

WAYNE COUNTY WATER AND SEWER AUTHORITY

(Adopted September 26, 2006)

ARTICLE I

CODE OF ETHICS AND STANDARDS OF CONDUCT

**1.1 STANDARDS OF CONDUCT.**

- 1.1.1 No Member, officer or employee of the Authority should accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.
- 1.1.2 No Member, officer or employee of the Authority should accept employment or engage in any business professional activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or employment.
- 1.1.3 No Member, officer or employee of the Authority should disclose confidential information acquired by him or her in the course of his or her official duties nor use such information to further his or her personal interests.
- 1.1.4 No Member, officer or employee of the Authority should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others.
- 1.1.5 A Member, officer or employee of the Authority should not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her 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.
- 1.1.6 A Member, officer or employee of the Authority should 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 him or her or which will otherwise create substantial conflict between his or her duty in the Authority's interest and his or her private interest.
- 1.1.7 A Member, officer or employee of the Authority should endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to engage in acts that are in violation of his or her trust.
- 1.1.8 No Member, officer or employee of the Authority should 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.

1.1.9 No Member, officer or employee of the Authority should engage in any transaction as representative or agent of the Authority with any 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 financial duties.

1.1.10 No Member, officer or employee of the Authority employed on a full time basis or any firm or association of which such Member, officer or employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such Member, officer or employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Authority.

## **1.2 PROHIBITION AGAINST CONFLICTS; LOANS.**

1.2.1 Section 1199-pp of the New York Public Authorities Law sets forth the following requirements with respect to conflicts of interest:

*It shall be a misdemeanor for any member or any officer, agent, servant or employee of an authority to be in any way or manner interested, directly or indirectly, in the furnishing of work, materials, supplies or labor, or in any contract therefore which the authority is empowered by this title to make.*

1.2.2 Section 2824(5) of the New York Public Authorities Law sets for the following requirements with respect to prohibited loans:

*Notwithstanding any provision of any general, special or local law, municipal charter or ordinance to the contrary, no board of a state or local authority shall, directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit in the form of a personal loan to or for any officer, board member or employee (or the equivalent thereof) of the authority.*

1.2.3 In the event the Authority discovers a violation of either of the above provisions, the Authority shall conduct an investigation and, if warranted, report the offense to the Inspector General of the State of New York.

### **1.3 ADDITIONAL RULES WITH RESPECT TO CONFLICTS OF INTEREST.**

- 1.3.1 No Member, officer or employee of the Authority shall receive, or enter into any agreement express or implied for, compensation for services to be rendered in relation to any case, proceeding, application or other matter before the Authority, whereby his or her compensation is to be dependent or contingent upon any action by the Authority with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit; provided, however, that nothing in this subdivision shall be deemed to prohibit the fixing at any time of fees based upon the reasonable value of services rendered.
- 1.3.2 No Member, officer or employee of the Authority or any firm or association of which such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled directly or indirectly by such person, shall (i) sell any goods or services having a value in excess of twenty-five dollars to the Authority or (ii) contract for or provide such services with or to any private entity where the power to contract, or retain on behalf of such private entity is exercised, directly or indirectly, by the Authority or an officer thereof, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding. This subdivision shall not apply to the publication of resolutions, advertisements or other legal propositions or notices in newspapers designated pursuant to law for such purposes and for which the rates are fixed pursuant to law.
- 1.3.3 No Member, officer or employee of the Authority shall directly or indirectly, solicit, accept or receive any gift having a value of seventy-five dollars or more whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.
- 1.3.4 No Member, officer or employee of the Authority, other than in the proper discharge of official duties, shall receive, directly or indirectly, or to enter into any agreement express or implied for, any compensation, in whatever form, for the appearance or rendition of services by himself or herself or another in relation to any proceeding, application or other matter before the Authority where such appearance or rendition of services is in connection with: (i) the purchase, sale, rental or lease of real property, goods or services, or a contract therefore, from, to or with the Authority; (ii) any proceeding relating to rate making; (iii) the adoption or repeal of any rule or regulation having the force and effect of law; (iv) the obtaining of grants of money or loans; (v) licensing; or (vi) any proceeding related to a franchise provided for in the public service law.
- 1.3.5 No person who has served as a Member, officer or employee of the Authority shall within a period of two years after the termination of such service or employment appear or practice before the Authority or receive compensation for any services rendered by such former Member, officer or employee on behalf of any person, firm, corporation or association in

relation to any proceeding or application or other matter before the Authority. No Member, officer or employee of the Authority shall after the termination of such service or employment appear, practice, communicate or otherwise render services before the Authority or receive compensation for any such services rendered by such former Member, officer or employee on behalf of any person, firm, corporation or other entity in relation to any proceeding, application or transaction with respect to which such person was directly concerned and in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

- 1.3.6 Nothing contained in this Article I shall be construed or applied to prohibit any firm, association or corporation, in which any present or former Member, officer or employee of the Authority is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with the Authority, where such Member, officer or employee does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the state ethics commission, resulting therefrom or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined.

#### **1.4 DUTY TO DISCLOSE.**

- 1.4.1 Each Member, officer and employee shall have the duty to report to the Authority's Ethics Officer, Chair of the Audit Committee or Board in writing any violations or possible violations of the terms of this Code, including without limitation instances of conduct prohibited by Sections 1.1, 1.2 or 1.3 hereof.
- 1.4.2 Each Member, officer and employee shall promptly:
- 1.4.2.1 Bring to the attention of the Audit Committee any material information of which he or she becomes aware that affects the disclosures made by the Authority in any report required to be filed with the New York State Authority Budget Office.
- 1.4.2.2 Bring to the attention of the Audit Committee any information he or she may have concerning (a) significant deficiencies in the design or operation of internal controls which could adversely affect the Authority's ability to record, process, summarize and report financial data or (b) any fraud, corruption, criminal activity, or abuse whether or not material, that involves management or other employees who have a significant role in the Authority's financial reporting, disclosures or internal controls.
- 1.4.2.3 Bring to the attention of the Audit Committee or Ethics Officer any information he or she may have concerning evidence of a material violation of any laws, rules or regulations applicable to the Authority and its operations, by the Authority or any Member, officer, employee or agent thereof.

1.4.3 Each Member, officer and employee shall have the duty to disclose the existence of any personal financial interest that could result in or represent a violation of any provision of this Code.

## **1.5 WHISTLEBLOWER PROVISIONS.**

1.5.1 Section 2824(e) of the New York Public Authorities Law requires the Board to adopt written policies and procedures protecting employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or Board Member of the Authority.

1.5.2 To the fullest extent possible and appropriate, the Authority will endeavor to keep confidential the identity of any employee, officer or Member who reports a violation of this Code or of any fraudulent, illegal or inappropriate acts proscribed hereby.

1.5.3 It is the Authority's policy to prohibit retaliation against employees, officers and Members who in good faith report possible violations of this Code by others. However, anyone who knowingly or recklessly provides false information to the Authority may be subject to disciplinary action, including dismissal or removal, in the manner provided by law.

## **1.6 VIOLATIONS**

In addition to any penalty contained in any provision of law, any Member, officer or employee of the Authority who shall knowingly and intentionally violate any of the provisions of this Code shall be guilty of misconduct and subject to removal from office or termination of employment in the manner provided by law.

EXHIBIT "A"

FINANCIAL DISCLOSURE FORM

Section 2825(3) of the New York Public Authorities Law sets for the following requirements with respect to financial disclosure statements:

Notwithstanding any provision of any general, special or local law, municipal charter or ordinance to the contrary...[b]oard members, officers, and employees of a local public authority shall file annual financial disclosure statements with the county board of ethics for the county in which the local public authority has its primary office pursuant to Article Eighteen of the General Municipal Law.

A copy of the disclosure form required by the above section is attached hereto.



b. Outside Employment. Describe any outside occupation, employment, trade, business or profession providing more than \$1,000/year for you and your spouse and dependent children, if any, and indicate whether such activities are regulated by and State or local agency.

---



---

c. Future Employment. Describe any contact, promise or other agreement between you and anyone else with respect to your employment after leaving your County office or position.

d. Past Employment. Identify the source of any income in excess of \$1,000 per year from any prior employer, including deferred income, contributions to a person or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement.

Name and Address Of Income Source	Description of Income (i.e. pension, deferred, etc.)	Category of Amount
--------------------------------------	---	-----------------------

---

e. Investments. Itemize and describe all investments in excess of \$5,000 or five percent (5%) of the value in any business corporation, partnership, or other assets, including stocks, bonds, loans, and pledged collateral, and other investments, for you and your spouse and dependent children, if any. List the location of all real estate within the County or within five (5) miles thereof, in which you, your spouse, or dependent children, if any, have an interest, regardless of its value. Do not list any real property which is your residence or the residence of your spouse or dependent children, except there is a co-owner who is other than a relative.

Name of Family Member	Name and Address of Business or Real Estate	Description of Investment	Category of Amount
-----------------------	--	------------------------------	-----------------------

---



---

f. Trusts. Identify each interest in a trust or estate of similar beneficial interest in excess of \$2,000, except for IRS eligible retirement plans or interests in an estate or trust relative, for you and your spouse and dependent children.

Name of Family Member	Trustee/Executor	Description of Trust/Estate	Category of Amount
-----------------------	------------------	--------------------------------	-----------------------

---



---

g. Other Income. Identify the source of nature of any other income in excess of \$1,000/year from any source not described above, including teaching income, lecture fees, consultant fees, or other income of any nature, for you and your spouse and your dependent children, if any.

Name and Address of Family Member	Name of Income source	Nature of Income	Category of Amount
-----------------------------------	-----------------------	------------------	--------------------

---



---

4. Gifts and Honorariums.

List the source of all gifts aggregating in excess of \$250.00 received during the last year by you, your spouse or dependent children, excluding gifts from a relative. The term “gifts” includes gifts of cash, property, personal items, payments to third parties on our behalf, forgiveness of debt, honorariums, and any other payments that are not reportable as income.

Name of Family Member	Name and Address of Donor	Category Of Amount
-----------------------	---------------------------	--------------------

---



---

5. Third-Party Reimbursements.

Identify and describe the source of any third-party reimbursement for travel-related expenditures related expenditures in excess of \$250.00 for any matter that relates to your official duties. The term “reimbursement” includes any travel-related expenses provided by anyone other than the County for speaking engagements, conferences, or fact-finding events that relate to your official duties.

Source	Description	Category of Amount
--------	-------------	--------------------

---



---

6. Debts.

Describe all debts of you, your spouse, and dependent children in excess of \$5,000, other than debts to a relative. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Revolving charge account information shall only be set forth in liability thereon is in excess of \$5,000 at the time of filing. Any loan issues in the ordinary course of business by a financial institution of finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded.

Name of Family Member	Name and Address of Collector	Category of Amount
-----------------------	-------------------------------	--------------------

---



---

7. Interest in Contracts.

Describe any interest of you, your spouse, or your dependent children in any contract involving the County or any municipality located within the County.

Name of Family Member	Name and Address of Creditor	Category of Amount
-----------------------	------------------------------	--------------------

---

---

8. Political Parties.

List any position you held within the last five (5) years as an officer of any political party, political committee, or political organization. The term “political organization” includes any independent body or any organization that is affiliated with or a subsidiary of a political party.

Signature

Date

---

---