



STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001

GEORGE E. PATAKI  
GOVERNOR

RANDY A. DANIELS  
SECRETARY OF STATE

October 25, 2002

TOWN OF DEERFIELD  
6329 WALKER ROAD  
DEERFIELD, NY 13502

RE: Town of Deerfield, Local Law 2, 2002, filed 10/22/2002

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in cursive script that reads "Linda Lasch".

Linda Lasch  
Principal Clerk  
State Records & Law Bureau  
(518) 474-2755

## Section 1. Legislative Intent

The Town Board of the Town of Deerfield recognizes that there are rules of ethical conduct for public officers and employees which 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. The proper operation of the Town government requires that its officers and employees be independent, impartial, objective, unbiased, and responsible to the people of the Town of Deerfield; that public office not be used for personal gain; that public officers and employees maintain the highest standards of integrity and discharge faithfully the duties of their office, regardless of personal considerations; and that the public have confidence in the officers and employees thereof. It is the purpose of this local law to implement these objectives through the establishment of standards of conduct, to provide for punishment of violations 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.

## Section 2. Applicability of Other Laws.

The standards, prohibitive acts and procedures established herein are in addition to any prohibitive 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.

## Section 3. Definitions

As used in this local law, the following term shall have the meaning indicated:

A. INTEREST - Any claim, account or demand against or in agreement with the Town, express or implied, including designation of a depository of public funds and the designation of an official newspaper, and direct or indirect pecuniary or material benefit accruing to an officer or employee as a result of a business or professional transaction with the Town. For the purposes of this local law, an officer or employee shall be deemed to have a direct interest in the affairs of:

1. His spouse, minor children and dependents;
2. A business concern, partnership, or association of which such officer or employee is a member, partner, owner, director or employee;
3. A corporation of which such officer or employee is an officer, director or employee;
4. A corporation, any stock of which is owned or controlled, directly or indirectly, by such officer or employee.

B. IMMEDIATE FAMILY MEMBER - A spouse, minor child or other dependent or relative residing in the household of a Town officer or employee.

C. TOWN - The Town of Deerfield, or any of its Boards, commissions or agencies, whether operated or funded solely by the Town of Deerfield or jointly with one or more other municipalities.

D. TOWN BOARD MEMBERS OR TOWN EMPLOYEE - Any elected or appointed officer or any employee of the Town, whether paid or not, including members of any administrative advisory board, commission or other agency thereof. For the purpose of this local law, no person shall be deemed a Town officer or employee solely by reason of being a volunteer fireman, Civil Defense volunteer, or employed by the Town as a result of a contractual agreement.

#### Section 4. Standards of Conduct

##### A. Employment

1. No Town officer, Town Board member, or 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 conflict with or might reasonably tend to conflict with the proper discharge of his duties in the public interest.



2. No Town Board member, Town officer or Town employee shall accept other employment which will impair his independence or judgment in the exercise of his official Town duties.

3. No Town Officer, Town Board member, or Town employee shall 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 his official duties.

#### B. Disclosure of Confidential Information

1. No Town officer, Town Board member, or Town employee of the Town shall disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his personal interests or the private interests of others.

2. No Town Board member, Town officer or Town employee shall accept employment or engage in a business or professional activity which will require him to disclose confidential information gained by reason of his official position or authority.

#### C. Misuse of Authority

No Town Board member, Town officer, or Town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

#### D. Misuse of Privilege

No Town Board member, Town officer or Town employee shall by his conduct give reasonable basis for the impression that another can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is effected by kinship, rank, position or influence of any party or person.

#### E. Compensation

No Town officer, Town Board member, or Town employee shall receive compensation or enter into any agreement to receive compensation, express or implied, with respect to any matter which is, was or will be before the Town for determination in the official capacity of any Town officer, Town Board member, or Town employee of the Town of Deerfield. In addition, no Town officer, Town Board member, or Town

employee of the Town of Deerfield shall receive compensation or enter into any agreement, express or implied, to receive compensation in relation to any matter before any municipal agency, department, Board or commission, or as a function of the official position of the Town officer, Town Board member, or Town employee.

#### F. Gifts

No Town Board member, Town officer or Town employee shall accept any gifts or gratuities, in any way relating to his official duties. The recipient of any such gift or gratuity shall immediately return the same to the giver and shall notify the Town of Deerfield Board of Ethics, in writing, of any such incident.

#### G. Investments

1. No Town officer, Town Board member, or Town employee of the Town of Deerfield shall invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.

#### H. Future Employment

1. No Town Board member, Town officer, or Town employee shall, within two years after the termination of his service, accept employment which will require appearances before any Board, agency or commission of the Town of Deerfield or conduct any official Town business, transactions or professional activity with any Town officer, Town Board member or Town employee where special advantages by virtue of prior contact and relationship with the Town may be realized.

2. No Town Board member, Town officer, or Town employee shall appear before any Board, agency or commission of the Town of Deerfield in relation to any case, proceeding or application in which he was directly concerned and personally participated or which was under his active consideration during the period of his service or employment.

#### I. Discrimination

No Town officer, Town Board member, or Town employee of the Town or of any service or other organization chartered by or directly or indirectly sponsored or supported by the Town shall:

1. Discriminate or cause involuntary segregation, directly or indirectly, based upon creed, color, national

origin, sex or disability, or allow the preceding to be factors affecting the recruitment, selection, placement, assignment, compensation or promotion of any Town officer, Town Board member, Town employee or member of such service or other organization.

2. Permit, directly or indirectly, the use of any Town property, equipment or services by any person or persons,

organizations, corporations or any other group which directly or indirectly discriminates as set forth in Subsection I(1) above.

3. Allow the Town to knowingly have any financial or business dealings with any organization which discriminates as set forth in Subsection I(1) above.

#### J. Representation by Consultant

No Town consultant shall appear on behalf of private interests before the Town Board or any other Board, commission or agency of the Town of Deerfield or actively employed by the Town.

#### Section 5. Disclosure of Interest

A. All elected and appointed officers and Board members shall make public disclosure of his or her interest in any proposed contract in which the Town is directly or indirectly interested, by writing to the Town Board, as soon as he or she has knowledge of the same.

B. If any Town Board member, Town officer, or Town employee has a potential or actual conflict of interest in any matter which he or she encounters in the performance of his or her official Town duties, he or she shall make known to all concerned parties the nature of such conflict and shall refrain from any participation whatsoever in the matter so as to avoid true conflict. In all cases of potential or actual conflict, the Town Board shall be made aware of the situation by the person in conflict along with other concerned parties, including the Town of Deerfield Board of Ethics.



## Section 6. Board of Ethics

A. There is hereby established a Board of Ethics consisting of at least three members to be appointed by the Town Board, all of whom shall reside in the Town of Deerfield, and who shall serve without compensation and at the pleasure of the Town Board of the Town of Deerfield. Such board shall have a majority of members who are not officers or employees of the Town but shall include at least one member who is an officer or employee.

B. The Board of Ethics established hereunder shall give advice by way of advisory opinions to Town employees or Board members upon written request from them. The Board may prescribe and promulgate rules and regulations governing its own organization and procedures in a manner consistent with this local law. The Board of Ethics may further conduct investigations and recommend appropriate sanctions of alleged violations of this local law upon written notification of such alleged violation by the Town Board of the Town of Deerfield.

## Section 7. Penalties for Offenses

In addition to any penalty contained in any other provision of law, any Town officer, Town Board member, or Town employee who shall knowingly and intentionally violate any of the provisions of this local law may be fined, reprimanded, suspended or removed from office or employment in the manner provided by law.

## Section 8. Distribution of Copies

The Town Clerk shall cause a copy of Article 18 of the General Municipal Law and this Code of Ethics to be distributed to every Town officer, Town Board member, and Town employee within fifteen (15) days of the effective date of this local law. In addition, every such Town employee, Town Board member or Town Officer or Town consultant shall receive a copy of the same upon being engaged in or taking office in the Town of Deerfield. Failure to distribute any such copy or failure of any Town Board member, Town Officer a 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.

Section 9. Filing with Temporary State Commission on Local Governmental Ethics

Within thirty (30) days of the adoption of this local law, the Town Clerk shall file a copy thereof with the Temporary State Commission on Local Government Ethics as established pursuant to Section 813 of the General Municipal Law.

Section 10. Appropriation Authorized

The Town Board may appropriate monies from the General Town funds for the maintenance of and personal services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town monies except within the appropriations provided herein.

Section 11. Severability

If any clause, sentence, paragraph, word or section or part of this local law shall be adjudged by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 12. Effective Date

This local law shall become effective immediately upon filing in the Office of the Secretary of State.