

Local Law Filing

(Use this form to file a 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 Davenport
Town
Village

Local Law No. 1 of the year 20 08

A local law Establishing the Town of Davenport Code of Ethics

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

APR 01 2008

MISCELLANEOUS
& STATE RECORDS

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Davenport as follows:
Town
Village

ARTICLE I Intent of Town Board

§-1. Legislative intent.

The Town Board of the Town of Davenport recognizes that there are state statutory provisions mandating 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 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 of conduct, to provide for punishment of violation of such standards and to create a Board of Ethics to render advisory opinions to the

Town's officers and employees as provided for herein.

§-2. Interpretation.

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 town officers to the extent that the same are more severe in their application than this local law.

ARTICLE II
Code of Ethics

§-3. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

TOWN - Any board, commission, district, council or other agency, department or unit of the government of the Town of Davenport.

TOWN EMPLOYEE - Any officer or employee of the Town of Davenport, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

§-4. 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 any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest.

§-5. Standards of conduct.

A. No Town employee shall accept other employment which will impair his 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 to disclose confidential information which he has gained by reason of his official position or authority.

C. No Town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

D. No Town employee shall engage in any transaction as representative or agency of the Town 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 Town employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he 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 has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his 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 trust.

H. No Town employee employed 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 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 Town in which such employee serves or is employed.

§-6. Penalties for offenses.

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

§-7. Establishment; membership.

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

§-8. Advisory opinions.

The Board of Ethics established hereunder shall render advisory opinions to Town employees on written request and, 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 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.

§-9. Rules of procedure; records.

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

§-10. Distribution of copies.

Upon the adoption of this local law, the Town Supervisor 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 local law nor the enforcement of provisions hereof. The Town Supervisor 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 of provisions hereof.

§-11. Filing in office of State Comptroller.

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

§-12. Appropriations.

The Town Board 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 of Town moneys except within the appropriations provided herein.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 08 of the ~~(County)(City)(Town)(Village)~~ of Davenport was duly passed by the Town Board of the Town of Davenport on February 14, 2008, in accordance with the applicable *(Name of Legislative body)* 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 _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 _____, 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 _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(Elective Chief Executive Officer*)*.

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 20 _____, 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 20 _____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, 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 county-wide 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 revision 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 a majority of the qualified electors 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 a unit voting at 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ I _____ above.

Margaret Bonney
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: *March 27, 2008*

(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 *Albany*

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

[Signature]
Signature

Attorney
Title

County
City of Davenport _____

Town
Village
Date: *March 27, 2008*