

**BE IT ENACTED BY**  
**THE TOWN BOARD OF THE**  
**TOWN OF CHEEKTOWAGA AS FOLLOWS**  
**CHAPTER 18, TOWN CODE – CODE OF ETHICS \_\_\_\_\_(2018)**

**A Local Law repealing the present Town of Cheektowaga Code of Ethics (originally made effective on November 10, 1970, subsequently adopted on October 21, 1985 as part of the 1985 Cheektowaga Town Code, and having certain isolated provisions slightly amended thereafter on January 19, 1993, April 18, 1994, and April 4, 2011), and establishing a new Town of Cheektowaga Code of Ethics.**

**TOWN OF CHEEKTOWAGA CODE OF ETHICS (Chapter 18)**

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Section 18-1            Short Title

This local law may be cited as the Cheektowaga Code of Ethics.

Section 18-2            Purpose and Scope

This Code is enacted pursuant to Article 18 of the General Municipal Law in recognition of the policy of the State of New York, County of Erie, and the Town of Cheektowaga to maintain the highest standards of integrity in public service. To that end, and in genuine service to the People of the Town of Cheektowaga, this Code seeks to establish the highest reporting standards and finest government ethics environment in all New York State. It is the intent of this Code to establish reporting standards that meet and exceed those established in Chapter 813 of the Laws of New York of 1987 as well as the New York State Public Integrity Reform Act of 2011.

The Town Board of the Town of Cheektowaga further recognizes that there are everyday rules of ethical conduct in performing duties and transacting business by which Town of Cheektowaga public officers, employees, and agents must abide at all times if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the additional purpose of this Code to promulgate these rules of ethical conduct for all individuals performing services in the name of, transacting business for, and/or performing any activity on behalf of the Town of Cheektowaga. This Code shall govern and bind **all** individuals acting on behalf of the Town of Cheektowaga, regardless of category or status (e.g., officer, elected or appointed official, paid/compensated employees, unpaid volunteers, etc.).

It is the intent of the Town Board to exercise all authority granted under Subdivision 3 of Section 812 of the General Municipal Law. This Code shall be in addition to all other restrictions, standards and provisions pertaining to the conduct of Town officers and employees.

Section 18-3            Definitions

As used in this code:

- a.        The term "candidate for elected office" shall mean a person who seeks to be designated, nominated or elected to the office of Town Supervisor, Town Councilmember, Town Justice, Town Clerk, Town Superintendent of Highways, or any other elected office or position for the Town of Cheektowaga, and who has (1) taken the action necessary to qualify himself for nomination for election or election or (2) received contributions or made expenditures with a view toward bringing about his nomination for election or election.

Section 18-3 Definitions (continued)

b. The terms "constituted committee" and "political committee" as used in Subdivision (h) of this Section shall have the same meanings as in Section 14-100 of the election law.

c. The term "elected official" shall mean the Town Supervisor, Town Clerk, Town Superintendent of Highways, a Town Councilmember, Town Justice, or any other elected office or position for the Town of Cheektowaga.

d. Except as otherwise provided in this code, the term "employee" shall mean any person who receives a salary or wage from the Town of Cheektowaga, whether as an elected officer, elected official, or employee. For financial disclosure filing purposes, the term "employee" shall also include appointed and/or unpaid volunteers and other individuals performing services on behalf of the Town of Cheektowaga.

e. The term "interest" means a direct or indirect pecuniary or material benefit accruing to a covered individual or his relative, as defined in this section.

f. The term "ministerial matter" shall have the same meaning as ascribed to such term by Subdivision one of the Section 73 of the Public Officers Law.

g. For purposes of Subdivision b of Section 18-8 of this local law, the term "officer or employee" shall mean the head or heads of any department, division, special district or other administrative unit of town government and their deputies and assistants, and their appointees and designees to any board of any organization or entity, or administrative unit of town government; and such others who hold policy making positions and/or who are otherwise specifically designated due to their particular duties and fiduciary responsibilities to the Town of Cheektowaga, as annually determined by the appointing authority (i.e. the Town Board in conjunction with Town Board of Ethics input) and set forth in a written instrument which shall be comprehensively reviewed and updated at least annually, and filed with the Town of Cheektowaga Town Clerk and Board of Ethics before March 1<sup>st</sup> each year, and at other times throughout the year as may be needed. Said designation of those officers or employees as policy making may be challenged by the designated officers or employees upon filing a written petition in opposition to such designation within thirty days from the filing of such designation with the Town of Cheektowaga Board of Ethics. The aforementioned Board of Ethics shall upon receipt of a petition in opposition promptly make a determination as to the petition's merits upon a majority vote of a quorum of the board, and shall notify all interested parties within ten days of its decision. The term "officer or employee" shall also mean those individuals defined here who shall serve or have served at any time, regardless of duration, during the calendar year for which disclosure is sought regardless of whether they are affiliated with the Town of Cheektowaga at the time the request for disclosure is made.

h. The term "political party official" shall mean: (i) any chairman of a town committee elected pursuant to Section 2-112 of the election law, or his or her successor in office, who received compensation of expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating five hundred dollars or more; (ii) any person designated by the rules of a town committee as the "town leader" or "chairman of the executive committee", or by whatever other title designated, who pursuant to the rules of a town committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating five hundred dollars or more:

- (1) The principal political, executive and administrative officer of the town committee; The power of general management over the affairs of the town committee;
- (2) The power to exercise the powers of the chairman of the town committee as provided for in the rules of the town committee;
- (3) The power to preside at all meetings of the town executive committee, if such committee is created by the rules of the town committee or if such committee exists de facto, or any other committee or subcommittee vested by such rules with, or having de facto, the power of general management over the affairs of the town committee at times when the town committee is not in actual session;
- (4) The power to call a meeting of the town committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the town committee pursuant to the rules of the town committee, for the purpose of filling an office at a special election in accordance with Section 6-114 of the Election Law; for the purpose of filling a vacancy in accordance with Section 6-116 of Election Law; or for purpose of filling a vacancy or vacancies in the town committee which exist by reason of an increase in the number of election districts within the town occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its member, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a chairperson of an assembly district committee or other district committee smaller than a county and created by the rules of a county committee, to call a meeting of such district committee for such purpose;

- (5) The power to direct the expenditure of funds by the town committee;
- (6) The power to procure from one or more bank accounts of the town committee the necessary funds to defray the expenses of the town committee.

i. The term "family member / relative" shall mean such individual's spouse, child, stepchild, stepparent, any other person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse, or any spouse of a reporting individual's child, stepchild, or stepparent.

j. The term "services" shall mean the provision of work for a third party of any kind, including for a paying client, and shall include, without limitation, the provision of work related to accounting, agency, architecture, auditing, broker, computer, consulting, financial and investment planner, engineering, legal, lobbying, marketing, medical of any kind or nature, public relations, and real estate sales, but shall not include the provision of such work on a pro bono or volunteer basis where no remuneration is received for the work performed.

k. The term "spouse" shall mean the husband or wife of the reporting individual even if living separate and apart from the reporting individual pursuant to: (i) a judicial order, decree or judgment; or (ii) a legally binding separation agreement.

l. The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under the age eighteen, unmarried and living in the household of the reporting individual.

m. Any gender-specific pronouns used within this Code are not exclusionary; they are inclusive of all and equally applicable regardless of an individual's gender or asserted gender identity.

Section 18-4 Standards of Conduct

Because public service is a public trust, uppermost above all ethical principles, standards of conduct, and all other considerations, any and all officers and employees of the Town of Cheektowaga must always be mindful of, and act in pursuit of, his fiduciary duty and responsibility to the citizens and taxpayers of the Town of Cheektowaga. Attached to this Code are overarching principles of ethical conduct which every Town of Cheektowaga officer, employee, and/or agent, regardless of status, must personally acknowledge via annual signed certification (Attachment 1). Supervisors are responsible for ensuring that their subordinates execute the annual certification forms on the first business day of the month of November, and under no circumstances any later than the last day of that month. Supervisors shall collect the signed certification forms from their subordinates, and shall retain and safeguard them for a period of one year. If any Town of Cheektowaga officer, employee, or agent fails or refuses to acknowledge the principles of ethical conduct via signed certification, the supervisor shall summon the subordinate, read the document to the subordinate, and the supervisor shall sign the certification in his name with an attestation that he personally administered the annual review of ethical conduct principles to the subordinate following the subordinate's refusal to execute the document. No later than December 1<sup>st</sup>, the work supervisor shall notify the Town Board and the Town Board of Ethics via official letter about any subordinate(s) who have failed to execute the annual ethical conduct principles certification, and shall also provide copies of said document(s) to the Town Board and Town Board of Ethics within five days.

Section 18-5 The Principles of Ethical Conduct

**The 14 General Principles of Ethical Conduct**

(See 5 C.F.R. §2635.101(b))

The following general principles apply to every Town of Cheektowaga official, officer, employee, or agent – whether elected, appointed, salaried, or unsalaried, and regardless of union or non-union status. They provide the basis for the overarching bedrock expectations of public servants' personal conduct and duty performance – and influence the specific standards, prohibitions, and sanctions contained throughout the remainder of this Code. For any situation not specifically addressed in this Code of Ethics, individuals should always apply these 14 principles in determining whether their conduct and actions are proper.

1. ***Public service is a public trust***, requiring employees to place loyalty to the United States and New York State Constitutions, the laws and ethical principles above private gain.
2. ***Employees shall not hold financial interests that conflict*** with the conscientious performance of ***duty***.
3. ***Employees shall not engage in financial transactions using nonpublic Government information*** or allow the improper use of such information ***to further any private interest***.

4. ***An employee shall not***, except as permitted by law, ***solicit or accept any gift or other item of monetary value*** from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties. (N.B. No Cheektowaga elected official, officer, employee, or agent is allowed to solicit a gift – see Prohibited Activities under Section 18-6 of the Cheektowaga Code of Ethics)
5. ***Employees shall put forth honest effort*** in the performance of their duties.
6. ***Employees shall not knowingly make unauthorized commitments*** or promises of any kind purporting to ***bind the Government***.
7. ***Employees shall not use public office for private gain***.
8. ***Employees shall act impartially*** and not give preferential treatment to any private organization or individual.
9. ***Employees shall protect and conserve Federal, State, and Town property*** and shall not use it for other than authorized activities.
10. ***Employees shall not engage in outside employment or activities***, including seeking or negotiating for employment, ***that conflict with official Government duties and responsibilities***.
11. ***Employees shall disclose waste, fraud, abuse, and corruption*** to the appropriate authorities.
12. ***Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations***, especially those – such as Federal, State, or local taxes – that are imposed by law.
13. ***Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans*** regardless of race, color, religion, sex, national origin, age, or handicap.
14. ***Employees shall endeavor to their utmost to avoid any actions creating even the appearance of impropriety*** or that they are violating the law or these ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Section 18-6 Prohibited Activities

As a component of general expected Standards of Conduct wherein all in public service must keep uppermost in mind that public service is a public trust, and consistent with that philosophy, certain actions and activities are completely prohibited to public servants. The following provisions delineate those prohibitions:

a. No elected official, town officer or employee, or town agent shall directly or indirectly, solicit any gift.

b. No elected official, town officer or employee, or town agent shall accept or receive any gift, advantage, or benefit for himself or for any other individual having even a nominal value, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, job placement or promotion, political endorsement, thing or promise, or in any other form under circumstances under which it could reasonably be inferred or perceived 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 either a quid pro quo or a reward for any official action on his part. For the purposes of this sub-section, the term "gift" shall not include:

- (1) complimentary attendance, including food and beverage, at bona fide charitable events;
- (2) complimentary attendance, including food and beverage, offered by the sponsor of a widely attended event. The term "widely attended event" shall mean an event: (A) which at least twenty-five individuals other than members, officers, or employees from the governmental entity in which the public official serves attend or were, in good faith, invited to attend, and (B) which is related to the attendee's duties or responsibilities or which allows the public official to perform a ceremonial function appropriate to his or her position. For the purposes of this exclusion, a public official's duties or responsibilities shall include but not be limited to either (1) attending an event or a meeting at which a speaker or attendee addresses an issue of public interest or concern as a significant activity at such event or meeting; or (2) for elected public officials, or their staff attending with or on behalf of such elected officials, attending an event or a meeting at which more than one-half of the attendees, or persons invited in good faith to attend, are residents of the Town of Cheektowaga. Yet for the purposes of this exclusion, however, the term "widely attended event" that an elected official, town officer or employee, or town agent might otherwise be able to accept and attend complimentary under the exception protocol above shall never include events which are purely or primarily of an entertainment nature – for example, sporting events, concerts, theatrical productions, movies, etc. – unless they are also free of charge to the general public;

- (3) awards, plaques, memorabilia, honorary jerseys or other sports related clothing, and other ceremonial items which are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances, and further provided that the functionality of such items shall not determine whether such items are permitted under this paragraph;
- (4) an honorary degree bestowed upon a public official by a public or private college or university;
- (5) promotional items having no substantial resale value such as pens, mugs, calendars, hats, and t-shirts which bear an organization's name, logo, or message in a manner which promotes the organization's cause – although the elected official, town officer or employee, or town agent must exercise great caution and sound discretion to avoid any appearance or foreseeable perception that, by using, displaying, or wearing such item(s) in public, he (or by extension the Town of Cheektowaga) is publicly endorsing the donating organization or its cause;
- (6) goods and services, or discounts for goods and services, offered to the general public or a specific qualifying segment of the general public defined on a basis other than status as a public official and offered on the same terms and conditions as the goods or services are offered to the general public or specific qualifying segment thereof (for example, veterans' discounts);
- (7) gifts from a family member, member of the same household, or person with a personal relationship with the public official, including invitations to attend personal or family social events, when the circumstances establish that it is the family, household, or personal relationship that is the primary motivating factor; in determining motivation, the following factors shall be among those considered: (A) the history and nature of the relationship between the donor and the recipient, including whether or not items have previously been exchanged;
- (B) whether the item was purchased by the donor and not by a third party and given to the donor as a conduit to provide it to the elected official, town officer or employee, or town agent; and (C) whether or not the donor at the same time gave similar items to other public officials; the transfer shall not be considered to be motivated by a family, household, or personal relationship if the donor seeks to charge or deduct the value of such item as a business expense or seeks reimbursement from a client;
- (8) contributions reportable under Article 14 of the Election Law, including contributions made in violation of that article of the election law;

- (9) travel reimbursement or payment for transportation, meals and accommodations for an attendee, panelist or speaker at an informational event or informational meeting when such reimbursement or payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus, provided, however, that the public official may only accept lodging from an institution of higher education: (A) at a location on or within close proximity to the host campus; and (B) for the night preceding and the nights of the days on which the attendee, panelist or speaker actually attends the event or meeting;
- (10) provision of local transportation to inspect or tour facilities, operations or property located in the Town of Cheektowaga, provided, however, that such inspection or tour is related to the individual's official duties or responsibilities and that payment or reimbursement for expenses where such facilities, operations or property are located shall be considered to be gifts unless otherwise permitted under this subdivision (ordinarily, however, Cheektowaga officials would likely use official Town vehicles and/or claim mileage reimbursement on their private vehicles for such "official business");
- (11) meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants;
- (12) meals or refreshments when participating in a meeting related to town government activities and which are provided by another elected official or Town of Cheektowaga administrative unit or department; and
- (13) food or beverage valued at fifteen dollars or less;

c. No elected official, town officer or employee, or town agent shall disclose confidential information acquired by him in the course of his official duties (unless required by law to do so and/or unless permissible as necessary to thwart other unlawful, illegal, unethical, or otherwise improper activity), or use such information purely to further his personal interests;

d. No elected official, town officer or employee, or town agent shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any town agency of which is he an officer, member or employee, or town agent, or of any town agency over which he exercises jurisdiction, exercises administrative discretion, or to which he has the power to appoint any member, officer or employee; this prohibition also extends and applies to immediate family members of individuals attached to the particular municipal agency;

Section 18-6 Prohibited Activities (continued)

e. No elected official, town officer or employee, or town agent shall 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 the town, other than his town employment salary.

f. No elected official, town officer or employee, or town agent shall, after the termination of service or employment with the Town of Cheektowaga, appear before any board or agency of the Town of Cheektowaga 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 active consideration.

g. No elected official, town officer or employee, or town agent shall act as an attorney, nor be retained as an expert, rendering professional services in any legal action brought against the Town of Cheektowaga arising out of personal injury or property damage or any lawful benefit authorized by law, while he is an elected official, officer or employee, or town agent of the Town of Cheektowaga. Nothing in this Code of Ethics shall be deemed to bar or prevent the timely filing by a present or former town officer or employee, or town agent, of any claim, account, demand, or suit against the Town of Cheektowaga or any agency thereof on behalf of himself or any member of his family arising out of personal injury or property damage or for any lawful benefit or consideration authorized or permitted by law.

h. No elected official, town officer or employee, or town agent, who participates in the discussion or gives an official opinion to the Town Board on any legislation or action before the Town Board or who has any direct or indirect input or involvement in any transaction involving the Town, shall fail to publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation or transaction.

i. No elected official, town officer or employee, or town agent shall invest or hold any investment, directly or indirectly, in any financial, business, commercial, or other private transaction which creates a conflict with, or the appearance of a conflict with, his official duties.

j. No elected official, town officer or employee, or town agent shall engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when such employment or service creates an actual or perceived conflict with, or impairs or appears to impair, the proper discharge of his official duties.

k. No elected official, town officer or employee, or town agent shall use any information acquired in the course of his official duties or take any action to advance the financial or other private interest of himself or any other person

l. No elected official, town officer or employee, or town agent shall utilize any Town of Cheektowaga equipment, materials, supplies or property for personal gain or benefit.

Section 18-6 Prohibited Activities (continued)

m. No elected official, town officer or employee, or town agent shall be a director, officer, or trustee of any organization which receives from or through the annual town budget funds that constitute ten percent or more of that organization's annual operating expenses, except where appointment to such position is specifically authorized by the Town of Cheektowaga Charter, Administrative Code or other applicable town or state law.

n. No elected official, town officer or employee, or town agent or relative as defined in Section 18-3 of this local law acting in an individual or business capacity in which the individual is a sole proprietor, general partner, or stockholder in a closely held corporation in which he holds fifty percent or more of the stock of said corporation shall (1) sell any goods or provide services having a value in excess of \$100.00 to any agency of the town or to contract for or provide such services for or to any private entity when a power to contract, appoint or retain on behalf of such private entity is exercised directly or indirectly, by an agency of the town or of an elected official, town officer or employee, or town agent thereof, unless such goods or services are sold or provided pursuant to an award or contract let after public notice and upon competitive bidding.

o. In addition to any penalty contained in any provision of law, any person who shall knowingly and intentionally violate this section may be fired, suspended, otherwise administratively disciplined, or removed from office or employment in the manner provided by law.

Section 18-7                      Non-Prohibited Activities

Nothing contained in this section shall be construed as prohibiting an elected official, town officer or employee, or town agent from:

a.        participating in public discussions or advocating any position in any manner in an official or in another capacity without compensation, including but not limited to acting as a public advocate whether or not on behalf of constituents.

b.        appearing, unless otherwise prohibited, before all designated courts of law or agencies of the town in a representative capacity if such appearance before such agency is incident to a ministerial matter or with a matter not involved in the normal function or scope of duties of his office or position. Owing to additional attorney and judicial code of ethics concerns about actual and/or perceived conflicts of interest adversely impacting the legal profession, however, under no circumstances shall any Cheektowaga Town Justice, member of the Office of the Cheektowaga Town Attorney, or member of the Cheektowaga Town Prosecutor's Office appear before any Town of Cheektowaga court of law or agency in any private representative capacity. This latter prohibition, however, shall not restrict such an individual from representing himself and/or assisting in his self-representation before any forum. In addition, and also owing to perceived legal conflicts and/or other conflicts of interest, under no circumstances shall members of the Cheektowaga Town Attorney's Office or Cheektowaga Town Prosecutor's Office appear on behalf of/instead of, represent, function, or otherwise perform the legal duties of each other's offices.

c.        appearing before an agency of the town in a representative capacity on behalf of an employee organization in any manner where such appearance is authorized by an employee organization and is consistent with his official duties to the Town. This proscription does not apply to elected officials.

d.        representing or filing any action against an agency of the town, or officer or employee or agent thereof, in which the subject matter involves the normal functions or is within the scope of duties of his office or position.

Section 18-8 Disclosure.

a. Short Form. Every employee of the Town of Cheektowaga, other than those persons required to make annual financial disclosures under Subdivision b of this Section (long form disclosure), shall file, within ten days of taking office, or within ten days of appointment to a position of employment with the Town of Cheektowaga, and annually by the 15<sup>th</sup> day of May in every year thereafter, the short form disclosure statement. Disclosure statements shall be retained for seven years, after which they shall be destroyed via secure shredding or other secure means. The Town Board of Ethics shall retain the disclosure forms on file for three years, and transfer them to archival storage through the Town Clerk’s Office for the remaining four years, but such records shall be made available to the Town of Cheektowaga Board of Ethics at any time upon request of the Board. Filers shall legibly and completely answer the following short form disclosure form, certify and sign the document, and submit it confidentially via sealed envelope to the Town of Cheektowaga Board of Ethics through the Town Clerk:

TOWN OF CHEEKTOWAGA EMPLOYEE DISCLOSURE FORM (SHORT FORM)

File this form with the Town of Cheektowaga Board of Ethics through the Town Clerk’s Office. Every section must be filled out legibly and answered fully. You must also certify and sign this form. If you have no employment or interest to disclose, write "NOT APPLICABLE" in the first line of that section.

NAME: \_\_\_\_\_  
POSITION: \_\_\_\_\_  
DEPARTMENT: \_\_\_\_\_  
WORK: ADDRESS: \_\_\_\_\_  
HOME ADDRESS: \_\_\_\_\_  
PHONE: (WK) \_\_\_\_\_ (HM) \_\_\_\_\_ (Cell) \_\_\_\_\_

**1.** State every employment for pay which you hold, whether full time or part time, other than your employment with the Town of Cheektowaga:

EMPLOYER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

YOUR POSITION: \_\_\_\_\_

YOUR USUAL WORK HOURS: \_\_\_\_\_

**2.** State the name of any firm or partnership of which you are a member:

BUSINESS NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

NATURE OF BUSINESS: \_\_\_\_\_

YOUR USUAL WORK HOURS: \_\_\_\_\_

**3.** State any self-employment or business of which you own or operate personally:

BUSINESS NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

NATURE OF BUSINESS: \_\_\_\_\_

YOUR USUAL WORK HOURS: \_\_\_\_\_

**4.** State the Name of any corporation in which you, your spouse or your minor children hold five per cent or more of the stock:

CORPORATE NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

NATURE OF BUSINESS: \_\_\_\_\_

YOUR POSITION WITH CORPORATION: \_\_\_\_\_

I file this statement pursuant to Section 18-8 of the Town of Cheektowaga Code of Ethics. I certify that the information I have provided is true and accurate to the best of my knowledge and belief. Any false statement or failure to provide required information shall be punishable under the laws prohibiting filing of a false statement.

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

\_\_\_\_\_  
Signature

b. Long Form. The following long form of financial disclosure shall be filed within ten days of taking office, or within ten days of appointment to a position of employment with the Town of Cheektowaga, and annually by the 15<sup>th</sup> day of May in every year thereafter, by: every elected official; every officer or employee designated for long form financial disclosure statement submission by application of neutral, impartial and objective criteria and owing to the elevated position, function, fiduciary responsibilities, etc. they hold as discussed in Section 18-10 of this Code; every political party official; and every candidate for elected office; -- as all of those aforementioned terms are defined in Section 18-3 of this local law. Such disclosure shall be filed regardless of whether such individual is employed, a member of a board or commission, or otherwise affiliated with the Town of Cheektowaga at the time the request for disclosure is made (candidates for elected office shall file no later than the May 15 deadline, unless required to file sooner by New York State Law; if, however, a candidate for elected office only emerges as a candidate some time after the May 15 filing deadline, he must file the long form disclosure no later than 5 days following his decision and/or announcement of candidacy. The Town of Cheektowaga Board of Ethics shall annually review the forms and may, in their sole discretion, modify the same as they deem necessary. Disclosure statements shall be retained for seven years, after which they shall be destroyed via secure shredding or other secure means. The Town Board of Ethics shall retain the disclosure forms on file for three years, and transfer them to archival storage through the Town Clerk's Office for the remaining four years, but such records shall be made available to the Town of Cheektowaga Board of Ethics at any time upon request of the Board. Filers shall legibly and completely answer the following long form disclosure form, certify and sign the document, and submit it confidentially via sealed envelope to the Town of Cheektowaga Board of Ethics through the Town Clerk:

**ANNUAL STATEMENT OF FINANCIAL DISCLOSURE (LONG FORM)**

Town of Cheektowaga  
For Calendar Year \_\_\_\_\_

Every section must be filled out legibly and answered fully. You must also certify and sign this form. If you have no employment or interest to disclose, write "NOT APPLICABLE" in the first line of that section.

1. Name \_\_\_\_\_

2. (a) Title of Position \_\_\_\_\_

(b) Department, Agency or other Governmental Entity  
\_\_\_\_\_

(c) Address of Present Office  
\_\_\_\_\_

(d) Office Telephone Number  
\_\_\_\_\_

3. (a) Marital Status \_\_\_\_\_

If married, please give spouse's full name including maiden name where applicable.  
\_\_\_\_\_

(b) List the names of all unemancipated children

_____	_____
_____	_____
_____	_____
_____	_____

Answer each of the following questions completely, with respect to calendar year 20\_\_\_\_, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following categories: Category A - under \$20,000; Category B - \$20,000 to under \$50,000, Category C - \$50,000 to under \$100,000; Category D - \$100,000 to under \$250,000; Category E - \$250,000 to under \$500,000; and Category F - \$500,000 or over. A reporting individual shall indicate the category by applicable letter only.

For the purpose of this statement, anywhere the term "local agency" shall appear such term shall mean a local agency, as defined in section eight hundred ten of the General Municipal Law of the political subdivision for which this financial statement disclosure statement has been filed .

4. (a) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the Town of Cheektowaga. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matter before, any state or local agency, list the name of the agency.

<u>Position</u>	<u>Organization</u>	<u>State or Local Agency</u>

(b) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matter before, any state or local agency, list the name of the agency.

<u>Position</u>	<u>Organization</u>	<u>State or Local Agency</u>

5. (a) List the name, address and description of any occupation, employment, trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of such agency.

<u>Position</u>	<u>Name and Address of Organization</u>	<u>Description</u>	<u>State or Local Agency</u>

(b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of such agency.

<u>Position</u>	<u>Name and Address of Organization</u>	<u>Description</u>	<u>State or Local Agency</u>

6. List any interest, in excess of \$1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and

the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract except guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding or a process for competitive request for proposals.

<u>Self, Spouse Or Child</u>	<u>Entity Which Held Interest in Contract</u>	<u>Relationship to Entity &amp; Interest In Contract</u>	<u>Contracting State or Local Agency</u>	<u>Category of Value of Contract</u>
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7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political party town or zone leader. The term "party" shall have the same meaning as "party" in the election law. The term "political" organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party of independent body.

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8. List each source of gifts, excluding campaign contributions, in excess of \$50 received by the reporting individual or such individual's spouse or unemancipated child from the same donor excluding gifts from a relative. Include the name and address of the donor. The term "gifts" does not include reimbursement which term is defined in item 10. Indicate the value and nature of each such gift.

<u>Self, Spouse Or Child</u>	<u>Name of Donor</u>	<u>Address</u>	<u>Nature of Gift</u>	<u>Category of Value of Gift</u>
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9. Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures in connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of \$50 from each such source. For purpose of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as speaking engagements, conferences, or fact finding events. The term "reimbursements" does not include gifts reported under item 8.

<u>Source</u>	<u>Description</u>
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10. List the identity and value of each interest in a trust, estate or other beneficial interest, including retirement plans and deferred compensation plans established in accordance with the United States internal revenue code, in which the reporting individual held a beneficial interest in excess of \$1,000 at any time during the preceding year. Do not report interests in a trust, estate or other beneficial interest established by, or the estate of, a relative

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11. (a) Describe the terms of, and the parties to, any contract, promise, or other agreement between the reporting individual and any person, firm, or corporation with respect to the reporting individual's future employment after leaving office or other public service position

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(b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the reporting individual in excess of \$1,000 from a prior employer other than the political subdivision for which this statement is filed. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments, etc.).

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12. List below the nature and amount of any income in excess of \$1,000 from each source for the taxable year last occurring prior to the date of filing. Nature of includes, but is not limited to, salary for government employment, income from other compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

<u>Self/ Spouse</u>	<u>Source</u>	<u>Nature</u>	<u>Category of Amount</u>

13. List the sources of any deferred income in excess of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove, government retirement, or Social Security. Deferred income derived from the practice of a profession shall be in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

<u>Source</u>	<u>Category of Amount</u>

14. List each assignment of income in excess of \$1,000 and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of \$1,000 which would otherwise be required to be reported herein and is not or has not been so reported.

<u>Item Assigned or Transferred</u>	<u>Assigned or Transferred to</u>	<u>Category of Value</u>
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15. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in excess of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust of the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership if the reporting person or the reporting person's spouse holds more than five percent of the stock of a corporation in which the stock is publicly traded or more than ten percent of the stock if a corporation in which the stock is not publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or individual's spouse. For the purpose of this item the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stock of any class, investment interests in limited or general partnerships and certificates of deposits and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was already previously listed or if the security is corporate stock, not publicly traded, in a trade or business of a reporting individual or reporting individual's spouse.

<u>Self/ Spouse</u>	<u>Issuing Entity</u>	<u>Type of Security</u>	<u>Category of Market Value</u>	<u>Value as of the close of the taxable year last occurring prior to the filing of this statement</u>	<u>Percentage of Corporate stock owned or controlled</u>
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16. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in excess of \$1,000 is held by the reporting individual or reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do not list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

<u>Self/ Spouse other Party</u>	<u>Location</u>	<u>Size</u>	<u>General Nature</u>	<u>Acquisition Date</u>	<u>Category of Market Value</u>	<u>Percentage of Ownership</u>
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17. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of the filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in excess of \$1,000, including the name of the debtor, type of obligation, date due and nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

<u>Name of Debtor</u>	<u>Type of Obligation Date Due &amp; nature of Collateral. if any</u>	<u>Category of Amount</u>
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18. List below all liabilities of the reporting individual and such individual's spouse, in excess of \$5,000 as of the date of filing of this statement, other than liabilities to a relative. Do not list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or individual's spouse has an interest, when incurred or made on the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action; alimony or child support payments. Revolving charge account information shall only be set forth if liability thereon is in excess of \$5,000 at the time of filing. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

<u>Name of Creditor or Guarantor</u>	<u>Type of Liability &amp; Collateral. if any</u>	<u>Category of Amount</u>

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

I file this statement pursuant to Section 18-8 of the Town of Cheektowaga Code of Ethics. I certify that the information I have provided is true and accurate to the best of my knowledge and belief. Any false statement or failure to provide required information shall be punishable under the laws prohibiting filing of a false statement.

\_\_\_\_\_  
Signature of Reporting Individual

\_\_\_\_\_  
Date (month/day/year)

c. Moreover, apart from required annual short or long form disclosure statements, any elected official or candidate for elected office who, either as an individual or as a member or employee of a private entity, organization or for-profit professional association of any kind, that is hired by a third party individual, association, organization, corporation or other entity to provide any type of service, and regardless of whether the elected official or candidate for elected office performs any services for said third party, the elected official or candidate for elected office is required to disclose the identity of that third party to the Town of Cheektowaga Town Attorney's Office and the Town of Cheektowaga Board of Ethics within five days of the hiring or retention if that third party is seeking any action, determination, ruling or lack of action from any department, administrative unit, or other board of the Town of Cheektowaga, whether or not the elected official or candidate for elected office has personally provided the service to the third party. Such disclosure shall be required irrespective of the service being provided to the third party by the elected official, or candidate for elected office, or their private entity, organization or for-profit professional association. Within seven days of any then currently elected official being retained or hired in a position of employment by any private entity, organization or individual, in whatever form, the elected official must disclose the retention and hiring to the Town of Cheektowaga Board of Ethics and Town of Cheektowaga Town Attorney's Office. The Town of Cheektowaga Board of Ethics shall, within thirty days of receiving notice of such disclosure, review the details of the compensation and the services or products rendered for such compensation and determine if there is no prohibition in this Code of Ethics for the receipt of said compensation or for rendering such services. This provision shall apply to any elected official who is retained or hired as a member of a professional association, including, without limitation, to a partnership, trusteeship, corporation, firm or agency of any nature and receives compensation from a private entity, organization or individual, directly or indirectly. Such review by the Town of Cheektowaga Board of Ethics, to the extent allowable by law, shall be made public.

a. Any elected official, officer or employee or political party official, as defined in this local law, who has, or later acquires an interest, direct or indirect, in any actual or proposed contract with the Town, shall publicly disclose the nature and extent of such interest in writing to the Cheektowaga Town Clerk, Cheektowaga Town Board of Ethics, and Cheektowaga Town Attorney's Office as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be time stamped by the Cheektowaga Town Clerk and received as an official record of the Cheektowaga Town Board.

b. When a member of the Town of Cheektowaga Town Board must take official action on a matter in which he, his spouse, or a family relative has a substantial personal economic interest distinct from that of the general community or a substantial class of general community or his constituents, he should divest himself of the interest, if he can do so without undue hardship. His decision in that regard shall be conclusive. If, however, he refuses to divest himself of the interest, he must recuse himself from any Town Board discussion, vote, and/or abstain from participating in any official action associated with that interest. Regardless whether he divests himself of such interest or not, he shall disclose the interest in a written statement to the Cheektowaga Town Clerk, who shall time stamp and receive such statement as an official record of the Town of Cheektowaga Town Board/Council; this statement shall also be provided to the Cheektowaga Town Board of Ethics and Town Attorney's Office. If the Town Councilmember elects to divest the interest in question, such an interest need not be reported after more than one year has passed since such divestment. If he does not divest himself of that interest, he must abstain from any participation in such action throughout the duration of his interest.

c. Annually by or on the fifteenth day of May, all elected town officials shall submit to the Town of Cheektowaga Town Clerk a list of all family members employed by any government organization in any capacity. For the purposes of this section, "family members" shall be defined as members of one's immediate family, parents, siblings, first cousins, aunts, uncles, nieces, nephews, and in-laws that would otherwise fall into one of the stated categories were they related by blood.

Section 18-9 Disclosure of Interest in Town Business (continued)

d. Any meeting, employment, contractual obligation, or consulting work done by any elected, appointed, or volunteer official within the Town of Cheektowaga, whether paid or not, with or on behalf of any lobbyist group, legal organization, or individual(s) registered with the State of New York as a lobbyist shall be disclosed within three days to the Town of Cheektowaga Town Board, the Town of Cheektowaga Board of Ethics through the Town Clerk, and the Cheektowaga Town Attorney's Office. For the purposes of this section "meeting" shall be deemed to mean any public or private presentations made by the registered lobbyist for the benefit of education of the elected official. "Employment, contractual obligation, or consulting work" shall include any obligation that results in any payment to the Town official. The obligation to disclose shall be the responsibility of the registered individual lobbyist, group, or legal organization and the Town official, and all information disclosed shall be provided to the Town of Cheektowaga Board of Ethics as described herein.

Section 18-10 Town of Cheektowaga Board of Ethics

a. The Town of Cheektowaga Board of Ethics shall consist of at least five full voting members appointed by the Town Supervisor subject to confirmation by the Town Board, and who shall be initially appointed to staggered five-year terms of office, with some terms extended as necessary to ensure that no more than two voting members' terms expire or are vacated during the same calendar year, thereby preserving annual continuity by at least a majority of voting members. In addition, the Town Supervisor shall appoint at least one non-voting ex-officio member (and others as may be necessary or advisable) to a two-year term of office; this non-voting ex-officio member may be, but is not required to be, a designated liaison official assigned to the Board of Ethics drawn from the membership of the elected Town Board. If the non-voting ex-officio member(s) of the Town Board of Ethics is/are not drawn from the elected membership of the Town Board, the Town Supervisor shall nonetheless ensure that the Cheektowaga Board of Ethics is assigned a designated liaison official drawn from the elected membership of the Town Board; this assignment will be rotated every two years. No more than three voting members of the same political party shall serve on the board at any time. No voting member shall be an elected official, a political party officer, a member of a political party committee or have substantial business interests with the Town of Cheektowaga. All members shall reside in the Town of Cheektowaga. All members shall serve without compensation, except that any member who is a Town of Cheektowaga officer or employee shall be entitled to his or her usual compensation when attending upon the business of the Board of Ethics. Although members of the Town Board of Ethics shall serve without compensation, they shall be reimbursed for any reasonable out-of-pocket expenses incurred in the performance of their official duties.

b. The voting members shall elect a chairperson, a vice chairperson a secretary, and other officers as shall be necessary from among themselves.

Section 18-10 Town of Cheektowaga Board of Ethics (continued)

c. The Town of Cheektowaga Board of Ethics shall be the initial repository for completed annual statements of financial disclosure required by this local law.

d. The Town of Cheektowaga Board of Ethics shall have all the powers and duties ascribed to a Board of Ethics by Article 18 of the General Municipal Law. The Town of Cheektowaga Board of Ethics shall also have the power and duty to enforce all the provisions of this article.

e. Any Town of Cheektowaga officer or employee may make written request to the board to render an advisory opinion as to any question concerning the application of the Town of Cheektowaga Code of Ethics or Article 18 of the General Municipal Law to his own affairs, or if he be the head of a town department, administrative unit, or other agency of the Town of Cheektowaga, the affairs of any of his subordinates which may appear to raise issues of conflict with the interests of the Town of Cheektowaga and/or the fiduciary duties owed to the People of Cheektowaga. The Town of Cheektowaga Board of Ethics shall disclose its opinion to the person who has requested it and/or in relation to those affairs the opinion has been requested.

f. The Town of Cheektowaga Board of Ethics shall have the authority to receive, accept, review, and, where it deems appropriate, investigate ethics and conflict of interest complaints brought to it by any citizen. This provision, however, does not require the Town of Cheektowaga Board of Ethics to entertain any citizen complaint, nor does it mandate that the Town of Cheektowaga Board of Ethics must render any advisory opinion(s). The Town of Cheektowaga Board of Ethics shall likewise have the authority on its own initiative to inquire into, investigate, comment upon, or report potential conflicts of interest, other ethics violations, and/or other ethics concerns which come to its attention. The Town of Cheektowaga Board of Ethics shall have the sole discretion and authority to establish neutral and objective criteria necessary for it to elect to accept any citizen ethics complaint (e.g., the complaint must be attributable/signed, legible, and contain contact information; the complaint must allege a genuine matter of ethics as opposed to a purely personal dispute; the Board of Ethics must have adequate funding, staffing, and resources to support an ethics complaint investigation, etc.). The Board of Ethics shall also have the authority to promulgate neutral and objective internal procedural rules for the conduct of any ethics inquiry or investigation, ensuring that uniform due process applies to all subjects of an ethics inquiry or investigation.

g. Consistent with its authority to receive, accept, review and investigate ethics and conflict of interest matters, The Board of Ethics shall have the authority and power to administer oaths or affirmations, subpoena witnesses, compel their attendance, require the production of any books, records, or materials which it may deem relevant or material, and enforce all the provisions of this article.

h. The Town of Cheektowaga Board of Ethics shall strive in its opinions to maintain personal privacy and confidentiality where appropriate, but shall have the latitude to publish its opinions as a matter of public record. The Board of Ethics may disclose and/or publish greater information details as required by law or otherwise necessary to advance the public interest and/or protect the fiduciary duties owed to the people of Cheektowaga. No individual requesting an opinion of the Board of Ethics may: regard the Board of Ethics as his private attorney or agent, regard Board opinions as attorney-client privileged communications, or rely upon Board of Ethics findings, commentary, or advice as personal legal protection in any individual capacity; the “client” of the Town of Cheektowaga Board of Ethics is, first and foremost, the People of Cheektowaga at large. To the extent the Town of Cheektowaga Board of Ethics undertakes any action to assist Town of Cheektowaga government officials, employees, agents, or individuals, it does so solely to protect and advance the interests of, and fulfill the fiduciary duties to, the People of Cheektowaga.

i. The Town of Cheektowaga Board of Ethics shall have the power to promulgate guidelines to assist the Town Board in determining which persons hold policy-making positions and which individuals, functions, and functional positions occupy a sufficient level of trust and/or fiduciary responsibility such that they and the occupants of such positions need to file a long form annual financial disclosure statement with the Board of Ethics. Before the 1<sup>st</sup> day of March of each year, after having previously consulted with the Town of Cheektowaga Town Board of Ethics with respect to these guidelines, the Supervisor and Town Board shall file with the Town Clerk a list of names, offices, and/or positions of all officials and employees required that year to file long form annual financial disclosure statements (completed filer statements are due no later than May 15<sup>th</sup> of each year). The long form filers shall be identified and designated through the application of neutral, impartial, and objective selection criteria associated with the individuals’ positions, duties, and fiduciary responsibilities to the Town of Cheektowaga; under no circumstances may an individual either be affirmatively selected for, or exempted from, long form filing due to the consideration of highly improper and irrelevant criteria such as gender, age, race, ethnicity, religion, political affiliation, union or non-union membership status, or the like. At a time subsequent to the 1<sup>st</sup> day of March of each year, the Town of Cheektowaga Town Board of Ethics shall, with the assistance of the Town Clerk, notify all persons required to file long form and short form annual financial disclosure statements and inform them of the submission return deadline for timely filing. Notifications shall be sent to a person’s current residence on file with the Town Clerk. To preserve confidentiality best, e-mail notifications should be avoided notwithstanding the time and cost-saving advantages e-mail presents. Failure to notify any individual required to file an annual financial disclosure statement shall not relieve the individual of his duty to file said financial disclosure statement.

Section 18-10 Town of Cheektowaga Board of Ethics (continued)

j. The Town of Cheektowaga Board of Ethics shall review completed financial disclosure statements, inspect them and other records to ascertain if any required filer has failed to file such a statement, has filed an incomplete or deficient statement, or has filed a statement which raises or reveals a possible violation of this article, the Code of Ethics, or any law, ordinance, or resolution of the Town of Cheektowaga; consistent with this process, the Board of Ethics shall engage in follow-up correction and clarification with the filer, and require the filer to provide additional information as it deems necessary.

k. The Town of Cheektowaga Board of Ethics shall act as the initial repository for the completed annual financial disclosure statements filed pursuant to this Code. Ordinarily, the Town of Cheektowaga Board of Ethics will maintain the current year's and the previous two years' financial disclosure statements on file in its possession, and transfer older years' filings to archive storage via the Town of Cheektowaga Town Clerk for the remaining four years of the documents' seven year retention cycle; annual financial disclosure statement filings shall remain in archive storage until at least December 31 of the seventh year following submission, and will be destroyed thereafter via secure shredding or other secure means.

l. The Town of Cheektowaga Board of Ethics may adopt and amend such rules of procedure as are appropriate. These include, but are not limited to, meeting scheduling and protocol, executive session provisions, procedures whereby a person who is required to file an annual financial disclosure statement with the Board of Ethics may request an additional amount of time, may request exemption(s) from disclosing certain items of information pertaining to the filer's spouse or unemancipated children, may request deletion or masking of certain immaterial information from public review, and the like.

m. The Town of Cheektowaga Board of Ethics shall advise and assist in establishing rules and regulations and interpretations pertaining to possible conflicts between the private interests and official duties and responsibilities of present or former elected officials, local party officials, local officers, and employees of the Town of Cheektowaga.

n. The Town of Cheektowaga Board of Ethics shall have all necessary authority to enforce the filing requirements of this article, including the authority to promulgate such rules and regulations as the Board of Ethics determines are necessary to implement this article.

o. The Town of Cheektowaga Board of Ethics shall have all authority, and shall be provided all support and means necessary, to advance and effect its mission as the independent and impartial ethics guardian for the Town of Cheektowaga.

p. The Town Clerk shall be the Clerk of the Board of Ethics, and all documents filed with the Town Clerk shall be deemed, for the purposes of this article, to be filings with the Board of Ethics.

q. The Town of Cheektowaga Attorney's Office shall ordinarily act as counsel to the Town of Cheektowaga Board of Ethics. However, the Cheektowaga Town Board of Ethics shall have the power to retain or hire outside counsel to advise and/or assist the Board of Ethics in its matters if, in its sole discretion, retention of outside counsel is or becomes necessary for whatever reason (e.g., to advance its duty function; to ensure its independence and neutrality; to protect its privileged information; if the Town Attorney's Office is too busy to assist the Board of Ethics in timely manner or is otherwise non-responsive to Board of Ethics needs or requests; etc.)

r. The Town of Cheektowaga Board of Ethics shall prepare an annual report to the Supervisor and the Town Board summarizing the activities of the Board of Ethics and recommending new legislation impacting ethics issues and/or changes in the laws governing the conduct and activities of local elected officials and officers and employees of the Town. The Board of Ethics may also augment the annual report with any supplements it deems necessary.

s. The members comprising the Town of Cheektowaga Board of Ethics in effect as of the date this Local Law takes effect shall remain in place and effect, and the terms of office for those members shall continue pursuant to their original dates of appointment.

t. A Board of Ethics member may be removed for gross misconduct in office, a substantial and wanton neglect of duty, or for a permanent inability to discharge the powers and duties of the office. Removal may not occur without due process, which requires written notice of the charge(s) by the Town Supervisor on behalf of the Town Board, the specific particulars of the allegation(s), a fair and reasonable opportunity for reply, the opportunity to be represented by counsel, a recorded public hearing (if requested by the Board of Ethics member), and/or the opportunity to present witnesses and/or other evidence. Upon consideration of the Board of Ethics member's response in defense and/or upon completion of the recorded public hearing if requested, the respondent member may be removed only if at least a two-thirds majority vote of the combined membership of the Town Board and remaining members of the Town of Cheektowaga Board of Ethics, sitting in joint session, determines that removal is the necessary and appropriate course of action; moreover, that subsequent removal vote can only take place if at least a two-thirds majority vote of the combined Town Board membership and remaining members of the Town Board of Ethics separately first finds by a preponderance of the competent evidence that the subject Board of Ethics member had in fact committed gross misconduct in office, a substantial and wanton neglect of duty, or is permanently unable to discharge the powers and duties of the office. A removed Board of Ethics member shall have the right to appeal the removal decision and action administratively and/or legally owing to a violation of his due process rights, a misapplication of fact or law, a lack of substantial evidence to support the finding(s) or determination, an arbitrary and capricious decision, and/or an abuse of authority.

Section 18-11 Support and Funding

So that the Town of Cheektowaga Board of Ethics may faithfully and fully execute its duties and responsibilities in independent and neutral fashion, not only shall it be entitled to the support of Town agencies and personnel as described above in Section 18-10 (e.g., Town Clerk, Office of the Town Attorney), but it shall also be entitled to its own independent legal advice where necessary, and may hire outside counsel, professional investigators, and/or other experts to assist in fulfilling its obligations. Accordingly, the Town Board shall annually earmark, set aside, and appropriate at least a \$10,000.00 operating budget for the Town of Cheektowaga Board of Ethics, to be accessed, administered, and solely controlled by the Town Board of Ethics with unfettered discretion. All expenditures that the Town Board of Ethics has to make throughout the fiscal year shall be properly annotated, accounted for, and reported – and any unused annual Town of Cheektowaga Town Board of Ethics funds shall be returned to the taxpayers at the end of each fiscal year. Should the need arise in any given fiscal year to appropriate additional funds to the Town Board of Ethics (e.g., for heavier-than-expected investigative demands upon the Board of Ethics), the Town Board shall approve and appropriate the necessary funds upon showing of good cause.

Section 18-12 Penalties

a. Any individual, required to file a disclosure statement pursuant to Section 18-8, who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows or should have known to be false on such statement of financial disclosure filed pursuant to this section, shall be assessed a civil penalty in an amount not to exceed twenty thousand dollars. Assessment of a civil penalty hereunder shall be made by the Town of Cheektowaga Board of Ethics. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is knowingly understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for failure to file or false filing of such statement, except that the appointing authority (the Town Board) may impose adverse administrative disciplinary action to include, but not be limited to: suspension without pay until the defect is cured, or beyond, employment/position termination, and/or other administrative measures and remedies if and as otherwise provided by law. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition, and becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Town of Cheektowaga, pursuant to Article Seventy-eight of the Civil Practice Law and Rules.

Section 18-12 Penalties (continued)

b. For a violation of any section of this local law other than as described in Sub-Section 18-12 (a), the Board of Ethics may, in lieu of a civil penalty, refer a violation to the District Attorney and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor.

c. 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.

d. The Town of Cheektowaga Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope.

Section 18-13 Duty to Report.

Every elected town official, town officer or employee, or town agent shall, within three business days or sooner, report to the Town of Cheektowaga Board of Ethics, Erie County District Attorney, and Town Attorney any action which may reasonably be interpreted as an improper attempt to influence him in the conduct of his office.

Section 18-14 Open and Transparent Government Serving the People

Our Nation was founded premised upon limited government serving the People and safeguarding their rights and liberties. Consistent with this originating premise, government(s) must always be accountable to the sovereign citizens; transparency of government is an essential component of that accountability and service. Accordingly, the following additional ethical practices will henceforth be operative:

a. The Town of Cheektowaga shall provide the Town Board of Ethics with a separate e-mail and social media platform(s) whereby citizens can contact the Board of Ethics.

b. The Town of Cheektowaga shall place notices in all town buildings how to contact the Town Board of Ethics.

c. The Town of Cheektowaga shall make quarterly notices on its web page and in all collateral publications it routinely utilizes (e.g., periodicals and social media) how the public can contact the Town of Cheektowaga Town Board of Ethics.

d. The Town of Cheektowaga shall publish the Town of Cheektowaga Town Board of Ethics meeting minutes on the Town website.

e. The Town of Cheektowaga shall publish on its Town website the names of delinquent Financial Disclosure Statement filers.

Section 18-14            Open and Transparent Government Serving the People (continued)

f.        As taxpayers fund all town expenditures, the Town of Cheektowaga shall monthly publish and post on its Town website all the Town expenses in excess of \$100 for that month, along with an annual report in January of any/all Town expenses that met or exceeded \$500 in aggregate during the preceding calendar year – regardless whether or not those expenses qualified for the \$100 reporting threshold during any monthly reporting period.

g.        As taxpayers fund the salaries of all Cheektowaga government officials and employees, the Town of Cheektowaga shall annually publish and post on its Town website each January, and keep posted throughout the year until the following January’s update, all taxpayer-funded salaries and benefits for all Town officials and employees during the previous calendar year.

Section 18-15            Severability

If any clause, sentence, paragraph, section or part of this Code of Ethics shall be adjudicated by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be continued 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.

Section 18-16            Validity of Claims

Nothing in this Code of Ethics shall be deemed to bar or prevent the timely filing by a current or former Town officer or employee of any claim, account, demand, or suit against the Town of Cheektowaga or any agency or officer thereof on behalf of himself or any member of his family arising out of personal injury, property damage, or any lawful right or benefit authorized or permitted by law.

Section 18-17            Compilation and Distribution of This Code

The Town Supervisor shall cause a copy of this Code of Ethics to be compiled with Article 18 of the General Municipal Law and such other material as he shall deem relevant and shall cause a copy of such compilation to be distributed to every elected official, officer, and employee of the Town within thirty days after the effective date of this local law or as soon thereafter as may be practicable. Copies may be distributed in printed hard copy and/or via electronic means. Every elected official, officer, and employee elected or appointed thereafter shall be furnished a copy of such compilation within ten days after entering upon the duties of his office of employment. Notice of where printed hard copies of this Code of Ethics are available for review and/or (re)production shall also be posted conspicuously on the bulletin board maintained by the Town Clerk in the Cheektowaga Town Hall building; in addition, printed hard copies of this Code of Ethics shall be available in all other buildings and plants utilized by Town of Cheektowaga officers and employees, and notice of where such copies are available in all of those buildings and locations shall be prominently displayed in each (e.g., the Sanitation Department, the Highway Department, Parks and Recreation, the Police Department, etc.). These postings and notices shall take place within 20 days after the effective date of this Code of Ethics.

Section 18-18            Filing

Within 30 days of the adoption of this Code of Ethics, the Town Clerk shall file a copy thereof with the Comptroller's Office of the State of New York.

Section 18-19            Laws Repealed

Town of Cheektowaga local law number \_\_\_\_\_, dated \_\_\_\_\_, constituting the former Town of Cheektowaga Code of Ethics, is hereby repealed.

Section 18-20            Effective Date.

This new Town of Cheektowaga Code of Ethics, styled local law number \_\_\_\_\_, shall be effective immediately.

**The 14 General Principles of Ethical Conduct**

(See 5 C.F.R. §2635.101(b))

The following general principles apply to every Town of Cheektowaga official, officer, employee, or agent – whether elected, appointed, salaried, or unsalaried, and regardless of union or non-union status. They provide the basis for the overarching bedrock expectations of public servants’ personal conduct and duty performance – and influence the specific standards, prohibitions, and sanctions contained throughout the remainder of this Code. For any situation not specifically addressed in this Code of Ethics, individuals should always apply these 14 principles in determining whether their conduct and actions are proper.

1. ***Public service is a public trust***, requiring employees to place loyalty to the United States and New York State Constitutions, the laws and ethical principles above private gain.
2. ***Employees shall not hold financial interests that conflict*** with the conscientious performance of *duty*.
3. ***Employees shall not engage in financial transactions using nonpublic Government information*** or allow the improper use of such information *to further any private interest*.
4. ***An employee shall not***, except as permitted by law, ***solicit or accept any gift or other item of monetary value*** from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee’s agency, or whose interests may be substantially affected by the performance or nonperformance of the employee’s duties. (N.B. No Cheektowaga elected official, officer, employee, or agent is allowed to solicit a gift – see Prohibited Activities under Section 18-6 of the Cheektowaga Code of Ethics)
5. ***Employees shall put forth honest effort*** in the performance of their duties.
6. ***Employees shall not knowingly make unauthorized commitments*** or promises of any kind purporting to ***bind the Government***.
7. ***Employees shall not use public office for private gain***.
8. ***Employees shall act impartially*** and not give preferential treatment to any private organization or individual.
9. ***Employees shall protect and conserve Federal, State, and Town property*** and shall not use it for other than authorized activities.
10. ***Employees shall not engage in outside employment or activities***, including seeking or negotiating for employment, ***that conflict with official Government duties and responsibilities***.
11. ***Employees shall disclose waste, fraud, abuse, and corruption*** to the appropriate authorities.

12. *Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations*, especially those – such as Federal, State, or local taxes – that are imposed by law.
13. *Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans* regardless of race, color, religion, sex, national origin, age, or handicap.
14. *Employees shall endeavor to their utmost to avoid any actions creating even the appearance of impropriety* or that they are violating the law or these ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

I hereby certify that I have read and reviewed the above 14 Principles of Ethical Conduct. I further certify that I am aware that Section 18-6 of the Town of Cheektowaga Code of Ethics prohibits certain activities by all of its elected officials, officers, employees, and agents, and I have read and reviewed them to the extent I deem necessary.

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Print Name

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Signature

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Date