

Financial Restructuring Board for Local Governments

RESOLUTION No. 2013-04

AUTHORIZATION TO ADOPT A CODE OF ETHICAL CONDUCT FOR THE  
MEMBERS OF THE NEW YORK STATE FINANCIAL RESTRUCTURING BOARD FOR  
LOCAL GOVERNMENTS

WHEREAS, the New York State Financial Restructuring Board for Local Governments ("the Board"), created pursuant to Chapter 67 of the Laws of 2013, has been empowered by §160.05 of the Local Finance Law to make specified determinations; and

WHEREAS, the Joint Commission on Public Ethics, by regulation, has required boards or councils whose members are subject to §73-a of the Public Officers Law but are not subject to §73 by virtue of their uncompensated or per diem compensation status to adopt a code of ethical conduct covering conflicts of interest and business and professional activities, including outside activities, of such members both during and after service with such board or council; and

WHEREAS, the Board Members (Members) are subject to §73-a of the Public Officers Law but, in their role as members, may not be subject to §73 by virtue of their uncompensated or per diem compensation status; and

WHEREAS, the Members desire to comply with the regulations of the Joint Commission on Public Ethics;

NOW THEREFORE BE IT RESOLVED that the Board adopts the Code of Ethical Conduct for the New York State Financial Restructuring Board for Local Governments, a copy of which is attached hereto, and orders that it be filed with the Joint Commission on Public Ethics in accordance with 19 NYCRR 932.5.

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This resolution shall become effective immediately and remain in effect until modified, replaced or repealed by resolution of the Board.

No. 2013-04

Dated: \_\_\_\_\_

**CODE OF ETHICAL CONDUCT  
FOR MEMBERS OF  
THE NEW YORK STATE FINANCIAL RESTRUCTURING BOARD FOR LOCAL  
GOVERNMENTS**

This code shall apply to all Members of the New York State Financial Restructuring Board for Local Governments (the "Board") and their duly authorized representatives:

- I. The Members shall comply with §73-a and 74 of the New York State Public Officers Law. This code shall not require Members already subject to §73-a to file more than one financial disclosure statement per year pursuant to that provision of law.
- II. The outside interest of Members shall not be deemed to be in conflict with the proper discharge of the member's duties provided that the Member has complied with the requirements of this Code.
- III. For purposes of this Code, the rule and standards with respect to "Conflicts of Interest" are set forth in § 74 of the Public Officers Law.
- IV. Any Member shall, as soon as practicable, inform the Chair of the Board of any matter in which the Member's participation would give rise to, or which appears likely to give rise to, a conflict of interest. If the Member only becomes aware of such a matter during the course of a meeting of the Board, the Member shall inform the Board at that time.
- V. A Member shall not participate in any Board discussion nor vote concerning matters as to which the Member's participation would give rise to a conflict of interest; provided however, that any Member that is an officer or employee of the State (or who is a state officer or employee that is a designated representative of that Member) shall not be required to recuse himself or herself from matters before the Board solely because such matter relates to the powers and responsibilities of the agency or department of which the Member or representative is an employee.
- VI. A Member shall not attempt to influence any management decision in which the Member's participation would give rise to a conflict of interest.

- VII. A member shall not directly or indirectly, solicit, accept or receive any gift whether in the form of money, service, loan, travel, entertainment, hospitality or promise under circumstances in which it could be reasonably inferred that the gift was intended to influence the Member or could be reasonably inferred was intended as a reward for any official action on the Member's part.
  
- VIII. This Code shall not supersede any requirement which may be applicable to any Member of the Board by virtue of such Member's status as a state officer or employee, as defined in §73 of the Public Officers Law.