CITY OF NORTH TONAWANDA
LOCAL LAW NO. ___ OF 2026

A LOCAL LAW AMENDING CHAPTER 38 OF THE CODE OF THE CITY OF NORTH TONAWANDA
RELATING TO THE CODE OF ETHICS AND BOARD OF ETHICS

WHEREAS, the maintenance of clear and enforceable ethical standards in municipal government serves the public interest and promotes confidence in the integrity of City officers and employees; and

WHEREAS, Chapter 38 of the Code of the City of North Tonawanda establishes standards of ethical conduct for municipal officers and employees and is being amended to establish and govern a local Board of Ethics; and

WHEREAS, General Municipal Law § 808 authorizes the establishment of a local Board of Ethics consisting of at least three members, a majority of whom are not otherwise municipal officers or employees, and including at least one elected or appointed municipal officer or employee; and

WHEREAS, the Common Council desires to amend Chapter 38 to establish a three-member Board of Ethics consisting of one member appointed by the Common Council, one member appointed by the Mayor, and the City Accountant serving ex officio, together with procedures governing private employment, Board operations, complaints, investigations, enforcement recommendations, and advisory opinions; and

NOW, THEREFORE, BE IT ENACTED by the Common Council of the City of North Tonawanda as follows:

§ 1. Amendment of Chapter 38. Chapter 38 of the Code of the City of North Tonawanda is hereby amended by adding a definition of "Relative" to § 38-2 and by adding §§ 38-9 through 38-14 as set forth below. Sections 38-1 and 38-3 through 38-8 shall remain in full force and effect. All existing definitions in § 38-2 shall remain unchanged.

§ 2. Section 38-2 amended. Section 38-2 (Definitions) of Chapter 38 is hereby amended by adding the following definition in alphabetical order:

RELATIVE — A spouse, domestic partner, parent, stepparent, sibling, stepsibling, child, stepchild, or household member of a municipal officer or employee.

§ 3. Section 38-9 added.

Chapter 38 is hereby amended by adding a new § 38-9 to read as follows:

§ 38-9. Written disclosure of interests and recusal.

A. Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee in an official capacity, and the officer or employee knows or has reason to know that its disposition could confer a direct or indirect financial or material benefit upon themself, their spouse, relative or household member, or a business in which they have a financial interest or for which they provide compensated services, the officer or employee shall disclose the nature and extent of the interest in a signed written statement.

B. The disclosure shall identify the matter and the interest and shall be filed with the City Clerk-Treasurer for submission to the Common Council, with the officer's or employee's immediate supervisor, if any, and with the board, department or agency considering the matter, as well as the individual or board with the authority to appoint the officer or employee. It shall be filed before the officer or

employee participates in the matter or, if the interest becomes known thereafter, promptly upon acquiring such knowledge. Disclosures concerning municipal contracts shall also comply with General Municipal Law § 803, including its timing, recipient and official-record requirements and applicable exceptions.

C. An officer or employee having an interest described in subsection A shall recuse themself from all official participation in the matter, including review, deliberation, recommendations, negotiations, voting, approval and attempts to influence its disposition. The officer or employee shall file a signed written statement of recusal identifying the matter and the basis for recusal with the persons and bodies specified in subsection B. The disclosure and statement of recusal may be combined in a single document.

D. A disclosure and recusal concerning a matter before the Common Council or another City board shall be announced on the record before consideration of the matter, entered in the minutes and retained with the official record. Other disclosures and recusals shall be retained by the City Clerk-Treasurer and the department or agency concerned. Disclosure shall remain subject to applicable statutory confidentiality requirements.

E. Upon recusal, the matter shall be considered by the remaining members of the body or assigned to another officer or employee legally authorized to act. The recused officer or employee shall not direct or influence the substitute decision-maker. No delegation shall be made except as authorized by law.

F. Subsections A and C shall not apply solely because an officer or employee receives a municipal service or benefit generally available to residents or a class of residents within the meaning of § 38-4A, or performs a ministerial act within the meaning of § 38-4B. These exceptions shall not excuse any disclosure or prohibition independently required by state law.

G. Nothing in this section shall relieve an officer or employee of the public disclosure required by § 38-3E or the written disclosure required by General Municipal Law § 803. Disclosure, recusal or an advisory opinion shall not cure a prohibited interest under General Municipal Law § 801 or authorize conduct prohibited by General Municipal Law § 805-a or any other applicable law.

§ 3. Section 38-10 added.

Chapter 38 is hereby amended by adding a new § 38-10 to read as follows:

§ 38-10. Private employment and outside professional activities.

A. Nothing in this chapter shall be construed to prohibit a municipal officer or employee from engaging in lawful private employment, operating a business, or providing professional, commercial or other services outside of his or her municipal duties, provided that such activity does not conflict with the proper discharge of his or her official duties or otherwise violate applicable state or local law.

B. No municipal officer or employee shall receive, or enter into any agreement to receive, compensation for services when such services are prohibited by § 805-a(1)(c) or (d) of the General Municipal Law.

C. No municipal officer or employee shall represent a person or organization other than the City in connection with litigation, negotiations or another proceeding in which the City is a party and in which such representation would conflict with the officer's or employee's official duties.

D. Private employment or business activity shall not be prohibited solely because the officer or employee, client, business, property or activity is located within the City of North Tonawanda. Nothing in this

subsection shall authorize conduct prohibited by Article 18 of the General Municipal Law or any other applicable provision of law.

E. A municipal officer or employee having a private financial or professional interest in a matter before the City shall comply with the written disclosure and recusal requirements of § 38-9. Disclosure or recusal shall not authorize services or conduct otherwise prohibited by law.

§ 4. Section 38-11 added.

Chapter 38 is hereby amended by adding a new § 38-11 to read as follows:

§ 38-11. Board of Ethics.

A. Membership.

(1) The Board of Ethics shall consist of three members as follows:

(i) one member appointed by the Common Council;

(ii) one member appointed by the Mayor; and

(iii) the City Accountant, who shall serve ex officio.

(2) The members appointed by the Common Council and the Mayor shall each serve a one-year term commencing January 1 and ending December 31 of each calendar year and may be reappointed. Each appointed member shall serve at the pleasure of the appointing authority during that term.

(3) The City Accountant shall serve as a member of the Board for so long as that person holds the office of City Accountant. The Board membership of the City Accountant shall cease when that person no longer holds or lawfully acts in that office.

(4) Vacancy in office. If a vacancy occurs in the seat appointed by the Common Council or the Mayor, the respective appointing authority shall appoint a replacement to serve for the remainder of the calendar-year term. A vacancy in the office of City Accountant shall be filled on the Board by the person lawfully serving as, or acting as, City Accountant.

B. Qualification of Board Members.

(1) All members of the Board of Ethics must be residents of the municipality.

(2) The members of the Board of Ethics should be qualified by temperament to carry out the duties and responsibilities of the Board.

(3) No member of the Board of Ethics may hold office in a partisan political party. A Board member may make campaign contributions and vote.

(4) The members appointed by the Common Council and the Mayor shall not otherwise be officers or employees of the City of North Tonawanda, so that a majority of the Board consists of members who are not municipal officers or employees, as required by General Municipal Law § 808.

C. Compensation.

Members of the Board of Ethics shall serve without compensation but may be reimbursed for reasonable and necessary expenses, as approved by the Common Council.

D. Powers and duties of the Board of Ethics.

(1) At its first meeting of each calendar year, the Board of Ethics shall select a Chairperson from among its members. The Chairperson shall serve until a successor is selected. The Board shall carry out

its duties under this chapter and may utilize available municipal resources consistent with law. The City shall provide legal counsel to the Board as necessary.

(2) To prescribe and promulgate rules and procedures governing its internal organization and operations in a manner not inconsistent with this chapter or state or federal law.

(3) To receive complaints and conduct investigations pursuant to § 38-12, within the authority granted by law and this chapter.

(4) To conduct hearings, where appropriate, and recommend disciplinary or other action pursuant to § 38-13.

(5) To render advisory opinions pursuant to § 38-14.

(6) To provide ethics training and education to City officers and employees concerning this Code of Ethics and Article 18 of the General Municipal Law.

(7) The Board of Ethics may act only with respect to officers and employees of the City of North Tonawanda and its agencies. The termination of a City officer's or employee's term of office or employment shall not affect the Board's jurisdiction with respect to obligations imposed by this chapter on former officers or employees, to the extent permitted by law.

(8) Two members shall constitute a quorum. The affirmative vote of at least two members shall be required for the Board to take official action.

(9) The Board of Ethics shall prepare an annual report to the Common Council and the Mayor concerning its activities and may recommend changes to this Code of Ethics.

§ 5. Section 38-12 added.

Chapter 38 is hereby amended by adding a new § 38-12 to read as follows:

§ 38-12. Complaints and investigations.

A. Upon receipt of a written complaint alleging a violation of this chapter, or upon determining on its own initiative that a potential violation may exist, the Board of Ethics may conduct an investigation necessary to carry out its responsibilities under this chapter. In conducting an investigation, the Board may request the attendance of municipal officers or employees and other interested persons and may request records or information relevant to the matter, subject to applicable law. The Board shall not exercise subpoena or other compulsory process unless such authority is expressly provided by law.

B. Complaints, investigative materials and deliberations shall be treated as confidential to the extent permitted by applicable law. Upon final disposition of a matter, the Board shall issue a written disposition and state the reasons for its determination, subject to the requirements of the Freedom of Information Law and other applicable law.

C. A Board member shall not participate in a complaint, investigation, advisory opinion or other matter in which that member is the subject or has a conflict requiring recusal. The member shall file a signed written disclosure and statement of recusal pursuant to § 38-9, and the recusal shall be entered in the Board’s minutes. If recusals prevent a quorum, the matter may be referred to the Niagara County Board of Ethics in accordance with applicable law.

§ 6. Section 38-13 added.

Chapter 38 is hereby amended by adding a new § 38-13 to read as follows:

§ 38-13. Enforcement.

A. After providing notice and an opportunity to be heard, and subject to Civil Service Law § 75, applicable collective bargaining agreements and any other governing law, the Board of Ethics may recommend appropriate disciplinary or corrective action to the authority, person or body legally authorized to impose such action. Recommendations may include a written warning or reprimand, ethics training, or other discipline authorized by law.

B. The Board shall conduct any hearing with reasonable promptness and shall observe applicable requirements of notice, opportunity to be heard and due process. Nothing in this chapter shall be construed to give the Board independent authority to impose discipline where such authority is vested by law in another officer or body.

§ 7. Section 38-14 added.

Chapter 38 is hereby amended by adding a new § 38-14 to read as follows:

§ 38-14. Confidential ethics advisory opinions.

A. Upon the written request of an officer or employee of the City of North Tonawanda, the Board of Ethics shall render an advisory opinion concerning Article 18 of the General Municipal Law or this Code of Ethics. Officers and employees are encouraged to seek an advisory opinion whenever they are uncertain whether proposed conduct may violate applicable ethics requirements.

B. The Board of Ethics will prepare an advisory opinion based on a thorough review of the facts and applicable law. The Board's opinion is to be based solely on the facts presented in the request or subsequently submitted in a written, signed document. The opinion will be rendered, in writing, to the requester as expeditiously as is practicable, with special attention to the time requirements of a given case.

C. To the extent permitted by law, an officer or employee shall not be subject to sanctions under this chapter for conduct undertaken in reasonable reliance upon an advisory opinion, unless material facts were omitted or misstated in the request. An advisory opinion shall not authorize conduct prohibited by state or federal law.

D. The Board of Ethics will maintain a confidential, indexed file of all advisory opinions issued by the Board.

§ 8. Consistency with state law.

Nothing in this Local Law shall be construed to authorize any conduct prohibited by Article 18 of the General Municipal Law or any other applicable provision of state or federal law. In the event of a conflict between this Local Law and a controlling provision of state or federal law, the controlling provision shall govern.

§ 9. Severability.

If any clause, sentence, paragraph, section or part of this Local Law is adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, section or part directly involved in the controversy in which such judgment was rendered.

§ 10. Effective date.

This Local Law shall take effect upon adoption and filing in accordance with applicable law.