

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

Town

~~Village~~

of Rotterdam

Local Law No. Six (6) of the year 2003

A local law to amend Chapter 31, "Code of Ethics and Disclosure",  
(Insert Title)  
of the Code of the Town of Rotterdam.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
APR 01 2003

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

MISCELLANEOUS  
& STATE RECORDS

~~County~~

~~City~~

Town

~~Village~~

of Rotterdam as follows:

**LOCAL LAW NO. SIX (6)  
OF THE YEAR 2003**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ROTTERDAM**

SECTION 1. Amend the Code of the Town of Rotterdam as follows:

**I. §31-4. Definitions**

Add:

ADVISORY BOARD – Any board, committee, task force, study group, or similar entity which is created by the town board or town supervisor and which is authorized to make recommendations to town officials but has no authority to (1) implement its recommendations (2) act on behalf of the Town, or (3) restrict the authority of the Town to act. Advisory boards do not include any entity consisting solely of governmental officials acting in their official capacity or any entity established pursuant to state law. Advisory board members who do not otherwise hold a position of employment or office with the Town shall not be considered Town officers or employees.

**Add:**

INTEREST - A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this article a municipal officer or employee shall be deemed to have an interest in the contract of (a) his spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves, (b) a firm, partnership or association of which such officer or employee is a member or employee, (c) a corporation of which such officer or employee is an officer, director or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

**Delete:**

(Current Definition of TOWN OFFICER OR EMPLOYEE OR OFFICIAL)

**Add:**

TOWN OFFICER OR EMPLOYEE OR OFFICIAL – Any officer or employee of the town, whether, elected or appointed, paid or unpaid, including all members of any office, board, body, council, commission, agency, department, district, administration, division, bureau, unit or committee. Any attorney who is a partner in a law firm or a principal in a professional corporation whose legal opinion is provided to the town shall be deemed a town officer or employee or official for purposes of Chapter 31 only. Any member of a public benefit corporation whose members are appointed by the town Supervisor or Town Board shall be deemed a Town officer or employee or official for purposes of Chapter 31 only. “Town officer or employee or official shall not include:

- (1) A judge, justice, officer, or employee of the Unified Court System or
- (2) Members of advisory boards as defined by this chapter.

**II. Delete: §31-12 Procedures in its entirety.**

**Add: New §31-12 Procedures**

- A. Financial Disclosure Statement

- 1) Town officers and employees holding job titles or positions designated by the Town Board shall file with the Ethics Board a Financial Disclosure Statement in a form determined by the Town Board by January 31<sup>st</sup> of each year.
  - (a) Compliance with this section shall be voluntary for town officers and employees whose job titles or positions are covered by a collective bargaining agreement.

B. Short Form Ethics Certification Statement

- 1) Members of advisory boards designated by the Town Board or Ethics Board shall file with the Ethics Board a Short Form Ethics Certification Statement. An advisory board member shall file a Short Form Ethics Certification Statement within fourteen days after the date of the first advisory board meeting subsequent to that member's appointment to the advisory board.

The form of the Short Form Ethics Certification Statement shall be:

*Ethics Certification*

I hereby affirm under penalty of law the following:

(Check A or B)

A. \_\_\_\_\_ I do not have any interest in any contract with the Town of Rotterdam as defined by this chapter.

B. \_\_\_\_\_ I have an interest in a contract or contracts with the Town of Rotterdam.

If you have checked B, briefly state the nature of your interest in any contract(s) with the Town of Rotterdam:

\_\_\_\_\_

\_\_\_\_\_

I will not utilize my position as a member of the Town of Rotterdam \_\_\_\_\_ to further any financial interest; and

\_\_\_\_\_ Initial

During the tenure of my service as a member of the Rotterdam \_\_\_\_\_,  
I will immediately file with the Rotterdam Town Clerk written disclosure of any  
interest in any contract with the Town of Rotterdam upon obtaining such interest  
as defined by this chapter, and

I will undertake and exercise my duties as a member of the Town of Rotterdam \_\_\_\_\_  
\_\_\_\_\_ solely in the interests of the Town of Rotterdam.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Sworn before me this \_\_\_\_ of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public

C. Administrative provisions

- 1) The Town Clerk shall notify all Town officers and employees of their obligation to file a Financial Disclosure Statement pursuant to Subsection A of this section.
- 2) The Town Supervisor or Town Board shall within five (5) business days notify the Ethics Board whenever a person is appointed to an advisory board or an advisory board is created. The Town Supervisor or Town Board shall provide each advisory board member with a Short Form Ethics Certification Form upon the member's appointment to an advisory board.
- 3) The Town Clerk shall transmit within five (5) business days to the Ethics Board each transactional and applicant disclosure statement filed pursuant to Subsection A of §31-7 and Subsection B of §31-10 and each Short Form Ethics Certification Statement or Financial Disclosure Statement file with the Clerk.

- 4) The Ethics Board shall index and maintain on file for at least seven years all Financial Disclosure Statements and Short Form Ethics Certification Statements.
- 5) Time and place for filing. Financial Disclosure Statements shall be filed with the Ethics Board no later than January 31 of each year or within thirty (30) days after an officer or employee becomes subject to the provisions of this chapter. Short Form Ethics Certification Statements shall be filed with the Ethics Board within fourteen (14) days after the date of the first advisory board meeting subsequent to that member's appointment to the advisory board.
- 6) Extension of time for filing annual Financial Disclosure Statement or Short Form Ethics Certification Statement.
  - a) The Ethics Board shall be empowered to grant an extension of time for filing a Financial Disclosure Statement or a Short Form Ethics Certification Statement. In order for the Ethics Board to grant a request for an extension of time to file, the Ethics Board must find that there is justifiable cause for filing after the deadline or that application of deadline will impose an undue hardship.
  - b) A request for an extension shall be in a form determined by the Ethics Board.

**III. Delete: §31-21(C)(3)**

**Add: §31-21(C)(3)**

To recommend annually the names of any other Town officers or employees that the Ethics Board determines should file a Financial Disclosure Statement.

**IV. Delete: §31-21(C)(4)**

**Add: §31-21(C)(4)**

To make recommendations related to the form and content of the Financial Disclosure Statement.

**V. Delete: §31-21(C)(5)**

**Add: §31-21(C)(5)**

To make recommendations related to the form and content of the Short Form Ethics Certification Statement.

**SECTION 2.** This local law shall take effect upon filing with the Secretary of State as required by Section 27 of the Municipal Home Rule Law and by posting of appropriate signage.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. Six (6) of 2003 of the ~~(County)(City)~~(Town)~~(Village)~~ of Rotterdam was duly passed by the Town Board on March 26 2003, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

*James D. Esposito*  
\_\_\_\_\_  
~~County of \_\_\_\_\_, City, Town or Village Clerk~~  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

(Seal)

Date: March 26, 2003

(Certification to be executed by ~~County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized officer of jurisdiction~~)

STATE OF NEW YORK  
COUNTY OF Schenectady

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*[Signature]*  
\_\_\_\_\_  
Signature  
**Town Attorney**  
\_\_\_\_\_  
Title

~~County~~  
~~City~~ of Rotterdam  
~~Town~~  
~~Village~~

Date: March 26, 2003