

CITY OF SARATOGA SPRINGS
LOCAL LAW NO. 1 FOR THE YEAR 2006 2015

“CODE OF ETHICS”

A LOCAL LAW TO AMEND **CHAPTER 13 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, ENTITLED “ETHICS, CODE OF”** ~~the CODE OF THE CITY OF SARATOGA SPRINGS by deleting and repealing Chapter 13 thereof, ETHICS, CODE OF, and replacing it with a new Chapter 13, to be entitled CODE OF ETHICS, which Chapter establishes a new and updated ethics code intended, pursuant to § 806 of the New York State General Municipal Law, to establish standards of ethical conduct for officers and employees of the City of Saratoga Springs.~~

BE IT ENACTED by the City Council of the City of Saratoga Springs, County of Saratoga and State of New York, as follows:

Section 1.

~~The CODE OF THE CITY OF SARATOGA SPRINGS is hereby amended by deleting and repealing Chapter 13, ETHICS, CODE OF.~~

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Section 12.

~~The CODE OF THE CITY OF SARATOGA SPRINGS is hereby amended by adding thereto a new chapter, to replace Chapter 13 of the Code of the City of Saratoga Springs, entitled Ethics, Code Of”, is hereby amended hereinabove repealed, to be Chapter 13, CODE OF ETHICS, to read as follows:~~

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Chapter 13

CODE OF ETHICS

§ 13-1. Purpose.

§ 13-2. Definitions.

§ 13-3. Standards of conduct.

§ 13-4. Annual Disclosure.

§ 13-5. Board of Ethics.

§ 13-6. Effect on filing of claims.

§ 13-7. Distribution of copies.

§ 13-8. Forms.

§ 13-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the City Council of the City of Saratoga Springs recognizes that there are standards of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be ~~obtained-expected~~ and if public confidence is to be maintained ~~in-by~~ our ~~unit-of~~ city government. It is the purpose of this chapter to promulgate these rules of ethical conduct for ~~the-officers~~ and employees of the City of Saratoga Springs. These rules shall serve as a guide for official conduct of ~~the-officers-and~~ employees of the City of Saratoga Springs. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 13-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPEAR and APPEAR BEFORE — Communicating in any form, including, without limitation, personally, through another person, by letter, telephone, facsimile, electronic mail, social media or by ~~telephone~~other means.

~~CITY CLERK~~ — ~~The City Clerk of the City of Saratoga Springs.~~

CITY GOVERNMENT — Includes the City Council, all departments, offices, boards, committees, bureaus and instrumentalities of the government of the City of Saratoga Springs, ~~including the City Council.~~

~~CITY ATTORNEY~~ — ~~The City Attorney of the City of Saratoga Springs.~~

CITY WORKPLACE – shall mean either:

1. Any building, shop area, office or part thereof under the control of the City and designated as a place to conduct City business, or
2. Any place where a City officer or employee is acting on City business.

CONFIDENTIAL INFORMATION — Any data acquired through the course of employment or public office which is protected from disclosure by law and/or through the City's Red Flag Policy adopted by the City Council on January 4, 2011.

CUSTOMER or CLIENT

- A. Any person to whom an officer or employee of the City of Saratoga Springs has supplied goods or services, including but not limited to professional services, ~~—~~during the previous twenty four (24) months having, in the aggregate a value greater than One Thousand Dollars (\$1,000); or

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B. Any person to whom an officer's or employee's outside employer or business has supplied goods or services, including but not limited to professional services, during the previous twenty four (24) months having, in the aggregate, a value greater than One Thousand Dollars (\$1,000) but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.

FAMILY — ~~A group of individuals with the following relationships~~ Shall include: spouse, ~~life domestic~~ partner, sibling, parent, children (including children of spouse or ~~life- domestic~~ partner), grandchildren and the spouses of any of ~~said individuals~~ them, and any member of the individual's household.

GIFT and FINANCIAL BENEFIT — Includes anything of value including, but not limited to, money, services, referrals, discounts, licenses, permits, contracts, authorizations, loans, travel, entertainment, hospitality, ~~or any promise thereof,~~ or any other gratuity or promise thereof. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.

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HOUSEHOLD: Any and all persons who reside in the same dwelling unit as the officer or employee.

NOT FOR PROFIT ENTITY – A legal entity created under the Not for Profit Corporation Law of the State of New York.

OFFICER OR EMPLOYEE OF THE CITY OF SARATOGA SPRINGS — An officer or employee of the City of Saratoga Springs, whether paid or unpaid, including without limitation, all ~~decision-making~~ officers, employees, volunteers, interns and members of any advisory and/or decision-making board, body, council, commission, agency, department, district, administration, bureau, or committee of the City of Saratoga Springs. "Officer or employee of the City of Saratoga Springs" shall not include a judge, justice, officer, or employee of the Unified Court System.

OUTSIDE EMPLOYER OR BUSINESS

A. Any activity, other than service to the City of Saratoga Springs, from which the officer or employee of the City of Saratoga Springs receives compensation, or the promise of compensation, for work performed, services rendered or goods sold or produced while a city officer or employee; or

B. Any entity, other than the City of Saratoga Springs, of which the officer or employee of the City of Saratoga Springs is a member, owner, principal, shareholder, officer, or employee and from which he or she receives compensation for services rendered or goods sold or produced; or

C. Any entity in which an officer or employee of the City of Saratoga Springs has an ownership interest, except a corporation of which the officer or employee of the City of Saratoga Springs owns

less than five percent (5%) of the outstanding stock. For purposes of this definition, “compensation” shall not include reimbursement for necessary expenses, including travel expenses.

PERSON — Includes both individuals and entities.

POLITICAL PARTY OFFICER — Any person serving or acting as the Chair, Vice Chair, First Vice Chair, Secretary, Treasurer, delegate, or equivalent officers by whatever name or title known, of any political party or committee organized for the purpose of nominating persons for elective office in the government of the City of Saratoga Springs.

~~RELATIVE — a member of one’s family.~~

SUBORDINATE OF AN OFFICER OR EMPLOYEE OF THE CITY OF SARATOGA SPRINGS — Another officer or employee of the City of Saratoga Springs over whose activities he or she has direction, supervision, or control.

§ 13-3. Standards of conduct.

A. General prohibition. A City officer or employee shall not use his or her official position or office, or take or fail to take any action, in a manner which he or she knows, or has reason to know, may result in a personal financial benefit for any of the following persons:

- (1) The City officer or employee;
- (2) His or her outside employer or business;
- (3) A member of his or her household;
- (4) A ~~current or prospective~~ customer or client;
- (5) A ~~relative member of his or her family~~; or
- (6) Any firm, corporation, association, partnership or other organization in which the City officer or employee, or a ~~relative member of his or her family~~, serves as an officer or director, whether compensated or not compensated.

B. Specific City officers and employees.

(1) Responsibilities.

(a) Officers or employees who are pProfessionally licensed. All City officers and employees with professional licenses are prohibited from knowingly exercising any discretion in any matter of City ~~interest- business~~ which shall involve any person ~~or entity, firm or corporation~~ which is a ~~current or prospective~~ client of his or her ~~or a client of his or her business~~ or firm or a business partner, contractor or sub-contractor in a business endeavor of his or her business or firm.

(b) Officer or employees who are Aauthorized to review engineering drawings, conduct inspections and issue permits.

1. ~~All~~ No City officers ~~and or~~ employees ~~with the authority who is authorized to~~ review and approve engineering drawings, conduct inspections or issue permits ~~approvals~~ shall not engage in a business within the City or have a financial interest in any firm engaged in a business within the City ~~where if~~ said business conducts, as a regular and significant part of its business, matters requiring such inspections or such permits.

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2. No officer or employee who is authorized to review and approve engineering drawings, conduct inspections and/or issue permits shall act as an expert witness for any entity other than the City, under circumstances where all or part of his or her expert testimony is based on certifications or credentials provided and/or paid for by the city, while employed by the City.

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3. ~~In addition, a~~ Any such City officer and/or employee shall recuse himself/herself from reviewing any engineering drawings, conducting any such inspection or issuing any necessary permits that directly pertain to any person or entity which is a customer or client of his or her business or firm, or a person materially involved in a business endeavor of his or her ~~outside employer or business or firm~~.

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(c) Public safety. No public safety officer shall have any interest in or be employed in the City by any company, corporation, partnership, association or individual for the purpose of providing private investigations, accident reconstruction, fire prevention, ~~or~~ fire inspection or any other activity reasonably related to such public safety officer's employment with the City. ~~However, this subsection~~ shall not be construed as prohibiting membership or service in volunteer fire or emergency medical organizations. Additionally, public safety officers may be employed in the City for the purpose of providing security or traffic services consistent with City policies.

~~(d)~~ The foregoing City officers and employees are listed due to the unique nature of their offices and positions which, in turn, raise ethical conflicts unique to those offices and positions. This list is not to be deemed all-inclusive. Every City officer and employee shall endeavor to pursue a course of conduct consistent with the spirit of this chapter as well as the actual provisions and strive to act so as not to raise suspicion among the public that he or she is likely to be engaged in activities that are in violation of his or her trust.

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C. Gifts. Except as set forth below, a City officer or employee shall not directly or indirectly solicit, accept or agree to accept any gift or favor, whether in the form of money, services, loans, travel, entertainment, hospitality, thing material items, promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence such City officer or employee, or could reasonably be expected to influence such City officer or employee in the performance of his or her official duties, or was intended as a reward for any official action taken by such City officer or employee. This restriction shall not be construed as applying to the following situations in which gifts or benefits are:

- (1) received by the officer or employee from his or her parent, spouse, child or sibling;

(2) accepted on behalf of the City and transferred to the City;

(3) received as refreshments or meals at a widely attended gathering;

(4) received for the solemnization of a marriage by an officer or employee of the City of Saratoga Springs listed in § 11 of the Domestic Relations Law at a place other than his or her normal place of business or at a time other than his or her normal hours of business, and which have a value of \$75 or less;

(5) received as non-monetary awards from charitable organizations; or

(6) received as City services or benefits, or the use of City facilities, generally available on the same terms and conditions to residents or a class of residents in the municipality.

D. Confidential information. He or she shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest or the personal interest of other individuals or entities for personal gain or profit.

E. Representation before one's own agency. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he or she is an officer, member or employee or of any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.

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F. Representation before any agency for a contingent fee. He or she shall not 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 his or her municipality whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

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G. Disclosure of interest in legislation. To the extent that he or she knows thereof, ~~a member any officer or employee~~ of the City Council and any officer or employee of the City ~~of Saratoga Springs~~, whether paid or unpaid, who participates in the discussion or gives official opinion to the City Council on any legislation before the City Council shall publicly disclose on the official record at an open meeting the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation, including any involvement in current or past litigation .

H. Investments in conflict with official duties. ~~He or she~~ Officers and or employees shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with ~~his-their~~ official City duties.

I. Outside Employer or Business. Officers and or employees ~~He or she~~ shall not engage in, solicit, negotiate for or promise to accept work for an outside employer or business who does business with the City which creates an implied conflict with or impairs the proper discharge of his official duties or results in personal gain.

J. Future employment. ~~No officer and/or employee~~ ~~He or she~~ shall ~~not~~, after the conclusion of service or employment with ~~such municipality~~ the City, appear before any board or agency of the City ~~of Saratoga Springs~~ in relation to any case, proceeding, project or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

K. Right to engage in political activity; prohibition on coercion; prohibition on political solicitation in a City workplace.

~~(1) Unless otherwise prohibited by law, officers and or employees shall not use City workplace to influence any person to participate in an election campaign or political event, or to contribute to a political party, committee, campaign or candidate. be denied the right to support or refuse to support a political party or committee, or a candidate for public office outside of the workplace.~~

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~~(2) Officers or employees shall not coerce, or request or authorize another to coerce, any officer or employee to support or refuse to support a political party or committee, or a candidate for public office. use a City workplace to influence, or authorize or request another to influence, any officer or employee to support or refuse to support a political party, committee, campaign or candidate.~~

~~(3) Officers or employees shall not make use of a City workplace to request, or authorize another to use a City workplace to request, that any officer or employee participate in an election campaign, political event, or contribute to a political party or committee. display, distribute or otherwise utilize election campaign literature or materials at a City workplace, however, this prohibition shall not be construed as prohibiting the wearing of small lapel pins by any person.~~

~~(4) Officers or employees shall not display, distribute or otherwise utilize election campaign literature or materials at a City workplace. Nothing in this subsection shall be construed to deny any officer or employee the right to support or refuse to support any political party, committee, campaign or candidate outside of the workplace.~~

L. Inducement of others. ~~No~~ An officer or employee of the City ~~of Saratoga Springs~~ shall ~~not~~ induce, threaten or coerce or aid another officer or employee of the City to violate any of the provisions of this Code of Ethics.

M. City employees. No officer or employee of the City shall direct or cause any subordinate officer or employee to do or perform any service or work outside of the scope of his or her public work responsibilities or employment. ~~Subordinate officers and employees may voluntarily perform such service or work, with or without compensation, outside of the hours during which they are assigned to perform duties for the City.~~

N. City property. No officer or employee shall use, ~~or~~ request or permit the use of City-owned property; including, but not limited to, vehicles, equipment, materials or supplies, for personal convenience, use or profit; except when such goods or services are available to the public generally

or are used by the officer or employee in compliance with City policy for such use, or where the use of City-owned property for personal use is part of the officer or employee's compensation.

O. Conflict with other codes of conduct.

- (1) ~~Recognizing the need for~~ Because of the need for professional integrity and the fact that various professional associations have adopted standards of ethics and/or conduct for their members, the City hereby ~~requires~~ recognizes that each City officer or employee who is affected by a professional Code of Ethics and/or conduct be bound, in addition to ~~the within this~~ chapter, by ~~his or her respective said~~ Codes of Ethics and/or conduct. Any conflict between the provisions of this chapter and a given professional code of conduct of a City officer or employee ~~is to~~ shall be resolved by the Ethics Board. ~~However, the Ethics Board must at all times give the greatest latitude to said individual's professional code of conduct and, whenever possible, reconcile this to complement and respect the individual's professional code of conduct. An officer or employee's professional code of conduct shall be examined in the context of the City Code of Ethics and the NYS Public Official's Law for relevance and applicability as issues arise.~~
- (2) ~~Substantial consideration shall be given to the effect deviation from an individual's professional code of conduct will have on that individual's ability to practice his or her profession. If need be, the~~ The Ethics Board is authorized and required to obtain advisory opinions from the appropriate professional association to clarify any given situation.

P. Interests in Contracts with the City.

- (1) Prohibited interests. No City officer or employee shall have any financial interest in a business relationship, financial instrument, contract with the City, or an interest in a bank or trust company, that is prohibited by § 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the City in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by § 804 of that law.
- (2) Disclosable interests. Any City officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the City shall disclose in writing the nature and extent of that interest in accordance with § 803 of the General Municipal Law and promptly file such written disclosure with the City Clerk. The City Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.
- (3) Violations. Any City officer or employee who willfully and knowingly violates the provisions of this section shall be ~~guilty of a misdemeanor, to the extent~~ subject to penalties as provided by § 805 of the General Municipal Law.

Q. Recusal. When a City officer or employee is required to recuse himself or herself under this Code of Ethics, he or she must state that he or she is doing so at a public meeting on the public record, ~~if available; if not, by submitting a written statement.~~ The ~~Employee or Officer~~ officer or employee shall ~~must then~~ immediately refrain from participating in the matter further, and must physically remove himself or herself from the room ~~when~~ where the matter is being discussed.

R. ~~Provisions-Subsections A through Q. Provisions A-Q hereinabove~~ are a comprehensive, but not necessarily exclusive list of provisions regarding ethical behavior of City employees and officers. City employees and officials should seek the assistance of the Board of Ethics when in doubt regarding any particular behavior or issue.

§ 13-4. Annual Disclosure.

~~A. A.~~ Every Official and Employee listed in § 13-4(B) hereinafter must file an Annual Disclosure form with the Board of Ethics. ~~The first disclosure pursuant to this chapter shall be due 90 days after the effective date of this legislation. In every calendar year thereafter,~~ Annual Disclosure forms shall be due for filing by February 15th. Annual Disclosure Forms shall be maintained in the Office of the City Attorney.

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~~B. With respect to members of Boards, Committees, Commissions, Task Forces and Groups, if any person required to file a Disclosure Form fails to do so by the required date, that person shall thereafter be disqualified from serving as a member of his or her board until such form shall be filed.~~

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C.B. Employees and Officers Who Must File Annual Disclosure Forms:

- City Council Members
- Deputy Commissioners and Deputy Mayor
- City Attorney
- Assistant City Attorney
- Members of Boards:

Planning Board, Zoning Board of Appeals, Design Review Commission; Board of Assessment Review, Board of Ethics, Civil Service Commission, Recreation Commission, and Special Assessment Districts Boards, and any and all other Boards, Committees, Commissions, Task Forces, and Groups formed for any purpose by the City Council or any member thereof.

- Director of Finance
- City Tax Revenue Supervisor
- Assistant to Purchasing Agent
- ~~Director of Urban Heritage Area Program~~
- Secretary to City Council
- Secretary to Civil Service Commission
- Building and Zoning Inspector
- Assistant Building and Zoning Inspectors
- Code Enforcement Officers
- ~~City Senior~~ Planner
- ~~Assistant City Principal~~ Planner
- City Engineer
- Assistant City Engineer
- Assistant Assessor
- ~~City Recreation Administrative~~ Director of Recreation

Director of Public Works
Police Chief
Assistant Police Chief
Fire Chief
Assistant Fire Chief
Fire Inspectors
Administrator of Planning and Economic Development
Human Resource Administrator
Director of Risk and Safety Manager
Administrator of Parks, Recreation and Open Space

ED. Annual Disclosure Form.

See § 13-8. Forms

§ 13-5. Board of Ethics.

A. Ethics Board established.

The Board of Ethics for the City of Saratoga Springs which shall consist of five members is hereby established, one of whom shall be an officer or employee of the City. The City Attorney or Assistant City Attorney in his or her stead shall serve as counsel to the Board of Ethics.

B. Qualifications of members of Ethics Board.

(1) No Ethics Board member shall hold office in a political party or hold elective office in the City.

(2) At any given time, no more than two Ethics Board members may be registered in the same political party, except that this requirement shall not apply to the City officer or employee.

(3) Ethics Board members must be residents of the City ~~of Saratoga Springs~~ throughout their tenure as Board members, provided however that a member appointed because he or she is an officer or employee of the City shall not be subject to this requirement.

C. Appointment of Ethics Board members; term of office.

(1) The Mayor shall appoint the members of the Ethics Board, with the consent of a majority of the City Council. The Board of Ethics shall select its chairperson annually.

~~(2) One initial Board Member shall serve for a term ending December 31, 2006; the second initial Board Member shall serve for a term ending December 31, 2007; the third initial Board Member shall serve for a term ending December 31, 2008, the fourth initial Board Member shall serve for a term ending December 31, 2009, and the fifth initial Board Member shall serve for a term ending December 31, 2010. The initial Board Members shall be appointed within sixty~~

~~(60) days of the effective date of this chapter. Thereafter, e~~Each Board Member shall be appointed to a five year term ~~, after the expiration of the prior Member's term.~~

(3) An Ethics Board member shall serve until his or her successor has been appointed. Consecutive service on an Ethics Board shall not exceed two full terms; ~~initial terms as defined in paragraph 2 hereinabove may not be used in calculating the number of terms served.~~

D. Ethics Board vacancies.

Vacancies on the Board of Ethics shall be filled by Mayoral appointment with City Council approval for the unexpired term of the member.

E. Removal of Ethics Board members.

An Ethics Board member may be removed from office by the City Council for failure to meet the qualifications set forth in this chapter, substantial neglect of duties of office, or violation of this chapter, after written notice and opportunity for reply.

F. Ethics Board meetings.

The Ethics Board shall meet at least quarterly. A quorum shall be three members and a majority of the full Board shall be required for the Ethics Board to take formal action. The Chair or any member may call a meeting of the Ethics Board.

G. Jurisdiction, powers and duties of Ethics Board.

(1) The Ethics Board may only act with respect to officers and employees of the City of Saratoga Springs ~~subject to the Ethics Board's jurisdiction.~~

(2) The termination of a municipal officer's or employee's term of office or employment with the City (on a voluntary or involuntary basis) shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed by this chapter or by the Act, if any, on a former officer or employee. However, in no event shall the Ethics Board have jurisdiction over a former officer or employee where a hearing has not been commenced pursuant to the provisions of this chapter within one year of the termination of a City officer's or employee's term of office or employment with the City.

(3) The City Ethics Board shall have the following powers and duties:

(a) To prescribe and promulgate rules and regulations by resolution of the Board, governing its own internal organization and procedures in a manner consistent with this chapter and to cause to be filed with the office of the City Clerk and the office of the City Attorney a copy of those rules and regulations and any amendments thereto;

(b) To request that the Mayor appoint such staff as is necessary to carry out its duties under this chapter, ~~and to delegate authority to such staff to act in the name of the Ethics Board between meetings of the Ethics Board, provided that the delegation is in writing and the specific powers to be delegated are enumerated and further provided that the Ethics Board shall not delegate the power to conduct hearings, determine violations, recommend disciplinary action, refer any matter to a prosecutor, or render any advisory opinion;~~

(c) To review, index, and maintain on file lists of officers and employees, annual and other disclosure statements filed with the Ethics Board, pursuant to this chapter;

(d) To review, index, maintain on file, and dispose of written complaints and to make notifications and conduct inquiries pursuant to this chapter;

(e) To conduct hearings, recommend disciplinary action to the appropriate appointing authority, pass resolutions ~~of censure where appropriate~~, make referrals, and initiate appropriate actions and proceedings pursuant to this chapter;

(f) To render, index, and maintain on file advisory opinions pursuant to this chapter;

(g) To provide for training, assistance, and education to officers and employees pursuant to this chapter, including the development and distribution of a plain language ethics guide for use by City employees and officers including all forms developed by the Ethics Board;

(h) To report annually to the Mayor and the City Council regarding the Board's operations of the previous year, and to make recommendations to the Mayor and the City Council, as needed, for changes to this chapter, ~~and~~

H. Review of lists and disclosure statements.

(1) The Ethics Board shall review:

(a) The lists of officers and employees, prepared pursuant to this chapter which must file annual disclosure statements to determine whether the lists are complete and accurate.

(b) All annual disclosure statements, ~~to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this chapter or the local Ethics Act, if any;~~

(c) All ~~other amendments to~~ disclosure statements.

(2) If the Ethics Board determines that a ~~an~~ filed annual disclosure statement ~~or other disclosure statement~~ is deficient or reveals a possible or potential violation of this chapter, the Ethics Board shall notify the person in writing, state the deficiency or possible or potential violation, provide the person with a thirty-day period to cure the deficiency, and advise the person of the penalties for failure to comply with this chapter. Such notice shall be confidential to the extent permitted

by the Public Officers Law. If the person fails to cure the deficiency within the specified time period, the Commission shall send a notice of delinquency:

- (a) To the reporting person; and
- (b) In the case of the Mayor or a City Council Member, to the entire City Council; and
- (c) In the case of the all other municipal officers and employees, to the appointing authority for such person.

I. Inquiries and Hearings.

(1) Upon receipt of a written ~~complaint, inquiry, or on its own initiative, by any person alleging a violation of this chapter, or upon determining on its own initiative that a violation of this chapter may exist,~~ the Ethics Board shall have the power and duty to conduct any inquiry hearing necessary to carry out the provisions of this chapter. The Ethics Board may administer oaths or affirmations. In conducting any inquiry hearing pursuant to this section, ~~and after first having sought and been denied cooperation and voluntary compliance with the course of its inquiry,~~ the Ethics Board may subpoena witnesses, ~~compel their attendance~~, and require the production of any books or records which it may deem relevant and material.

(2) Nothing in this section shall be construed to permit the Ethics Board to conduct an inquiry a hearing with respect to of itself or of any of its members or staff. In the event the Ethics Board receives ~~a complaint an inquiry~~ alleging that the Ethics Board or any of its members or staff has violated any provision of this chapter, or any other law, the Board shall promptly transmit ~~to~~ a copy of the complaint to the Mayor and City Council.

(3) The Ethics Board shall state in writing the disposition of every written ~~complaint, inquiry~~ it receives and of every ~~inquiry, hearing~~ it conducts and shall set forth the reasons for the disposition. All such statements and all written ~~complaints, inquiries~~ shall be indexed and maintained on file by the Ethics Board.

(4) Any person filing a written ~~complaint, inquiry~~ with the Ethics Board shall be notified in writing of ~~the its disposition, of the complaint.~~

J. Hearings; disciplinary action Referrals by Ethics Board.

(1) Disciplinary action. ~~In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend appropriate disciplinary action pursuant to the provisions of this chapter.~~ In the case of a hearing held by the Board, the due process procedural mechanisms shall be substantially similar to those set forth in Article 3 of the State Administrative Procedure Act. ~~The recommendation of the Ethics Board shall be made to the appointing authority or person or body authorized by law to impose such sanctions.~~ The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the authority or person or body authorized by

law to impose disciplinary action or unless the Ethics Board refers the matter to the appropriate prosecutor. If such a referral is made, or if a matter is the subject of another governmental inquiry investigation or judicial proceeding, the Ethics Board may adjourn the matter pending a final determination of such matter by the other authority, person, body, or ~~prosecutor law enforcement agency~~.

(2) ~~Prosecutions Law Enforcement~~. The Ethics Board ~~may~~ shall refer to the appropriate ~~prosecutor law enforcement agency any facts or evidence that comes into its possession that reasonably indicates~~ possible criminal violations. ~~Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any criminal violation~~

(3) Construction as to Ethics Board. Nothing in this section shall be construed to permit an Ethics Board to take any action with respect to any alleged violation of this chapter, or of any other law, by an Ethics Board Member or Members. Any ~~inquiries~~ regarding Ethics Board Members shall be conducted by the City Council under procedures consistent with the procedures set forth in this chapter.

K. Advisory opinions.

(1) Upon the written request of any ~~officer or employee person~~, the Ethics Board may render a written advisory opinion with respect to the interpretation or application of this chapter. ~~Any other person may similarly request an advisory opinion but only with respect to whether his or her own action might violate a provision of this chapter.~~

(2) Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board in the City Attorney's Office.

L. Public inspection of records; public access to meetings.

(1) Records of the Ethics Board are available for public inspection pursuant to the provisions of §§ 84 through 90 of the Public Officers Law.

(2) Meetings of the Ethics Board shall be accessible to the public pursuant to the provisions of §§ 100 through 111 of the Public Officers Law.

§ 13-6. Effect on filing of claims.

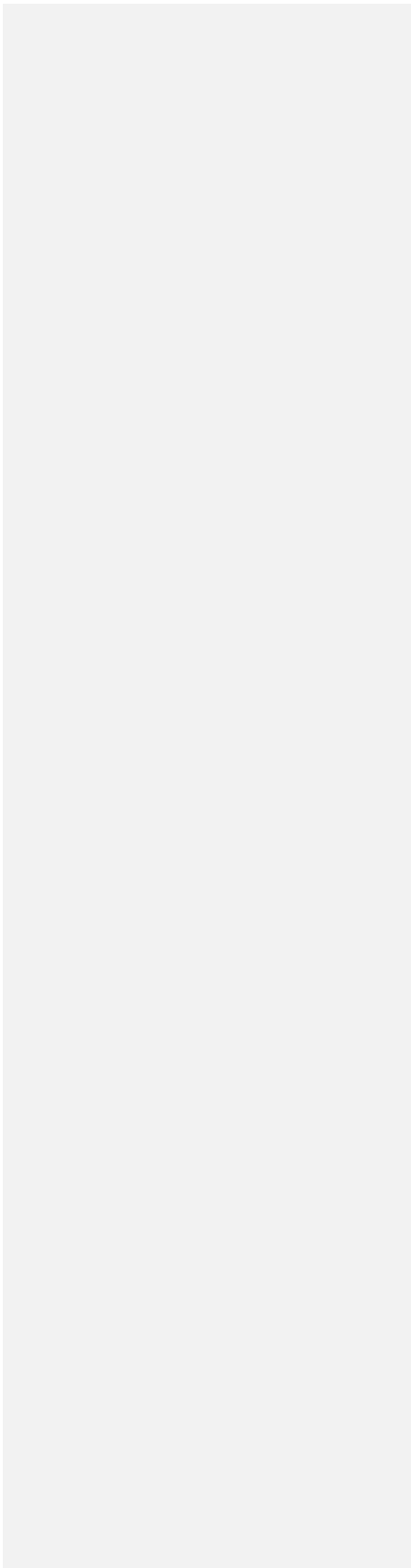
Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the City of Saratoga Springs, or any agency thereof, on behalf of himself, herself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 13-7. Distribution of copies.

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The Mayor of the City of Saratoga Springs shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the city within thirty (30) days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code ~~or~~ the enforcement of provisions thereof.

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§ 13-8. Forms.

The Annual Disclosure Form required by § 13-4 of this Chapter shall be in the following format:

**DISCLOSURE STATEMENT
CITY OF SARATOGA SPRINGS, NY**

 Last Name First Name Middle Initial

 Home Address

If the answer to any of the following questions is "none" or "not applicable", please so indicate. The City of Saratoga Springs is hereinafter referred to as the "City". "Applicant" or "you" shall refer to the person executing and filing this Disclosure Statement.

1. List the positions you hold as a City Officer or employee, or as a member of or counsel to a City Office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee, whether paid or unpaid:

2. For each position you hold, please list the name of your immediate supervisor and their job title:

3. List the telephone number(s) at which you may be contacted between 9:00 a.m. and 4:30 p.m. from Monday through Friday:

4. List the address of each piece of property in which you or a member of your family (including your spouse and children, if any) have a financial interest. List only real estate in the City. (Attach additional sheets if necessary.)

Name of Family Member	Relationship to Applicant	Address of Real Estate	Type of Interest, Control of Ownership

~~5. List the name of any outside employer, business, organization or association from which you or a member of your family receive compensation for services rendered or goods sold or produced or for which you or a member of your family is an officer, director or employee. Also include any entity in which you or a member of your family have an ownership interest, except a corporation of which you or a member of your family own less than five percent (5%) of the outstanding stock. Identify the type of business, such as partnership, incorporated association or other unincorporated business, and list such person's relationship to the employer or business (i.e., you are, or are a relative of, an owner, partner, officer, director, LLC member, employee, or shareholder). (Attach additional sheets if necessary).~~

Name of Entity	Type of Business or Activity	Nature of Entity (i.e., corp., not for profit, self employment, etc.)	Your relationship (owner, partner, officer, director, LLC member, etc.)

~~6. If any entity identified in 5 above is currently or has within the last (two) years been licensed and/or regulated by any City department, please list the name of the entity, the name of such City department and the type of license or permit received from City. (Attach additional sheets if necessary).~~

Name	City Licensing or Permitting Department	Type of License or Permit

~~7. If an entity identified in 6 above, as a regular or significant part of the business or activity of said entity, does business with or did business within the last two (2) years with a City~~

department, please list the name of the entity, the name of such City department and the nature of the business conducted by such entity with such City department. (Attach additional sheets if necessary):

Name	City Department	Nature of Business with City

8. Please list below all liabilities (including the name of the creditor) of you or a member of your family to any entity doing business with or having any matter considered by the City or any instrumentality thereof (do not include credit cards or ordinary consumer debt such as automobile and mortgage loans, or ordinary business loans from banks, savings and loan associations and credit unions):

Name of Creditor	Type of Obligation, Due Date and Nature

9. Any additional information:

I make the above statement to the City of Saratoga Springs of my assets, affiliations and sources of income as of the close of business set forth above. The information contained in this Annual Statement of Disclosure constitutes a full and complete financial statement as of the date indicated and, to the best of my knowledge, I have no conflict of interest prohibited by the City of Saratoga Springs Code of Ethics for the position(s) I hold with the City.

 Applicant's Signature _____ Date

CITY OF SARATOGA SPRINGS, NEW YORK
CODE OF ETHICS
(add year) DISCLOSURE STATEMENT

If the answer to any of the following questions is “none” or “not applicable”, please so indicate.

Name: _____ Marital Status: _____

Address: _____

Phone: cell _____ office _____

eMail: _____

Title(s) of all current City Offices and/or Positions: _____

1. List any office, trusteeship, directorship or position of any kind, whether compensated or uncompensated, held by you, or a member of your family (defined in § 13.2 of the Code of Ethics), with any proprietorship, partnership, corporation or other organization, which at present or anytime during the prior twenty-four (24) months, has done business with the City of Saratoga Springs:

2. List the address of each piece of property in which you or a member of your family (defined in § 13.2 of the Code of Ethics) have a financial interest. List only real estate in the City. (Attach additional sheets if necessary.)

Family Member	Relationship	Address of Real Estate	Type of Interest, Control or Ownership

3. List any occupation, trade, business or profession engaged in by you, or a member of your family (defined in § 13.2 of the Code of Ethics) at present, or during the prior twenty-four (24) months, which does business, has any matter pending with or is licensed or regulated by a City board, agency department, or commission and list such City board, agency, department or commission:

Name of Entity	Type of Business or Activity	Nature of Entity (i.e., corp., not-for-profit, self employment, etc.)	Your relationship (owner, partner, officer, director, etc.)

Name of Entity	Type of Business or Activity	Nature of Entity (i.e., corp., not-for-profit, self employment, etc.)	Your relationship (owner, partner, officer, director, etc.)

4. List all sources of income or material benefit received by you, or a member of your family (defined in § 13.2 of the Code of Ethics) from any entity or individual doing business with the City of Saratoga Springs at present or during the prior twenty-four (24) months” period:

a) List all compensated employment of whatever nature with any entity or individual doing business with the City of Saratoga Springs:

b) List all directorship positions for which compensation has been or will be paid by any entity or individual doing business with the City of Saratoga Springs:

c) List all contractual agreements or arrangements, written or oral, now producing or which may produce income or other material benefit from any entity or individual doing business with the City of Saratoga Springs:

5. List the name and address of any proprietorship, partnership, corporation or individual doing business with the City of Saratoga Springs, or any instrumentality thereof in which you, or a member of your family (defined in § 13.2 of the Code of Ethics), at present have or have had in the prior twenty-four (24) months, an interest of five (5%) percent or more:

Company Name: _____ Address: _____

I make the above statement to the City of Saratoga Springs of my assets, affiliations and sources of income as of the close of business set forth above. The information contained in this Annual Statement of Disclosure constitutes a full and complete financial statement as of the date indicated and, to the best of my knowledge, I have no conflict of interest prohibited by the City of Saratoga Springs Code of Ethics for the position(s) I hold with the City.

Applicant’s Signature _____ Date

PLEASE NOTE: In future, if any information contained in this disclosure should change, you are required to amend this form and re-submit it to the Board of Ethics.

Section 3. Severability.

If any section of this local law or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section of the application of any part thereof to any other person or circumstances, and to this end, the provisions of each section of this local law are hereby declared to be severable.

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Section 4. Effective date.

This local law shall become effective the day after publication as provided for in Title 9 of the Charter of the City of Saratoga Springs, New York.

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ADOPTED: ~~April 11, 2006~~ November 2015

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