

NIAGARA FALLS WATER BOARD'S

CODE OF ETHICS,

CODE OF CONDUCT

&

THE RULES AND REGULATIONS

REGARDING ALLEGED VIOLATIONS OF

THE CODE OF ETHICS

OR

CODE OF CONDUCT

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I.

Niagara Falls Water Board Code of Ethics

The Niagara Falls Water Board's ("Board") Code of Ethics ("Code of Ethics") is codified in New York Public Authorities Law § 1230-v and is set forth in full below:

1. As used in this section the term "employee" shall mean any member, officer, agent or employee of the authority or the water board.
2. No 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 or her duties in the public interest.
3. Standards for such code of ethics shall be as follows:
 - a. No employee shall accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.
 - b. No employee shall accept employment or engage in any business or professional activity which will require the employee to disclose confidential information which he or she has gained by reason of his or her official position or authority.
 - c. No employee shall disclose confidential information acquired by the employee in the course of his or her official duties nor use such information to further his or her personal interests.
 - d. No employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others.
 - e. No employee shall engage in any transaction as representative or agent of the authority or water board with any person or business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her official duties.
 - f. An employee shall not by his or her conduct give reasonable basis for the impression that any person can improperly influence such employee or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
 - g. An employee shall abstain from making personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made by the employee or which will otherwise create

substantial conflict between his or her duty in the public interest and his or her private interest.

- h. An employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust.
- i. No employee employed on a full-time basis nor any person, firm or association of which such an employee is a member, nor corporation a substantial portion of the stock of 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 water board in which such employee serves or is employed.
- j. If any employee shall have a financial interest, direct or indirect, having a value of ten thousand dollars or more, in any activity which is subject to the jurisdiction of a regulatory agency, he or she shall file with the secretary of state and secretary of the water board a written statement that he or she has such a financial interest in such activity which statement shall be open to public inspection.
- k. In addition to any penalty contained in any other provision of law, any such employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in accordance with the rules and regulations of the water board. It shall be misdemeanor for any such employee to be in any way or manner interested, directly or indirectly, in the furnishing of work, materials, supplies or labor, in any contract therefore which the authority or the water board is empowered to make by this title.

II.

Niagara Falls Water Board Code of Conduct

In addition to the Code of Ethics codified in New York Public Authorities Law §1230-v, which the Board hereby adopts and reaffirms, the Board hereby adopts the following Code of Conduct (“Code of Conduct”) pursuant to New York Public Authorities Law § 1230-f(28). The Code of Conduct shall apply to all Board Members (“Members”); Officers of the Board; and any and all employees of the Board who have exempt status under New York Civil Service Law (collectively “Covered Persons”). This Code of Conduct is intended to guide and enhance the ethical and professional performance of Covered Persons and to preserve public confidence in the Board’s mission and activities.

Conduct of Covered Persons

1. Covered Persons shall not interfere with, or otherwise act in a manner inconsistent with the implementation of any official policy, procedure, direction or strategy of the Board.
2. Members must initiate contact regarding Board operations with the Executive Director or his or her designee. The proper procedure is to contact the Executive Director, not individual employees.
3. In the event that a Member has any complaints, questions or issues, concerning Board Operations, such complaints, questions or issues are to be directed to the Executive Director. If an employee of the Board raises a complaint, question or issue regarding Board operations to a Covered Person, the employee should be instructed to first bring such complaint, question or issue to their immediate supervisor and ultimately to the Executive Director's office or his or her designee. Members shall not become involved in the day to day operations of the Board.
4. Members must acknowledge that they do not speak on behalf of the entire Board. Precaution must be realized before an individual Member makes public comments regarding Board issues and operations. If at all possible, public statements should be issued through the Executive Director's office.
5. This Code of Conduct shall be provided to all Covered Persons upon commencement of appointment or employment.

III.

Niagara Falls Water Board Rules and Regulations for the Board's Code of Ethics and Code of Conduct

A. Scope

The following Rules and Regulations shall apply where a violation of the Code of Ethics or Code of Conduct is alleged against a Covered Person and shall only apply to Covered Persons. These Rules and Regulations shall not apply to unionized employees of the Board.

B. Procedure Upon Allegation of Violation

1. All complaints and allegations of violations by a Covered Person of the Code of Ethics and/or Code of Conduct shall be directed to the Board.
2. Upon receiving a complaint regarding a Covered Person's alleged violation of the Code of Ethics or Code of Conduct, the Board may designate a committee of three members to investigate the complaint or alternatively may appoint an Investigative Officer who shall not be a Member, Officer or other employee of the Board ("Investigative Officer"), to conduct an investigation.

3. The Board committee or Investigative Officer shall investigate the alleged violation in such manner as deemed appropriate.
4. A Covered Person who is alleged to have violated the Code of Ethics and/or the Code of Conduct shall receive a written notice of the complaint against him or her and shall be allowed twenty (20) days to provide a written response thereto.
5. A Covered Person who is the subject of an investigation and who is questioned during any such investigation shall be entitled to representation by private counsel, selected by such Covered Person and paid for at his or her sole expense.
6. Upon completion of the investigation, the Board Committee of Investigative Officer shall prepare a report to the full Board containing the findings of the investigation.
7. The report shall contain findings of fact, a conclusion as to whether a violation occurred, and recommendations regarding further action and discipline.
8. If the report concludes that the Covered Person has not violated the Code of Ethics and/or Code of Conduct, then the Board shall dismiss the complaint and shall take no further action with regard to said complaint.
9. If, however, the Investigative Officer's report concludes that the Covered Person has violated the Code of Ethics and/or Code of Conduct, then the Board may upon a majority vote issue a Notice of Potential Board Action ("Notice") to such Covered Person along with a copy of the Investigative Officer's report. The Notice shall include the charges and inform the subject Covered Person that they may be subject to the penalties provided herein.
10. The Covered Person shall then have ten (10) days to respond to the Notice in writing and shall also have the right to appear before the Board to offer his or her verbal response to the Notice and submit such other evidence as desired. The Board may also conduct such further investigation and receive such other evidence as it deems relevant.
11. After concluding its investigation the Board may impose, by a two-thirds vote, a penalty or act as provided herein or otherwise provided by law.
12. In addition to any penalty contained in any other provision of law, such penalty may consist of a reprimand, a fine not to exceed \$1,000, which in the case of an Officer or employee, may be deducted from such Officer's or employee's wages, suspension without pay for no more than three months, or removal from employment with the Board. In the case of a Member who has violated the Code of Ethics, the Board may also, by a two-thirds vote, remove the Member from the Board as authorized therein.