

**LOCAL LAW NUMBER 1 OF 2009**

**ETHICS RULES AND REGULATIONS  
OF THE TOWN OF LANSING**

History – This Local Law hereby supersedes any prior resolution, rule, procedure, ordinance or Local Law of, or in effect in, the Town of Lansing pertaining to the subject matter hereof.

The Town Board of The Town of Lansing, New York, pursuant to a Resolution dated January 21, 2009 does hereby adopt and pass a Local Law as follows:

**ARTICLE 1. AUTHORITY & PURPOSE:** This Local Law is adopted pursuant to the authority granted the Town of Lansing by Section 10 of the Municipal Home Rule Law and General Municipal Law Article 18. The Town of Lansing 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 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.

**ARTICLE 2. TITLE:** This Local Law shall be known as the "Town of Lansing Ethics Local Law."

**ARTICLE 3. APPLICABILITY OF OTHER STANDARDS AND LAWS:** The standards, prohibited acts and procedures established herein are in addition to: (i) any rules about prohibited acts and applicable conflicts of interest provisions or procedures prescribed by statute of the State of New York, and (ii) 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 4. CODE OF ETHICS:**

**SECTION 1: DEFINITIONS:** The following terms and phrases shall have the following meaning(s) under this Local Law:

**A. TOWN:** means the Town of Lansing and any Board, Commission, district, council, committee, or other agency, department, or unit of the government of the Town of Lansing.

**B. TOWN EMPLOYEE:** means any Officer or employee of the Town, whether paid or unpaid, and whether serving in a part-time, full-time, or advisory capacity.

**SECTION 2: 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 the duties of the Town Employee in the public interest.

**SECTION 3: STANDARDS OF CONDUCT:** The following standards of conduct apply to all Town Employees:

A. No Town Employee shall accept other employment, present or future, which will impair such Town Employee's independence of judgment in the exercise of 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; nor shall any Town Employee in any way disclose confidential information or use such information to further a personal interest.

C. No Town Employee shall use or attempt to use an official position or employment by the Town to secure any unwarranted privileges or exemptions for such Town Employee's own interest or for others.

D. No Town Employee shall engage in any transaction as representative or agent of the Town with any business entity in which such Town Employee has any direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of official duties.

E. A Town Employee shall not by any conduct give a reasonable basis for the impression that any person can improperly influence a Town Employee or unduly enjoy a Town Employee's favor in the performance of official duties or that such Town Employee is affected by the kinship, rank, position or influence of any party or person.

F. Each Town Employee shall avoid making personal investments in enterprises which such Town Employee has reason to believe may be directly involved in decisions to be made by such Employee or which will create substantial conflict between the Town Employee's duty in the public interest and such Town Employee's private interest(s).

G. In the event that a Town Employee finds that any investment or employment would influence, or would appear to influence, such Town Employee in the conduct of official duties, the Town Employee shall immediately file a written disclosure of such interest with the Town Clerk and shall refrain from participation in the discussion, deliberation, and making of a decision in such matter.

H. Each Town Employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that such Town Employee is likely to be engaged in acts that are in violation of the public trust.

I. No Town Employee employed on a full-time basis, nor any firm or association of which such Town Employee is a member, nor any corporation for which a substantial portion of the stock is owned or controlled directly or indirectly by such Town Employee, shall (i) sell goods or services to the Town except in accord with law, and (ii) shall sell goods or services to any person, firm, corporation or association which is licensed by, or whose rates are fixed by, the Town in which such Town Employee serves or is employed.

J. No Town Employee shall solicit, accept, or receive any gift having a value of \$75.00 or more.

**ARTICLE 5: BOARD OF ETHICS:** There is hereby established a Board of Ethics consisting of 5 members, to be appointed by the Town Board, all of whom shall reside in the Town, and all of whom shall serve without compensation and at the pleasure of the Town Board. A majority of such members shall be persons other than Town Employees. At least one member of such Board of Ethics shall be an elected official of the Town. The Attorney for the Town shall be an *ex officio* member of said Board without voting privileges. The Board of Ethics shall have the following powers and procedures:

**SECTION 1:** The Board of Ethics established hereunder shall render advisory opinions to Town Employees upon written request and shall, upon request of the Town Board, make recommendations to such Town Board relating 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 the Attorney for the Town, or if he or she is recused or has a conflict, then from counsel so employed by the Board of Ethics.

**SECTION 2:** The Board of Ethics shall interpret and enforce this Local Law and General Municipal Law Article 18, as well as such other laws, rules, provisions, procedures, and decisions as the Board of Ethics deems relevant, applicable, or controlling by virtue of Article 3 of this Local Law.

**SECTION 3:** Any Town Employee who requests an opinion or is the subject matter of an opinion before the Board of Ethics shall be granted the right to be heard by said Board prior to the making of an opinion.

**SECTION 4:** 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 6: ADMINISTRATION:**

**SECTION 1: 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.

**SECTION 2: DISTRIBUTION AND POSTING:** Upon the adoption of this Local Law the Town Supervisor shall cause a copy thereof to be distributed to every Town Employee. The 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 upon the enforcement hereof.

**SECTION 3: FILING WITH NEW YORK STATE:** Within 10 days of the adoption of this Local Law, the Town Clerk shall file a copy thereof in the office of the State Comptroller and the Office of the Secretary of State.

**SECTION 4: APPROPRIATION OF FUNDS:** The Town Board may appropriate moneys from general Town funds for the costs and expenses of, the maintenance of, and for personnel services incurred by or provided to, the Board

of Ethics. However, such Board of Ethics may not commit the expenditure of Town money except within the limit of appropriations provided by the Town Board.

**ARTICLE 7: SAVING CLAUSE:** If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court or tribunal of competent jurisdiction to be invalid or unenforceable, such judgment or determination shall not affect, impair or invalidate the remainder of this Local Law, and shall be confined in its operation and interpretation only to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment or determination shall have been rendered.

**ARTICLE 8: LIMITATION OF LIABILITY AND INDEMNITY:** The Town shall not be liable or responsible for any injury to persons or damage to property due to the Town's actions, or failures to act, under or pursuant to this Local Law, unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town.

**ARTICLE 9: EFFECTIVE DATE:** This Local Law shall take effect immediately.