

26 December 2018

MEMORANDUM

To: Diane M. Benczkowski  
Supervisor, Town of Cheektowaga

Cheektowaga Town Board Members  
IN TURN

From: Joseph V. Treanor  
Chairman, Town of Cheektowaga Board of Ethics

Re: Draft Code of Ethics

1. The Town of Cheektowaga Town Board of Ethics (BoE) is pleased to inform you that we have completed the Draft new Code of Ethics for the Town of Cheektowaga which we were asked to produce. This good news fulfills our oral representations throughout 2018, as well as our commentary in several other written memoranda to you (two in particular being the annual Cheektowaga BoE Report for 2017 [submitted on 27 February 2018], and our first-ever mid-year BoE Report [submitted on 12 June 2018]). Moreover, this accomplishment honors and fulfills the pledge made at the previous Town Board meeting (11 December 2018) that we intended to deliver the Draft new Code of Ethics before the New Year.

2. In receiving and reviewing this Draft new Code of Ethics, you should be aware of the BoE's commitment and effort invested in this project. The BoE Draft new Code of Ethics is hardly a hastily prepared offering. In addition to drawing upon our vast ethics experience, we also spent months painstakingly studying and discussing the best features of a wide array of ethics codes, provisions, regulations, and sample code templates at the federal, state, county, and local levels – as well as preparing twelve different Draft iterations plus four final edits in crafting this document. We also paid particularly close attention to Cheektowaga's current (albeit dated) Town Code of Ethics, as well as the area's most recent ethics document – i.e., the new 2018 Erie County Code of Ethics which County Executive Poloncarz signed into effect mere months ago (late March). While virtually no one single document attains "perfection," the BoE believes its Draft new Code of Ethics is a visionary product that captures and improves upon the best features of all sources examined; most important of all, it postures Cheektowaga at the cutting edge of government ethics leadership in New York State ... if not the entire Nation.

3. To be sure, some may balk at this Draft's elevated ethics emphasis and wider application of ethics principles to all Cheektowaga employees and public servants. Others may additionally oppose the notion of a robust, unbiased, neutral, and independent Board of Ethics that serves the People, promotes and supports an active environment of ethical awareness and behavior among all Town employees, and fosters meaningful ethics accountability – instead of cynically

providing automatic and perfunctory “rubber stamp” validation of “business as usual ethics.” The BoE hopes that any possible initial misgivings would be solely attributable to the human tendency to gravitate towards the familiar and resist change. Having a predisposition to view ethics through the lens of yesteryear’s mindset and practice is certainly understandable – even if needlessly self-limiting and flawed. Once individuals fairly consider with an open mind what a modern 21<sup>st</sup> Century ethics paradigm ought to entail, and the possibilities it can effectuate, the BoE is confident folks will openly embrace the spirit of this Draft new Code of Ethics.

4. That said, the proposed Draft new Code of Ethics is hardly a radical instrument. It maintains – yet builds upon – much of what already exists in the realm of government ethics practices and procedures. It neither creates a “gotcha” ethics mindset nor establishes any type of “witch hunt” or “Star Chamber” ethics protocol. Indeed, through government reporting transparency and steady ethics engagement (e.g., annual universal filing of either short or long form disclosures in the spring, and ethical principles refreshment and acknowledgement in the autumn for all on the public payroll and/or in public service), if anything, the BoE suspects its proposed new Code will generate a confident mindset and calm environment where ethics violations rarely occur – and if any lapses do occasionally arise, they will be spotted and corrected immediately before they can balloon into serious ethical concerns. In turn, the renewed commitment to the fiduciary duty owed the public, genuine government transparency, full public accountability, and open acknowledgement that government exists to serve the People (not the inverse) will inspire trust within the residents of Cheektowaga. Those concepts may have long been overlooked in practice – perhaps even forgotten – yet they have existed and belonged to the People in this Nation since at least the very beginning, as noted in 1776’s Declaration of Independence.

5. In closing, the BoE anticipates that the Town Board will want to study this Draft – which substantially parallels the framework of the new Erie County Code of Ethics. We are happy to engage the Town Board and answer any questions it may have; furthermore, we are fully open and available to participate in any internal discussions, public hearings, and/or public debate you ought to conduct on this proposed new Code of Ethics. Additionally, we recommend that the Town Attorney review this document and ensure the legal provisions are current (the latter should be a relatively easy undertaking – the BoE understands that the Cheektowaga Town Attorney has also been on the Erie County Legislature’s payroll for approximately three years as minority counsel initially, and now as majority counsel; as such, he no doubt already conducted much of this legal research earlier this year and prepared a legal review thereon before the Legislature passed, and the County Executive signed, the new Erie County Code of Ethics).

JOSEPH V. TREANOR  
Chairman

Atch: BoE Draft new Code of Ethics

cc: Members of the Board of Ethics