

VILLAGE OF WELLSVILLE
POLICY

The Village of Wellsville Board of Trustees has hereby authorized the Mayor or his/her designee to close buildings due to inclement weather.

Employees will be paid for the day off.

By the implementation of this policy, this is verification that payment does not constitute a gift under the NYS Constitution, Article VIII Section 1.

Executive Director

When can Village/City Hall be closed due to inclement weather and do the employees get paid when this happens?

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The Legislative body should pass a resolution authorizing the Mayor or other appropriate official, to close buildings due to inclement weather. If the workers are unionized, the Union contract should specify whether workers will get paid in this instance. If the contract does not cover this contingency, the employees would have to get paid until the subject was negotiated as part of the contract.

Section 92 of the General Municipal Law authorizes paid leaves of absences for Municipal employees in the discretion of the Governing Board. For non-unionized employees, this section could be used to authorize payment when Village/City Hall is closed. If a resolution is not passed pursuant to Section 92, the payment of salary may be considered a gift under the NYS Constitution, Article VIII, Section 1.

Adopted: 3/25/96

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Who is responsible for repairing frozen water or sewer lines?

A LOCAL LAW RELATING TO A CODE OF ETHICS AND A BOARD OF ETHICS
FOR THE VILLAGE OF WELLSVILLE.

adopted: 12/14/70

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE
AS FOLLOWS:

Article I: INTENT OF BOARD OF TRUSTEES

Section 1. STATEMENT OF LEGISLATIVE INTENT

The Board of Trustees of the Village of Wellsville recognizes that there are state statutory provisions mandating villages to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this village as part of our state's important system of local government. It is the purpose of this local law to implement this objective through the establishment of standards of conduct to provide for punishment of violation of such standards and to create a board of ethics to render advisory opinions to the village's officers and employees as provided for herein.

Section 2. THE STANDARDS, PROHIBITED ACTS, AND PROCEDURES established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of town officers to the extent that the same are more severe in their application than this local law.

Article II. CODE OF ETHICS

Section 1. DEFINITIONS As used in this local law, the term "VILLAGE" shall mean any board, commission, district, council or other agency, department or unit of the government of the Village of Wellsville.

The term "village employee" shall mean any officer or employee of the Village of Wellsville whether paid or unpaid, whether serving in a full-time, part-time, or advisory capacity.

Section 2. RULE WITH RESPECT TO CONFLICTS OF INTEREST. No village employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

Section 3. STANDARDS

a) No village employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

b) No village employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

c) No village employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

d) No village employee shall engage in any transaction as representative or agent of the village with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

e) A village employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

f) Each village employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

g) Each village employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

h) No village employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation, a substantial portion of the stock which is owned or controlled directly

or indirectly by such employee, shall sell goods or services to any person firm, corporation or association which is licensed or whose rates are fixed by the Village in which such employee serves or is employed.

Section 4 VIOLATIONS

In addition to any penalty contained in any other provision of law, any such village employee who shall knowingly and intentionally violate any of the provisions of this local law may be fined, suspended or removed from office or employment in the manner provided by law.

Article III: BOARD OF ETHICS

Section I. THERE IS HEREBY APPOINTED a board of ethics consisting of five members to be appointed by the Board of Trustees of the Village of Wellsville, all of said members to reside in the Village of Wellsville and who shall serve without compensation. The terms of office for said members shall be for a period of five years each with the exception that on the first appointments to be made in December, 1970 or January 1971, the initial terms shall be:

One member for term expiring March 31, 1971

One member for term expiring March 31, 1972

One member for term expiring March 31, 1973

One member for term expiring March 31, 1974

One member for term expiring March 31, 1975

A majority of such members shall be persons other than village employees but shall include at least one member who is an elected or appointed village employee of the Village of Wellsville.

Section 2. THE BOARD OF ETHICS ESTABLISHED hereunder shall render advisory opinions to village employees on written request and upon request of the Board of Trustees make recommendations to such Board of Trustees as to any amendments of this local law. The opinions of the board of ethics shall be advisory and confidential and in no event shall the identity of the village employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of the Village attorney.

Section 3. SUCH BOARD OF ETHICS upon its formation shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

ARTICLE IV. ADMINISTRATION

Section 1. UPON THE ADOPTION OF this local law, the Mayor of the Village of Wellsville shall cause a copy thereof to be distributed to every village employee of this village. Failure to distribute any such copy or failure of any village employee to receive such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof. The Mayor of the Village of Wellsville shall further cause a copy of this local law to be kept posted conspicuously in each public building under the jurisdiction of the village. Failure to so post this local law shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

Section 2. WITHIN THIRTY DAYS of the adoption of this local law, the Village Clerk shall file a copy thereof in the office of the state comptroller.

Section 3. THE BOARD OF TRUSTEES OF THE Village of Wellsville may approve moneys from the general village funds for the maintenance of and for personnel services to the board of ethics established hereunder, but such board of ethics may not commit the expenditure of village moneys except within the appropriations provided therefor.

ARTICLE V. SEVERABILITY CLAUSE

Section 1. IF ANY CLAUSE, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined 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.

ARTICLE V. EFFECTIVE DATE

Section 1. THIS LOCAL LAW shall take effect immediately.