

# 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 SANTA CLARA  
 Town  
 Village

Local Law No. 1 of the year 20 12

A local law to repeal Local Law No. 10-05, 1970 of the Town of Santa Clara, "Code of Ethics," and  
(Insert Title)  
to substitute in its place Local Law No. 1 of the year 2012, "Town of Santa Clara  
Code of Ethics Law"

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

- County  
 City of Santa Clara as follows:  
 Town  
 Village

Local Law No. 10-05, 1970 of the Town of Santa Clara, "Code of Ethics," is hereby repealed, and this Local Law No. 1 of 2012, "Town of Santa Clara Code of Ethics Law" as set forth on the following pages 1-a through 1-e, is hereby enacted and substituted in its place.

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

## Town of Santa Clara Code of Ethics Law

### Article I – Purpose and Authority

Section 1. Officers and employees of the Town of Santa Clara hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards and creates a board of ethics to render advisory opinions to the town's officers and employees as provided for herein.

Section 2. This code of ethics applies to the officers and employees of the Town of Santa Clara, and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Santa Clara.

Section 3. This local law is enacted pursuant to the authority granted to the Town of Santa Clara by the Municipal Home Rule Law and by Section 806 of the General Municipal Law.

### Article II-Definitions

- a. **Board** means the governing board of the town and any town administrative board (e.g. planning board, zoning boards of appeals), commission, or other agency or body comprised of two or more town officers or employees.
- b. **Code** means this code of ethics.
- c. **Interest** means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the town or an area of the town, or a lawful class of such residents or taxpayers. A town officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.
- d. **Town officer or employee** means a paid or unpaid officer or employee of the Town of Santa Clara, including, but not limited to, the members of any town board, whether serving in a full time, part time or advisory capacity.
- e. **Relative** means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a town officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

f. **Confidential information acquired in the course of his or her official duties** - Knowledge or information imparted or made available to a town officer or employee while in the conduct of town duties, which knowledge or information is not generally public.

g. **Business Dealing**

- Having or providing any contract, service or benefit to or for the town
- Buying, selling, renting, leasing or otherwise acquiring from or dispensing to the town any goods, services or property
- Applying for, petitioning, requesting or obtaining any approval, grant, license, permit or other privilege from the town government

h. **Person** - includes individual persons, corporations, partnerships, unincorporated associations and all other entities.

i. **Solicit** - to make a specific request of a person not otherwise disposed to be a recipient of such request.

j. **Town**—The Town of Santa Clara governmental and administrative operations, including officials, officers and employees of the Town of Santa Clara who act under the auspices of the Town of Santa Clara or on its behalf.

k. **Town Clerk** - The Clerk of the Town of Santa Clara pursuant to Section 30 of the Town Law of the State of New York.

l. **Vendor**- Any person or entity that sells or provides to the town any property, goods or services, whether on a regular basis or pursuant to periodic agreement, and does not include a Town Officer, Attorney, or Deputy Town Attorney, Deputy Town Clerk or other employee.

**Article III Code of Ethics**

a. 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/her duties in the public interest.

b. No town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

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 accept employment 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. No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her

official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

e. 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.

f. 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.

g. 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.

h. Each town employee shall endeavor to pursue a course of conduct that is not in violation of his trust.

i. No town employee 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.

j. Use of municipal resources

1. Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

2. No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting

- i. Any use of municipal resources authorized by law or municipal policy
- ii. The use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation, or
- iii. The occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

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

k. No town employee shall directly or indirectly solicit any gift, whether in the form of money, services, loans, 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 could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

l. Except as otherwise required by law:

a. No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.

b. No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

#### **Article IV Enforcement**

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 V 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 shall reside in the Town of Santa Clara and who shall serve without compensation and at the pleasure of the town board of the Town of Santa Clara. 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 Santa Clara.

Section 2. The board of ethics shall render advisory opinions to the officers and employees of the Town of Santa Clara with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the municipality's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Town of Santa Clara Town Board.

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 VI Posting and Distribution**

- a. The Town Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect
- b. The Town Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer or employee of the Town of Santa Clara.
- c. Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgements must be filed with the Town Clerk who must maintain such acknowledgements as a public record.
- d. The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.
- e. Within thirty days of the adoption of this local law, the town clerk shall file a copy thereof in the office of the state comptroller.
- f. The town board may appropriate monies from the general town funds for the maintenance of and for personnel services to the board of ethics established by this law. Said board of ethics may not commit the expenditure of town monies except as appropriated by the town board.

## **Article VII Severability**

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

## **Article VIII Repeal of prior local law concerning code of ethics**

Local Law No. 10-05, 1970 of the Town of Santa Clara is hereby repealed, and the foregoing Local Law 1 of 2012 of the Town of Santa Clara hereby enacted is substituted in its place.

## **Article IX Effective Date**

This local law shall take effect immediately upon its being filed with the New York State Secretary of State.

(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 12 of the ~~(County)(City)(Town)(Village)~~ of Santa Clara was duly passed by the Town Board on        20 12, 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 therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**(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 FRANKLIN

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  
Town Attorney  
\_\_\_\_\_  
Title

~~County~~  
City of Santa Clara  
\_\_\_\_\_  
Town  
~~Village~~

Date: \_\_\_\_\_