

OFFICE OF  
COUNTY ATTORNEY  
OF WAYNE COUNTY

AREA CODE 315 - 597-5337

GARY D. MORELL  
COUNTY ATTORNEY

November 20, 1970

OFFICE  
204 EAST MAIN STREET  
PALMYRA, NEW YORK 14522

Mrs. Hazel Elwell  
Clerk of the Board of Supervisors  
Lyons, New York

Dear Hazel:

Re: Local Laws

I am enclosing herewith, the original local law establishing board of ethics and code of ethics. These should be kept in your files and when the proper time comes, then we will file originals with Department of Audit and Control. In addition, would you make a note that following the public hearing when we initially pass these two local laws, that copies be forwarded to the comptroller's office pursuant to the code of ethics requirement requiring filing prior to December 31, 1970. For this filing, we do not have to wait for the permissive referendum period to expire, in that, that only applies as to when the local law absolutely becomes final. The code of ethic law particularly uses the word, adoption by the board and makes no reference to when the final approval is secured.

Very truly yours,

  
GARY D. MORELL  
Wayne County Attorney

GDM:1  
encl:

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County  
~~City~~ of Wayne  
~~Town~~  
~~Village~~

Local Law No. 5 of the year 19 71

This local law introduced and enacted as Local Law No. 6 of the year 1970, but for State filing purposes only, entitled Local Law No. 5 of the year 1971.

A local law establishing standards of conduct for officers and employees of the County of Wayne. (Insert title)

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

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

SECTION 1. Pursuant to the provisions of Section 806 of the General Municipal Law of the State of New York, the Board of Supervisors of the County of Wayne, one of the counties of the State of New York, a municipal corporation, having its principal office for the transaction of business at the Court House in the Village of Lyons, New York, 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 local government. It is the purpose of this local law to publicly promulgate these rules of ethical conduct for the officers and employees of the County of Wayne. These rules shall serve as a guide for conduct of the officers and employees of the County of Wayne. The rules of ethical conduct of this local law as adopted, shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General Municipal Law of the State of New York or any other general or special law of the State of New York relating to ethical conduct and interest in contracts of municipal officers and employees.

SECTION 2. DEFINITIONS.

(a) Municipal Officer or Employee means an officer or employee of the County of Wayne whether paid or unpaid, including members of any administrative board, commission, committee or other department, unit agency thereof.

(b) Interest means a pecuniary or material benefit directly or indirectly intended to accrue to a municipal officer or employee.

SECTION 3. STANDARDS OF CONDUCT.

Every officer or employee of the County of Wayne shall be subject to and abide by the following standards of conduct:

(a) GIFTS. He shall not directly or indirectly, solicit any gift or knowingly accept or receive any gift having a value of twenty-five (\$25.00) dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, given to him or his immediate family, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of

(If additional space is needed, please attach sheets of the same size as this and number each)

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

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 5 of 1971 of the County of Wayne was duly passed by Board of Supervisors on December 8, 1970 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. of 19 County of Wayne was duly passed by Board of Supervisors on 1970 and was approved by the Elective Chief Executive Officer and was deemed duly adopted on 1970, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. of 19 County of Wayne was duly passed by the Board of Supervisors on 1970 and was approved by the Elective Chief Executive Officer on 1970. Such local law was submitted to the people by reason of a mandatory referendum and received the affirmative vote of a majority of the qualified electors voting thereon at the special election held on 1970, in accordance with the applicable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. of 19 County of Wayne was duly passed by the Board of Supervisors on 1970 and was approved by the Elective Chief Executive Officer on 1970. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on 1970, 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 chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 election held on the ..... 19 ..... 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 therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ..... above.

*Harold B. Elwell*  
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer designated by Local Legislative Body

Date: February 2, 1971

(Seal)

(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 ...WAYNE.....

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]*  
.....  
(Title of Officer) COUNTY ATTORNEY  
County  
~~City~~ of Wayne  
~~Town~~  
~~Village~~

Dated: February 2, 1971.

his official duties or was intended as a reward for any official action on his part.

(b) CONFIDENTIAL INFORMATION. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

(c) REPRESENTATION BEFORE ONE'S OWN AGENCY. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member, or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee or of any municipal agency over which he has the power to directly influence the policy or decision thereof.

(d) REPRESENTATION BEFORE ANY AGENCY FOR A CONTINGENT FEE. He shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered. Agency herein shall not be interpreted to include the judicial court system of the County.

(e) DISCLOSURE OF INTEREST IN LEGISLATION. To the extent that he knows thereof, a member of the Board of Supervisors and any officer or employee of the County of Wayne, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Supervisors or other official policy making county agency on any matter before said Board of Supervisors or county agency shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other personal interest he has in such legislation.

(f) DISCLOSURE IN CERTAIN APPLICATIONS. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer of any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request to the extent known to such applicant. Further reference is made to Section 809 of the General Municipal Law of The State of New York.

(g) INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES. He shall not invest or hold any investment directly or indirectly in an financial, business, commercial or other private transaction, which creates a conflict with his official duties.

(h) PRIVATE EMPLOYMENT. He shall not 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.

(i) SPECIAL CONSIDERATION OR PRIVILEGE. He shall not use his official municipal position to intentionally secure special consideration or privileges for himself or others by interceding directly in the function of any municipal agency.

(j) FUTURE EMPLOYMENT. He shall not after the termination of service or employment with such municipality, appear before any board or agency of the County of Wayne in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his direct consideration.

SECTION 4. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the County of Wayne, or any agency thereof on behalf of himself or any member of his

family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

SECTION 5. DISTRIBUTION OF CODE OF ETHICS.

The Chairman of the Board of Supervisors of the County of Wayne shall cause a copy of this code of ethics to be distributed to every officer and employee of the County of Wayne within thirty (30) days after the affective date of this local law. Each officer and employee thereafter elected, appointed and employed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

SECTION 6. PENALTIES.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

SECTION 7. EFFECTIVE DATE.

This local law shall take effect immediately upon passage and proper filing as provided in Section 27 of the Municipal Home Rule Law of the State of New York.