

## LOCAL LAW NO. 4-I FOR THE YEAR 2010

Members of Common Council April A. Kennedy, Alfred J. Turcotte, George E. Primeau, Sr., Dianne R. Nolin, Roger R. Ceccucci and Ralph V. Signoracci IV, ask for unanimous consent for the introduction and passage of the following:

### A LOCAL LAW TO AMEND THE CODE OF ETHICS.

WHEREAS, Article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest; and

WHEREAS, Section 806 of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district to adopt a Code of Ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS, Section 806 of the General Municipal Law, also, authorizes the governing body of any other municipality to adopt such a Code of Ethic; and

WHEREAS, a Code of Ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests 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 as may be deemed advisable,

BE IT ENACTED by the Common Council of the City of Cohoes as follows:

Section 1. The Code of the City of Cohoes, Chapter 255, Section 255-40 is hereby amended to read as follows:

#### Chapter 36, ETHICS, CODE OF

##### § 36-1. Purpose.

Officers and employees of the City of Cohoes hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The City of Cohoes recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes those standards.

~~[Pursuant to the provisions of § 806 of the General Municipal Law, the Common Council of the City of Cohoes recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the City of Cohoes.~~

~~These rules shall serve as a guide for official conduct of the officers and employees of the City of Cohoes. 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.]~~

§ 36-2. Definitions.

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

- (a) “Board” means the Common Council and any municipal administrative board (e.g., Planning Board, Zoning Board of Appeals), commission, or other agency or body comprised of two or more municipal officers or employees.
- (b) “Code” means this Code of Ethics.
- (c) “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.
- (d) “Municipality” means the City of Cohoes. The word “municipal” refers to the municipality.
- (e) “Municipal officer or employee” means a paid or unpaid officer or employee of the City of Cohoes, including, but not limited to, the members of any municipal board.
- (f) “Relative” means a spouse, domestic partner, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

~~[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 chapter, 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. —~~

~~D. — A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee. —~~

~~MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the City of Cohoes, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer or Fire Chief or Assistant Fire Chief.]~~

§ 36-3. Applicability. [Standards of conduct.]

This Code of Ethics applies to the officers and employees of the City of Cohoes, and shall supersede any prior municipal Code of Ethics. The provisions of this Code of Ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics, including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the City of Cohoes.

[Every officer or employee of the City of Cohoes shall be subject to and abide by the following standards of conduct:—

~~A. — Gifts. He shall not directly or indirectly, solicit any gift; nor shall he accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.~~

~~B. — Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest. —~~

~~C. — Representation before one's own agency. He 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 is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee. —~~

~~D. — Representation before any agency for a contingent fee. He 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 municipality, whereby his 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. —~~

~~E. — Disclosure of interest in legislation or other action. To the extent that he knows thereof, a member of the Common Council and any officer or employee of the City of Cohoes, whether paid or unpaid, who participates in the discussion or gives official opinion to the Common Council on any action or legislation before the Common Council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such action or legislation.~~

~~F. — Investments in conflict with official duties. He 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 official duties.~~

~~G. — Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.~~

~~H. — Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the City of Cohoes in relation to any specific case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.]~~

§ 36-4. Prohibition on use of municipal position for personal or private gain. [~~Filing of claims against city.~~]

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

[~~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 Cohoes or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.~~]

§ 36-5. Disclosure of interest in legislation and other matters. [~~Distribution.~~]

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the Common Council of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

~~[The Mayor of the City of Cohoes shall cause a copy of this code of ethics to be distributed to every officer and employee of the City of Cohoes within 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 nor the enforcement of provisions thereof.]~~

§ 36-6. Treatment of the Public. ~~[Penalties for offenses.]~~

An officer or employee of the City of Cohoes shall treat all members of the public, whether a person, firm or corporation, or other organization, with respect and in a professional manner, with equal consideration, and without special advantage in carrying out his or her official duties.

~~[In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.]~~

§ 36-7. Recusal and abstention.

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) If the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not

have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function; or

(3) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

§ 36-8. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) This Code's prohibition on use of a municipal position (Section 4), disclosure requirements (Section 5), and requirements relating to recusal and abstention (Section 7), shall not apply with respect to the following matters:

(1) Adoption of the municipality's annual budget;

(2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) All municipal officers or employees;

(ii) All residents or taxpayers of the municipality or an area of the municipality; or

(iii) The general public; or

(3) Any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(1) Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by Section 7 of this Code;

(2) Which comes before a municipal officer when the officer would be prohibited from acting by Section 7 of this Code and the matter cannot be lawfully delegated to another person.

§ 36-9. Investments in conflict with official duties.

(a) No municipal officer or employee may acquire the following investments:

(1) Investments that can be reasonably expected to require more than sporadic recusal and abstention under Section 7 of this Code; or

- (2) Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties; or
  - (3) Investments from any City of Cohoes Auction if the employee or officer is in the position to negotiate, prepare, authorize or approve the contract for the sale upon which they are bidding.
- (b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
- (1) Real property located within the municipality and used as his or her personal residence; or
  - (2) Less than five percent of the stock of a publicly traded corporation; or
  - (3) Bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

§ 36-10. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (a) Can be reasonably expected to require more than sporadic recusal and abstention pursuant to Section 7 of this Code; or
- (b) Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee; or
- (c) Violates Section 805-a(1)(c) or (d) of the General Municipal Law; or
- (d) Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

§ 36-11. Future employment.

- (a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the

exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 90 days following final disposition of the matter.

- (b) No municipal officer or employee, for the one-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.
- (c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

§ 36-12. Personal representations and claims permitted.

This Code shall not be construed as prohibiting a municipal officer or employee from:

- (a) Representing himself or herself, or his or her spouse or minor children before the municipality; or
- (b) Asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

§ 36-13. Use of municipal resources.

- (a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.
- (b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
  - (1) Any use of municipal resources authorized by law or municipal policy; or
  - (2) The use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

(3) The occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§ 36-14. Interests in Contracts.

(a) No municipal officer or employee may have an interest in a contract that is prohibited by Section 801 of the General Municipal Law.

(b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by Section 803 of the General Municipal Law.

§ 36-15. Nepotism.

Except as otherwise required by law:

(a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for, or within, the municipality or a municipal board.

(b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

§ 36-16. Political Solicitations.

(a) No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

(c) No employee shall engage in political campaign activities during their official City of Cohoes work day.

§ 36-17. Confidential Information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

§ 36-18. Gifts.

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of Section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts, from the same donor, having an annual aggregate value of seventy-five dollars or more when:

(1) The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(2) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) The gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift, including:

(1) Gifts made to the municipality;

(2) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;

(3) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or

(6) Meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

§ 36-19. Board of Ethics.

(a) Membership.

(1) The Board of Ethics shall consist of three (3) members appointed by a super majority of the Common Council. One (1) alternate may be appointed by a super majority of the Common Council, to serve in the absence of another member.

(2) There shall be three (3) members of the Ethics Board initially serving one three-year term, one two-year term and one, one-year term. The alternate member shall serve for one three-year term. Subsequently, each member shall be appointed for a three-year term or until such time as a successor is appointed.

(3) Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Common Council shall appoint the new member for the unexpired term.

(4) Removal of members. The Common Council shall have the power to remove, after public hearing, any member of the Board for cause.

(b) Qualification of Board Members.

(1) All members of the Board of Ethics must be residents of the municipality.

(2) The members of the Board of Ethics should be qualified by temperament and experience to carry out the duties and responsibilities of the Board.

(3) No member of the Board of Ethics may hold office in a partisan political party or hold elective office in the City of Cohoes. A Board member may make campaign contributions and vote, but not otherwise participate in any City of Cohoes election campaign.

(4) Not more than two (2) members of the Board of Ethics may be members of the same political party.

(5) No current officer or employee of the City of Cohoes is eligible to serve on the Board of Ethics.

(c) Compensation.

Members of the Board of Ethics shall serve without compensation, but may be reimbursed for reasonable and necessary expenses, as approved by the Common Council.

(d) Powers and Duties of the Board of Ethics.

(1) The Board of Ethics shall select its own Chairperson from within the Board for a one-year term and appoint such staff as necessary to carry out its duties under this chapter and to delegate authority to the Chairperson, if any, to act in the name of Board

between meetings of the Board, provided that the delegation is in writing and the specific powers to be delegated are enumerated, and further provided that the Board may not delegate the power to conduct hearings, determine violations, recommend disciplinary action, impose civil fines, refer any matter to a prosecutor or render advisory opinions, except as stated in Section 19(d)(9).

- (2) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner not inconsistent with this chapter or state or federal law.
- (3) To conduct investigations pursuant to Chapter 20.
- (4) To conduct hearings, recommend disciplinary action and initiate appropriate actions and proceeding pursuant to Chapters 18 and 19.
- (5) To issue advisory opinions pursuant to Chapter 22.
- (6) To provide ethics training and education to City officers and employees on the provisions of the City Ethics Law and Article 18 of the General Municipal Law.
- (7) The Ethics Board of the City of Cohoes may act only with respect to officers and employees of the municipality and persons having business dealing with the municipality. The termination of a City officer's or employee's term of office or employment with the City shall not affect the jurisdiction of the City Ethics Board with respect to requirements imposed by this chapter on former City officers or employees to the extent permitted by law.
- (8) The City Ethics Board may refer any matter within its jurisdiction to the County Ethics Board in its discretion.
- (9) A member of the Board of Ethics may be removed from office by a majority vote of the Common Council for failure to fulfill the duties of the office or for violation of this ordinance. The Common Council must give the Board member written notice and an opportunity to reply.
- (10) The Ethics Board must prepare an annual report to the Common Council on its activities and recommend changes to the City Ethics Law.

§ 36-20. Complaints and Investigations.

- (a) Upon receipt of a form duly sworn by the person requesting an investigation of an alleged violation of this chapter or upon the Board 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 investigation necessary to carry out the provisions of this chapter. In conducting any such investigation, the Board may administer oaths or affirmations, subpoena witnesses and compel their attendance and require the production of any books or records which it may deem relevant or material. The form to be utilized in requesting an investigation of an alleged violation of this chapter shall be the form available in the Office of the City Clerk and the City website.
- (b) The City Ethics Board investigation shall be confidential until such time that a final determination of the City Ethics Board has been made. Thereafter the City Ethics Board shall state in writing its disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition to the Common Council. Any findings of violations of this chapter or other applicable law shall be served upon the subject of the investigation within seven (7) days of such service of any findings of violations of this chapter and violations shall be made a public record and shall be indexed and maintained on file by the City Clerk.

§ 36-21. Enforcement.

- (a) In its discretion and after a hearing in accordance with Article 3 of the State Administrative Procedure Act (SAPA), and subject to Section 75 of the Civil Service Law and any collective bargaining agreements, to the extent practicable, the City Ethics Board may recommend for action appropriate disciplinary action which may include a written warning, or reprimand, forfeiture of accrued leave with pay, required attendance at ethics training seminars, suspension, or termination of employment to the authority, or person, or body authorized by law to impose such sanctions.
- (b) The City Ethics Board shall conduct and complete the hearing with reasonable promptness, and shall not act without notice and opportunity to be heard, and shall observe appropriate due process.

§ 36-22. Confidential Ethics Advisory Opinions.

The Board of Ethics shall render confidential advisory opinions only to officers and employees of the City of Cohoes with respect to Article 18 of the General Municipal Law and this Code of Ethics. Officers and employees of the municipality are encouraged to seek advisory opinions whenever they are uncertain whether their conduct may violate the Code of Ethics.

The Board of Ethics will prepare an advisory opinion, based on a thorough review of the facts and applicable law. The Board's opinion is to be based solely on the facts presented in the request or subsequently submitted in a written signed document. The opinion will be rendered in writing to the requester as expeditiously as is practicable, with special attention to the time requirements of a given case.

An officer or employee of the municipality whose conduct or action is the subject of an advisory opinion will not be subject to penalties or sanctions by virtue of acting, or failing to act, due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the material submitted by the requester.

The Board of Ethics will maintain a confidential indexed file of all advisory opinions issued by the Board.

§ 36-23. Posting and distribution.

(a) The Mayor must promptly cause a copy of this Code, and a copy of any amendment to this Code, to be posted publicly and conspicuously in each building under the municipality's control. The Code must be posted within ten days following the date on which the Code takes effect. An amendment to the Code must be posted within ten days following the date on which the amendment takes effect.

(b) The Mayor must promptly cause a copy of this Code, including any amendments to the Code, to be distributed to every person who is or becomes an officer or employee of the City of Cohoes.

(c) Every municipal officer or employee who receives a copy of this Code or an amendment to the Code must acknowledge such receipt in writing. Such acknowledgment must be filed with the City Clerk who must maintain such acknowledgment as a public record.

(d) The failure to post this Code or an amendment to the Code does not affect either the applicability or enforceability of the Code or the amendment. The failure of a municipal officer or employee to receive a copy of this Code of Ethics or an amendment to the Code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the Code or amendment to the Code.

§ 36-24. Enforcement.

Any municipal officer or employee who violates this Code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

**Section 2.** This Local Law shall take effect immediately upon filing with the Secretary of State.

Approved as to form this 24<sup>th</sup> day of August 2010.

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Gregory J. Teresi  
Corporation Counsel

Engrossed and signed by the President of the Common Council and attested by the Clerk of the Common Council this \_\_\_\_\_ day of August 2010.

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Clerk

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President

I hereby approve the foregoing Ordinance of the Common Council.

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Date

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Mayor of the City of Cohoes, New York