

Local Law 1 of 2021

Amending Chapter 17, Ethics, of the Code of the Town of Rochester Amending Local Law 5 of 2004, as amended by Local Law 1 of 2005, as amended by Local Law 2-2008.

This local law also repealed former Ch. 17, Ethics, adopted as follows: Art. I, Code of Ethics, 9-3-1970 by L.L. No. 2-1970; Art. II, Board of Ethics, 9-3-1970 by L.L. No. 3-1970.

Be it enacted by the Town Board of the Town of Rochester as follows:

Section 1.

Pursuant to, and in accordance with, the provisions of the New York State Municipal Home Rule Law and the NYS General Municipal Law, Article 18, §808, the Town of Rochester Town Board amends Chapter 17, Ethics, of the Code of the Town of Rochester as follows.

§ 17-2 **Definitions.** , shall be amended to add the following definition:

ALTERNATE MEMBER

An individual appointed by the Town Board to serve when a regular member is unable to participate on a matter before the Ethics Board as provided herein.

Section 2.

Pursuant to, and in accordance with, the provisions of the New York State Municipal Home Rule Law and the NYS General Municipal Law, Article 18, §808, the Town of Rochester Town Board amends Chapter 17, Ethics, of the Code of the Town of Rochester as follows.

Article II, Board of Ethics, § 17-8 Establishment; membership. shall be deleted in its entirety and replaced as follows:

§ 17-8 Establishment; membership.

- A. There shall be a Board of Ethics consisting of five members to be appointed by a majority of the Town Board, who shall serve without compensation and at the pleasure of the Town Board. A majority of such members shall be persons other than officers or employees of the Town of Rochester, except that at least one member shall be an elected or appointed officer or employee of the Town of Rochester.
- B. Ethics Board members shall reside in the Town and shall not hold an office in any political organization.

C. Members shall serve for a term of five years. Consecutive service shall not exceed two full terms. When a vacancy occurs, it shall be filled within 60 days for the unexpired portion of the term. However, members shall serve until their successors have been appointed.

D. Alternate Member.

- 1) The Town of Rochester Town Board shall appoint an Alternate Member to the Ethics Committee
- 2) Alternate members shall be appointed by the Town Board, or other duly authorized appointing authority, for a term of three year(s).
- 3) The Chairperson shall designate the alternate member to substitute for a regular member for any matter or period of time (1) such regular member is recused due to conflict of interest; (2) such regular member has or will have extended absence from the Board of two or more months; or (3) to establish a quorum for a specific meeting. When so designated, the alternate member shall remain in place for all subsequent review of any specific matters until such time as the matters is decided and shall possess all the powers of a regular member of the Board. The Chairperson shall make such designation by verbal statement indicating which regular member is being substituted for and shall direct such designation be made in the minutes of each meeting the alternate is substituted.
- 4) The Alternate Member shall not take part in any deliberation of any matter unless designated to substitute by the Chairperson.

Section 3. Severability

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part or provision or application.

Section 4. Effective Date

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.