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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lockport will hold a Public Hearing in the Town Hall located at Ruhlmann Road in the Town of Lockport on the 22<sup>nd</sup> day of July, 1970, at 8:00 o'clock to consider the adoption of the following ordinance:

"Ordinance relating to a Code of Ethics and Board of Ethics for the Town of Lockport ."

This ordinance relates to the establishment of the following:

1. A Code of Ethics providing standards and penalties for town officers and employees.
2. A Board of Ethics to render opinions and make recommendations.

The above ordinance is in accordance with Chapter 1019 of the Laws of 1970, the State of New York.

All interested parties will be heard.

Hazel Antolini  
Town Clerk

FOGLE, ANDREWS, PUSATERI,  
BRANDT, SHOEMAKER & HIGGINS  
Attorneys at Law  
500 Bewley Building  
Lockport, New York 14094

Ordinance relating to a code of ethics and a board of ethics for the  
Town of Lockport.

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

ARTICLE 1

Intent of the Town Board

Section 1. Statement of legislative intent. The Town Board of the  
Town of Lockport 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 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 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.

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 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

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mean any board, commission, district, council or other agency, department or unit of the government of the town of Lockport.

The term "town employee" shall mean any officer or employee of the town of Lockport 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 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 agent 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

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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.

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 (at least three) members to be appointed by the town board, all of whom reside in the town of Lockport and who shall serve without compensation and at the pleasure of the town board of the town of . A majority of such members shall be persons other than town employees but shall include at least one member who is an elected or appointed town employee of the town of Lockport.

Section 2. 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.

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 ordinance, 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 code, nor the enforcement of provisions hereof. The town supervisor shall further cause a copy of this ordinance to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to so post this ordinance 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 ordinance, the town clerk shall file a copy thereof in the office of the state comptroller.

Section 3. 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.

ARTICLE V

Severability Clause

Section 1. If any clause, sentence, paragraph, section or part of this ordinance 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 of part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE VI

Effective Date

Section 1. This ordinance shall take effect immediately.

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STATE OF NEW YORK)  
SS:  
COUNTY OF NIAGARA)

I, HAZEL ANTERLINE Town Clerk of the Town of  
Lockport, County of Niagara, New York, do hereby certify that the fore-  
going is a copy of the original Ordinance relating to a code of ethics and a  
board of ethics, and that the same was adopted at a duly convened meeting  
of the Town Board of the Town of Lockport, at the Town Hall, Ruhl-  
mann Road, Town of Lockport, New York, on the day of 1970.

IN WITNESS WHEREOF, I have hereunto set my hand and the  
seal of the said Town of Lockport, Niagara County, New York, this \_\_\_\_\_  
day of

SEAL

*Hazel Anterline*  
\_\_\_\_\_  
Town Clerk

FOGLE, ANDREWS, PUSATERI,  
BRANDT, SHOEMAKER & HIGGINS.  
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Office and P. O. Address  
500 Bewley Building  
Lockport, New York 14094

2011 Town of Lockport Board of Ethics Members

| <u>Members</u>   | <u>Term Expires</u> | <u>Contact Numbers</u> |
|------------------|---------------------|------------------------|
| Wesley F. Arnold | 12/31/11            | 716-433-5875           |
| Mark Robinson    | 12/31/11            | 716-434-7338           |
| Brian Belson     | 12/31/11            | 716-433-7302           |