ethics, is amended to add a new section, Section 20-7 as follows, and renumbering the subsequent sections accordingly:

§ 20-7. Use of Town resources.

- A. Town resources shall be used for lawful Town purposes. Town resources include, but are not limited to, Town personnel, and the Town’s money, vehicles, equipment, materials, supplies or other property.
- B. No municipal officer or employee or local elected official or local officer or employee may use or permit the use of Town resources for personal or private purposes, including the purposes of private organizations, but this provision shall not be construed as prohibiting:
 - (1) any use of Town resources authorized by law or Town policy;
 - (2) any use of Town resources lawfully authorized by the Town Board;
 - (3) the use of Town resources for personal or private purposes when provided to a municipal officer or employee or local elected official or local officer or employee as part of his or her compensation; or

(4) the occasional and incidental use during the business day Town telephones and computers for necessary personal matters such as family care and changes in work schedule.

C. No municipal officer or employee or local elected official or local officer or employee shall cause the Town to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 6. Annual Training of Members of the Town Board and Board Member Resource Library. Chapter 20 of the Code of the Town of Irondequoit, pertaining to ethics, is amended to add a new section, Section 20-8, as follows, and renumbering the subsequent sections accordingly:

§ 20-8. Annual Training of Town Board Members and Town Board Member resource library.

A. Individuals elected or appointed to the Town Board of the Town of Irondequoit shall participate in training regarding their legal, fiduciary, financial and ethical responsibilities as Town Board members within one year of election or appointment to the Town Board. Town Board members shall participate in continuing training, at least once each year, to remain informed of best practices relating to the effective oversight of the governance, management, and financial activities of the Town and to adhere to the highest standards of responsible governance.

B. There shall be established in the Town Hall of the Town of Irondequoit a Town Board Member resource library, in any suitable location, consisting of such books, materials, treatises, documents, records, videos, or any other such information, as may be helpful to the Members of the Town Board in the performance of their duties. The Town Board may appropriate such funds as necessary to establish and continue the resource library pursuant to provisions of the Town Law, General Municipal Law, or other law as may apply.

Section 7. Decorum. Section 36-1 of the Code of the Town of Irondequoit, pertaining to the of meetings, is amended by striking the matter shown in brackets and strikethrough font, and adding the matter shown in bold underscored font, to read as follows:

§ 36-1 Supervisor to preside; Chair; quorum, **decorum.**

A. Pursuant to § 63 of the Town Law, as amended or changed, “The supervisor, when present, shall preside at the meetings of the town board. In the absence of the supervisor, the other members shall designate one of their members to act as temporary chairman. A majority of the board shall constitute a quorum for the transaction of business, but a lesser number may adjourn. The vote upon every question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes. Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all members of the town board.”

B. The Supervisor or temporary chairperson shall maintain decorum of meetings of the Town Board in accordance with Robert's Rules of Order, with such exceptions as provided by applicable law or as he or she may reasonably determine necessary for the expeditious, civil, decorous, and transparent conduct of meetings.

C. Members of the Town Board will at all times endeavor to deliberate with courtesy, respect, and civility toward each other and all other persons, and shall endeavor to refrain from engaging in personal attacks.

Section 8. Severability. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 9. Effective Date. This local law shall be effective upon filing with the Secretary of State of New York, as required by the Municipal Home Rule Law.