

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 ☒ Town ☐ Village
(Select one:)

of Wayland

Local Law No. 1 of the year 20²⁰

A local law Establishing an Ethics and Disclosure Law for the Town of Wayland
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Wayland as follows:

See attached full text of Town of Wayland Local Law No. 1 of 2020 (eight pages, including Exhibits A and B).

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

Rec'd ok from state 6/25/2020

(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 2020 of the ~~(County)(City)(Town)(Village)~~ of Wayland was duly passed by the Town Board on 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 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: _____

TOWN OF WAYLAND, NEW YORK

LOCAL LAW NO. 1-2020:

A LOCAL LAW ESTABLISHING AN ETHICS AND DISCLOSURE LAW FOR THE TOWN OF WAYLAND

Section 1 Purpose

The purpose of this Local Law is to create the Town of Wayland Code of Ethics (the “Code of Ethics”) in compliance with article 18 of the New York State General Municipal Law. The citizenry of the Town of Wayland (“the Town”) are entitled to the expectation of exemplary ethical behavior from their officers, employees and appointed officials, and this law is intended to create the minimum standards which constitute that behavior. This legislation recognizes that varying degrees of professional and governmental responsibility warrant equitable requirements in pursuit of official integrity, which must be balanced against individual constitutional rights. Any particulars not determined in this law shall be construed within the provisions of General Municipal Law article 18.

Section 2 Definitions

Unless otherwise indicated, the following terms shall be defined as such for the purpose of this Code of Ethics:

APPOINTED OFFICIAL — Any individual who is appointed by the Town Board of the Town to an agency, department, council, commission or board, whether unpaid or paid.

BOARD OF ETHICS — The Steuben County (New York) Board of Ethics.

TOWN — The Town or any department, board, office, commission, agency or authority thereof.

DEPARTMENT — Any of the divisions of Town government referred to in the definition of legislation in this section, except the Town Board.

ATTESTATION FORM — The annual signature form set forth on Exhibit A of this Local Law.

INTEREST — A direct or indirect financial or material benefit, but not including 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. This definition includes, but is not limited to, a situation in which a Town officer or employee, his or her spouse, or a member of his or her household is an owner, partner, member, director, officer, or employee of an organization, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.

JURISDICTION — Having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of any Town department.

LEGISLATION — A matter that appears upon the calendar or agenda of the Town Board of the Town or upon a committee thereof upon which any official action has been taken, and which includes adopted acts, local laws, ordinances or resolutions.

OFFICER or EMPLOYEE — Any officer or employee of the Town and any elected official, appointed official and head of any agency, commission or board of the Town, whether paid or unpaid.

POLICY-MAKING POSITION — An officer or employee whose duties are not ministerial in nature and designated to be “policy-making” by the Town Board as set forth on Exhibit B to this Local Law.

ATTESTING INDIVIDUAL — An officer, employee or elected official, and any other persons/positions enumerated in Exhibit B attached hereto, who is required to complete and file an attestation form pursuant to this Local Law.

CITY/VILLAGE/TOWN ELECTED OFFICIAL — The Supervisor, a member of the Town Board, the Town Clerk and the Town Justices.

Section 3 Conflict of Interest

It is the policy of the Town Board of the Town that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever an officer or employee has an interest, direct or indirect, which conflicts with his or her duty to the Town or which could adversely affect an individual’s judgment in the discharge of his or her responsibilities. No officer or employee shall:

A. Take action or participate in any manner whatsoever in his or her official capacity in the discussion, negotiation or awarding of any contract or in any business or professional dealings with the Town or any department thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or professional dealings.

B. Engage in, solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge of his or her official duties.

C. Solicit, directly or indirectly, any gift or receive or accept any gift having the value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

D. Disclose confidential financial information acquired in the course of his or her official duties or use such information to further his or her personal interest.

E. Take action on a matter before the Town or any instrumentality thereof when, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit to himself or herself.

Section 4 Disclosure of Interest

A. Any officer or employee who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the Town Board of the Town or by any other official, board, department, officer or employee of the Town and who participates in the discussion before or who gives

an opinion or gives advice to any board, department or individual considering the same shall publicly disclose in writing to his or her immediate supervisor and on the official record of the Town the nature and the extent of such interest as soon as he or she has knowledge of such interest.

B. Any officer or employee of the Town who has knowledge of any matter being considered by any board, department, officer or employee of the Town, in which matter he or she has or will have or intends to acquire any direct or indirect interest, shall be required immediately to disclose, in writing, his or her interest to such board, department, officer or employee and the nature and the extent thereof to the degree that such disclosure gives substantial notice of any potential conflict of interest.

C. Unless exempted from disclosure by New York State General Municipal Law article 18, any officer or employee of the Town who has, will have, or later acquires an interest in, or whose spouse has, will have, or later acquires an interest in, any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the Town, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the Town Board as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of the Town Board.

Section 5 Investments in Conflict with Official Duties

A. No Town officer or employee may acquire the following investments:

1. Investments that can be reasonably expected to require more than sporadic recusal and abstention under this Code of Ethics; or
2. Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

B. This section does not prohibit a Town officer or employee from acquiring any other investments or the following assets:

1. Real property located within the Town and used as his or her personal residence;
2. Less than five percent of the stock of a publicly traded corporation; or
3. Bonds or notes issued by the Town and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 6 Future Employment

A. No Town officer or employee may ask for, pursue or accept a private post-Town-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the Town officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

B. No Town officer or employee, for the two-year period after serving as a Town officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the Town office, board, department or comparable organizational unit for which he or she serves.

C. No Town officer or employee, at any time after serving as a Town officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a Town officer or employee.

Section 7 Review and Attestation

A. Beginning in the year 2021, every official, employee, and/or any of those persons/positions listed on Exhibit B, shall attest, on an annual basis, that he or she has reviewed the Code of Ethics of the Town, with such attestation to be made on or before March 31 of the year for which the employment or service is in effect.

B. Beginning in the year 2021, attesting individuals, as enumerated on Exhibit B, must file with the Board of Ethics, and provide a copy of the same filing to the Town Clerk, an annual statement in the form prescribed on Exhibit A, which shall be supplied to them by the office of the Town Clerk. This statement shall be completed and returned, in a sealed envelope, to the Board of Ethics, and the copy shall be provided to the Town Clerk, on or before March 3 of the year for which the employment or service is in effect. The list of attesting individuals or positions subject to filing the annual disclosure form may be amended from time to time by resolution of the Town Board.

C. Any person who is required to file an annual Attestation Form may request, prior to March 31 of the year for which the employment or service is in effect, an extension of filing for an additional specific period of time. Such request shall be made, in writing, to the Board of Ethics, with approval based upon substantiation of justifiable cause or undue hardship. The Board of Ethics may grant or deny the request by majority vote of the membership.

Section 8 Board of Ethics

A. The Town Board of the Town, pursuant to article 18 of the New York State General Municipal Law, hereby designates the Steuben County (New York) Board of Ethics as the body responsible for ensuring full compliance with this Code of Ethics. Membership on the Board of Ethics is determined by the county government of Steuben County as set forth in section 808 of New York State General Municipal Law.

B. When acting in its capacity for the Town as set forth in herein:

1. The Board of Ethics shall possess all powers and duties authorized by section 808 of General Municipal Law and by this Code of Ethics.
2. The Board of Ethics shall be the repository for completed annual attestation statements and any other written instruments, affidavits and disclosures as may be required under this Code of Ethics.
3. The Board of Ethics shall possess, exercise and enjoy all the rights, powers and privileges necessary and proper to the enforcement of this Code of Ethics.
4. The Board of Ethics shall follow such procedural rules as it may adopt and as may be required by state law.
5. Opinions.

- a. The Board of Ethics shall render advisory opinions, in writing, regarding specific matters pertaining to filings and to officers, employees and officials of the Town with respect to this Code of Ethics and article 18 of the General Municipal Law. Such opinions shall be rendered only upon written request by the Town Board or an officer, employee or appointed official of the Town concerning only the subject of the inquiry.
- b. Such opinions shall not be made public unless required by the Freedom of Information Law (Public Officers Law article 6) or required for use in a disciplinary proceeding or proceeding under this Code of Ethics. Whenever a request for access to an advisory opinion herein is received, the board, officer, employee or appointed official who requested the opinion shall be notified of the request.

Section 9 Appeals

An appeal may be taken by the filing of a written petition in opposition to any decision or determination within thirty (30) days from the date that the decision or determination was filed with the Board of Ethics. Upon receipt of the petition, the Board of Ethics shall make a determination upon the merits of the application within thirty (30) days.

Section 10 Penalties for Offenses

A. An individual who is required to file an annual attestation form pursuant to this Code of Ethics and knowingly and willfully fails and refuses to file such form or who willfully violates a provision of Sections 3, 4, 5, or 6 of this Code of Ethics shall be subject to a civil penalty in an amount not to exceed three thousand dollars (\$3,000), assessed by and subject to the discretion of the Board of Ethics, with any such penalty payable to the Town.

B. For a violation of this Code of Ethics, other than for conduct which constitutes a violation of section 73, subdivision 12, of the Public Officers Law, the Board of Ethics may, in lieu of a civil penalty, refer a violation to the County District Attorney and, upon such conviction but only after such referral, such violation shall be punishable as a Class A misdemeanor.

C. Upon an appropriate determination and vote, the Board of Ethics may file a written recommendation with the Town Board, establishing grounds for removal for cause, in accordance with other provisions of the Town's Local Laws, New York State Town Law, or other applicable law pertaining to officers, officials and employees and rules governing conduct.

D. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to make a disclosure or file an attestation required by this Code of Ethics, except that the Town Board may impose disciplinary action as otherwise provided by law.

E. The Board of Ethics may adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. If adopted, such rules shall provide for due process procedural mechanisms.

F. Assessment of a civil penalty pursuant to this section shall be final unless modified, suspended or vacated by the Board of Ethics within thirty (30) days of imposition and, upon becoming final, shall be subject to review at the instance of the affected individual in a proceeding commenced against the Board of Ethics pursuant to article 78 of the Civil Practice Law and Rules.

Section 11 Attestation Form

The Town Board hereby designates the form attached in Exhibit A as the official attestation form for the purposes of fulfilling the attestation requirements of this Code of Ethics.

Section 12 Repeal

Local Law No. 2 of 2004 entitled "A Local Law Creating An Ethics And Disclosure Law For The Town of Wayland, Steuben County, New York" is hereby repealed.

Local Law No. 3 of 2005 entitled "A Local Law creating an ethics and disclosure law for the Town of Wayland" is hereby repealed.

Section 13 Effective Date

This Local Law shall take effect with its filing with the New York State Secretary of State.

EXHIBIT A
ATTESTATION FORM

Date: _____

I, the undersigned, in my capacity as _____ (title of person)
hereby attest that I have read the Code of Ethics of the Town of Wayland, that I fully understand the
contents thereof and that I will abide by its provisions.

Printed Name:

EXHIBIT B

**List of positions required to complete and file an attestation form pursuant
to this Local Law.**

TOWN SUPERVISOR

EVERY TOWN BOARD MEMBER

TOWN SUPERINTENDENT OF HIGHWAYS

TOWN CLERK

EVERY TOWN JUSTICE

CODE ENFORCEMENT OFFICER

TOWN ASSESSOR

**TOWN ATTORNEY or ATTORNEY FOR THE TOWN (whichever applies; if a law firm, one
attestation filed on behalf of the firm is sufficient)**

EVERY MEMBER OF THE PLANNING BOARD

EVERY MEMBER OF ZONING BOARD OF APPEALS

EVERY MEMBER OF THE BOARD OF ASSESSMENT REVIEW