

A RESOLUTION SUBMITTED BY ALDERMAN-AT-LARGE AUSTIN TYLEC

RE: Creation of Ethics Board

WHEREAS, an ethics board's membership may be comprised of appointed citizens; and

WHEREAS, the members selected for the board need be fair-minded, unbiased, diligent members of the community; and

WHEREAS, the purpose of an ethics board is to provide external oversight of a city's compliance with ethics regulations; and

WHEREAS, the duties of an ethics board consist of adopting regulations pertaining to ethics regulations, investigating ethics complaints, and recommending penalties; and

WHEREAS, municipalities have adopted ethics boards that enforce a value-based ethics code which provided examples of what conduct did and did not reflect certain values such as fairness, trustworthiness, responsibility, and respect; and

WHEREAS, citizens of North Tonawanda have brought forth ethics related complaints regarding city officials and employees and have not received resolutions to their issues; and

WHEREAS, in correspondence received by the City Attorney's Office, dated April 3, 2019, Niagara County Attorney Claude A. Joerg has stated that citizen's complaints are outside the purview of the Niagara County Board of Ethics; and

WHEREAS, North Tonawanda lacks a code of ethics that provides standards for officers and employees with respect to disclosure of interest in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and such other standards relating to the conduct of officers and employees which is supported by Article 18, §806, Subsubsection 1 (a) of New York State General Municipal Law.

NOW, THEREFORE, BE IT

RESOLVED, that the city of North Tonawanda, in accordance with Article 18, §808, Subsubsection 3 of New York State General Municipal Law, shall establish a local board of ethics; and, be it further

RESOLVED, that the board shall be comprised of seven (7) members; and, be it further

RESOLVED, that the board shall have all the powers and duties of, and shall be governed by the same conditions as, the county board of ethics, with the exception that it shall only act with respect to officers and employees of North Tonawanda; and, be it further

RESOLVED, that the ethics board shall create their own bylaws as they deem necessary which shall require approval by the Common Council prior to implementation; and, be it further

RESOLVED, that the members shall be appointed to serve at the pleasure of the appointing authority; and, be it further

RESOLVED, that each Councilmember, the Mayor, and the City Attorney shall each provide one (1) recommendation of a candidate to be appointed to the board; and, be it further

RESOLVED, that the City Attorney's recommendation shall be an employee of the City Attorney's Office to fulfill the requirement of at least one member of the board being an elected or appointed municipal officer or employee per Article 18, §808, Subsubsection 3 of New York State General Municipal Law; and, be it further

RESOLVED, that each member shall serve the board until the end of each calendar year, the vacancy to be filled at the first regular session of the Common Council every year; and, be it further

RESOLVED, that no term limits shall be placed on a member of the committee; and, be it further

RESOLVED, that vacancies occurring prior to the term's completion shall be filled by the officer of the position in which the original appointment was recommended; and, be it further

RESOLVED, that the Ethics Board shall not require a separate budget nor staff; and, be it further

RESOLVED, that the City Clerk's office shall provide administrative assistance as needed.