REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK
April 26, 2018
5:30 P.M.

MINUTES

Pledge of Allegiance
(RC)
Present: Mayor Colin Read, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Peter Ensel (W4), Patrick McFarlin (W5),
Absent: **Councilor** Joshua Kretser (W6)
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MAYOR'S COMMENTS:

Mayor Read issued the following Certificate of Recognition:

CERTIFICATE OF RECOGNITION

WHEREAS: Ron Nolland has served the community as a member of the Zoning Board of Appeals since July of 1999;

WHEREAS: Ron began serving as Chair of the Zoning Board of Appeals in 2003 and has continuously remained in that position for the past 15 years;

WHEREAS: Ron works tirelessly to help applicants submit their best and most complete applications, always making himself available to meet with the Building Inspector's office and the applicants, not only before their first appearances but often in between adjournments of their appeals;

WHEREAS: Ron has always taken a proactive role in recruiting residents from all over our City to provide the most balanced and broad-based perspective possible on matters that come before the Zoning Board of Appeals;

NOW, THEREFORE, BE IT RESOLVED: That I Colin Read, Mayor of the City of Plattsburgh on behalf of the entire Common Council, do hereby tender to Ron Nolland this Certificate of Public Recognition, extending our deep appreciation for his distinguished service on the Zoning Board of Appeals. We wish him success in all future endeavors, and are grateful that we will still have the benefit of his position as Chair of the Zoning Board of Appeals.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Plattsburgh to be affixed.

Done in the City of Plattsburgh, New York this
twenty-sixth day of April in the year Two-
Thousand Eighteen
Colin L. Read, Mayor

Ron Nolland indicated he likes zoning, feels it is very important, and has been fortunate to be part of great

boards since 1999. He's honored to be able to do it and represent his city.

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1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on April 19, 2018 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Ensel; Seconded by Councilor Armstrong
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(All voted in the affirmative)

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2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending April 25, 2018 in the amount of **$ 433,693.67** are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kelly; Seconded by Councilor Armstrong
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(All voted in the affirmative)

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3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report from the Building Inspector's office for the week of April 16-20, 2018
- Minutes from the Finance & Budget Committee held on April 19, 2018
- Report from the Parking Violations Bureau for March 2018
- Report of Public Hearing held by the Zoning Board of Appeals on April 16, 2018

- **COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:**

Governance, Strategy, and City Operations- Councilor Armstrong meeting next week and there are a number of items to be put on the committee agenda.

City Infrastructure – Chair Councilor Ensel indicated no updates, next meeting May 10

Finance and Budget – Chair Councilor Kelly indicated this is time to do 5 year plan update will schedule meetings after each council meeting.

Public Safety – Chair Councilor Dowdle indicated they met tonight. Individuals expressed concerns about skunks, cats, etc.

Plattsburgh Public Library – Chair Councilor Armstrong will have report next week.

MLD - MLD Board President Councilor McFarlin will hold an MLD Board meeting next Thursday and there is an upcoming round table discussion on cryptocurrency at SUNY, May 5th.

RESOLVED: That the reports as listed are hereby ordered received and any written reports are placed on file among the public records of the City Clerk's Office.

By Councilor Ensel; Seconded by Councilor Dowdle
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(All voted in the affirmative)

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4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

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5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the week ending April 27, 2018 in the amount of **$ 2,602,688.93** are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Armstrong; Seconded by Councilor Kelly
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(All voted in the affirmative)

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6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY: None

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7. OTHER ITEMS:

A. AUTHORIZING Release of Bid Documents for NYS CDBG Project #927PF141-16 Elevator replacement project in partnership with the Plattsburgh Housing Authority

WHEREAS, the State has awarded the City of Plattsburgh ("Grantee") a NYS Community Development Block (NYS CDBG) grant for the above-referenced project in the amount of $300,000 (the "Grant").

WHEREAS, that the City of Plattsburgh Common Council approved the above-subject project at their meeting on January 5, 2017.

NOW THEREFORE, the City of Plattsburgh Common Council duly convened does hereby:

RESOLVE, that the Mayor of the City of Plattsburgh be and is hereby authorized to release completed Bid Drawings and Bid Specs for the Project.

By Councilor Armstrong; Seconded by Councilor Dowdle
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

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8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves two Police Department employees to attend "Active Threat Integrated Response Course Training" from June 11 - 13, 2018 in Oriskany, NY. The total cost should not exceed $382.50 and will be expensed out of the Asset Forfeiture Fund.

By Councilor Ensel; Seconded by Councilor Dowdle
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

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B. RESOLVED: In accordance with the request therefore the Common Council approves Fire Chief Scott Lawliss to attend "Quality Improvement Through Accreditation" from April 30 – May 3, 2018 in Rochester, NY. The total cost should not exceed $1,250.

By Councilor Armstrong; Seconded by Councilor Dowdle
Discussion: Yes
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

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C. RESOLVED: In accordance with the request therefore the Common Council approves one Police Department employee to attend "Taser Instructor Course Training" from September 30-October 2, 2018 in Syracuse, NY. The total cost should not exceed $822.50 and will be expensed out of the Asset Forfeiture Fund.

By Councilor Dowdle; Seconded by Councilor McFarlin
Discussion: Yes
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

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9. RESOLUTIONS FOR INITIAL CONSIDERATION:

Mayor Read introduced and added under New Business:

City of Plattsburgh Code of Conduct [which was made part of the minutes of this meeting].

Mayor Read asked Council to review, consider it carefully, either adopt at some point I hope or rewrite it.

Also, want to put together an employee handbook which the city doesn't have.

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10. NEW BUSINESS AND COUNCILOR REPORTS:

Councilor Dowdle asked for a status of filling Promotions and Special Events Coordinator position.

Director of Community Development Matthew Miller gave update, interviews done, waiting for some information from Civil Service.

Councilor Dowdle asked if these candidates were on current list.

Director of Community Development Matthew Miller said yes they are on the current list.

Councilor Kelly spoke about a recent Press Republican Editorial "Big Pay offs in New Jersey Why Not here." Spoke about large sick time buyouts, spoke about the Charter and the form of government.

Mayor Read said you brought up benefits, and I have encouraged you to look at the benefits package for our managers with a little bit of liberalization to allow our managers to begin taking vacation as it accrues. As you know there's one interpretation that makes them wait one year before being eligible. There is also an issue with bereavement days and I'm sure we would all want to grant them on a compassion basis if anyone ever needed it. And it has been brought to your attention there is different interpretation of what a domestic partner is within the city and it might make sense to align that under one premise for all employees. Asked the council to consider those and he doesn't think there is tremendous fiscal impact on the city if you do want to explore but there is also a matter of fairness in those cases.

Councilor Kelly said whenever we make changes like that we would hope that we can offset the savings somewhere else. We can certainly look at that.

Councilor Armstrong asked about what state in the development we are in considering the best package.

Councilor Kelly indicated with regard to the timeline we have stopped work on it temporarily and need to start discussion again, knows morale is not good and he cares about the people who work for the city. And the way to solve that moral problem is to go ahead and take action. So look forward to a resolution for initial consideration very soon.

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11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Danielle Erb speaking for Strong Towns wanted to make sure it was clear they are not against Durkee development. They are opposed developing it under current DRI. Spoke about budgets.

Joe Lotemplio thanked Councilor Ensel for the larger table for members of the press to sit at in the Council Chambers.

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Motion to Adjourn by Councilor Dowdle; Seconded by Councilor McFarlin

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(All voted in the affirmative)
MEETING ADJOURNED: 6:05pm

SUBJECT:	Code of Conduct of Elected and Appointed Officials, City Staff	
CATEGORY:	Employment	POLICY NUMBER:

PURPOSE

To set minimum expectations for the behavior of Council officials, staff and advisory body members in carrying out their functions.

SCOPE

All City Staff, Common Councilors, and Advisory Body Members.

DEFINITIONS

Advisory Body Member: a person sitting on an advisory committee, task force, commission, board, or other Council-established body.

Confidential Information: Confidential Information is information that could reasonably harm the interests of individuals or organizations, including the City of Plattsburgh, if disclosed to persons who are not authorized to access the information.

Council official: the Mayor and Council members

Staff: an employee or contract employee of the City of Plattsburgh, and includes staff that supports Advisory Bodies.

POLICY STATEMENTS

1 Key Principles

1.1 ***Integrity:*** Council officials, staff and advisory body members are keepers of the public trust and must uphold the highest standards of ethical behavior. Council officials, staff, and advisory body members are expected to:

- make decisions that benefit the community;
- act lawfully and within the authorities of the City Charter; and
- be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests

1.2 ***Accountability:*** Council officials, staff, and advisory body members are obligated to answer for a responsibility that has been entrusted to them. They are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny; and proper records are kept and audit trails are in place

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04-26-18: Mayor Read introduced and added under "Initial Items."

1.3 ***Responsibility:*** Council officials, staff and advisory body members must act responsibly, within the law and within the authorities of the City Charter. They are to observe the Code of Conduct. This means disclosing annually any actual or potential conflict of interest relating to their public duties and taking steps to resolve the conflict for the protection of the public interest; following the letter and spirit of policies and procedures; and exercising all conferred power strictly for the purpose for which the powers have been conferred.

1.4 ***Leadership:*** Council officials, staff and advisory body members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behavior. Their behavior must build and inspire the public's trust and confidence in local government.

1.5 ***Respect:*** Council officials, staff and advisory body members must conduct public business efficiently, with decorum and with proper attention to the City's diversity. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy, recognizing the different roles others play in local government decision making, and not acting in any way that would undermine the respect of other councilors or staff or the respect of the council or the City in the eyes of the public.

1.6 ***Openness:*** Council officials, staff and advisory body members have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

2 General Conduct

2.1 Council officials, staff and advisory body members must adhere to the key principles and provisions of the Code of Conduct.

2.2 Council officials, staff and advisory body members must act lawfully and within the authorities of the *City Charter*, and exercise a reasonable degree of care and diligence in carrying out their functions

2.3 Council officials, staff and advisory body members have an obligation to consider issues consistently and fairly.

2.4 Council officials, staff and advisory body members must avoid behavior that could constitute an act of disorder or misbehavior. Specifically, Council officials, staff and advisory body members must avoid conduct that:

- Contravenes the law, including the *Plattsburgh* City *Charter* and City policy;
- Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse or disrespectful treatment of others;
- Prejudices the provision of a service or services to the community.

2.5 When making decisions, Council officials, staff and advisory body members must consider and honestly reflect on all relevant facts, opinions and analyses of which they should be reasonably aware.

2.6 Staff and advisory body members must carry out duties in a manner that allows City Council members and the public to remain informed about local government activity and practices.

2.7 Should there be uncertainty about the ethical issues around a conduct or decision, Council officials, staff, and advisory body members should consider the following:

- Is the conduct or decision lawful?
- Is the conduct or decision consistent with City policy, Council's objectives and the Code of Conduct?
- Will the outcome of the decision or conduct provide a private benefit for the individual, family, friends or business interests?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

3 Handling of Information

3.1 Council Officials, staff and advisory body members must:

- Protect information that is specifically marked confidential and other material reasonably understood to be confidential in nature;
- Refrain from discussing/disclosing any such information with/to other staff, or with persons outside the organization except as authorized;
- Ensure examination of confidential material is by unauthorized individuals only, and information is only accessed as needed for city business;
- Not use Confidential Information with the intention to cause harm or detriment to Council or any other person or body;
- Only use Confidential Information for its intended purpose;
- Only release information in accordance with established City policies and procedures and in compliance with the *Freedom of Information Law*;
- Not disclose decisions, resolutions or report contents from any meeting until a decision has been made for the information to become public;
- Not disclose detail on Council's deliberations or specific detail on whether individual Councillors voted for or against an issue; and
- Seek approval from the Mayor's Office for discussions across departments or between staff and Councilors, unless the matters are related to one's job description or is of a routine nature.

3.2 Except in the normal course of duties, Council officials, staff and advisory body members must not change or alter City records or documents.

3.3 When dealing with personal information, Council officials, staff and advisory body members must comply fully with the provisions of *the Freedom of Information Law*. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion. All information discussed in executive sessions must remain private unless with the express permission of the Mayor or Corporate Counsel.

4 Conflict of Interest

4.1 Council officials, staff and advisory body members are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.

4.2 A conflict exists when an individual is, or could be, influenced, or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty without appropriate recusal of such deliberations. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgment, close mindedness or undue influence.

4.3 Council officials, staff and advisory body members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.

4.4 An Ethics Statement and annual disclosure shall set out requirements with respect to conflict of interest, including procedures mandated for disclosure of such interests and matters relating to the acceptance of gifts, the use of insider information and disclosure of contracts. These requirements apply to Council Officials and appointees.

Council Officials, Officers and Managers, Employees, and Commissioners must fully inform themselves of the statutory requirements in respect of conflicts, and of the related common law, and must comply with all requirements. In the event of a conflict or perceived conflict, Council Officials, Officers and Managers, Employees and Commissioners must seek legal advice.

4.5 Staff must fully disclose to their supervisor or the Mayor any direct or indirect pecuniary interest or any bias or undue influence with respect to any matter they are dealing with as soon as practicable.

4.6 Advisory body members must fully disclose to the City Clerk any direct or indirect pecuniary interest, any bias or undue influence with respect to any matter they are dealing with immediately.

4.7 When staff or advisory board members are uncertain whether a conflict exists, the situation must be immediately presented to the Mayor's Office for guidance.

4.8 Staff and advisory body members must not use Confidential Information gained through their official position for the purpose of securing a private benefit for themselves or for any other person.

4.9 Examples of conflicts that may be encountered by staff or advisory body members include but are not limited to:

4.9.1 ***Obligation to others***: Staff and advisory body members must not place themselves in a situation where they may be under obligation to someone who has business dealings with the City, and who would benefit from special consideration or treatment.

4.9.2 ***Special advantage/disadvantage:*** When staff or advisory body members can gain special advantage because of their position or when the City is disadvantaged as a result of the other interests of Council officials, staff or advisory body members.

4.9.3 ***Provision of special consideration/ treatment***: In the performance of their duties, staff and advisory body members may only grant special consideration/treatment as specifically authorized by City Council or the Mayor's Office.

4.9.4 ***Representation to City Council, its Committees, Boards or Tribunals***: Staff and advisory body members must not represent any private interest(s) except on their own behalf;

4.9.5 ***Litigation involving the City***: Staff and advisory body members must not be party to any litigation against or involving the City.

4.9.6 ***Use of City-owned equipment***: Staff must use City owned equipment, material, staff time or property in accordance with City policy, or as specifically authorized by City Council or the General Manager.

4.9.7 ***Discounts/Rebates***: Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the City, unless those suppliers offer the same discounts/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.

4.10 Council officials, staff and advisory body members must not expect or request preferential treatment for themselves or their family because of their position. They must also avoid any action that could lead members of the public to believe that they are seeking preferential treatment.

4.11 Staff who are considering outside employment, contract work or any business or undertaking that relates in any way to the business of the City or that might conflict or appear to conflict with their duties to the City must notify

and seek the approval of their Manager or the Mayor in writing.

4.11.1 In dealing with such requests, Managers and the Mayor must not unreasonably withhold approval except where such employment is deemed to be inappropriate or present a high probability of the existence of a conflict.

4.11.2 Before staff engage in outside employment or business they must ensure that it will not:

- Conflict or appear to conflict with official duties;
- Interfere with City work;
- Involve the use of Confidential Information or Council resources obtained through their work for the City;
- Require work during City work hours;
- Discredit or disadvantage the City or City Council; or
- Result in their holding any property or interest which may be in conflict with the employee's duties to the City.

5 Political Activity

5.1 Staff members enjoy broad political freedoms and should be able to engage in democratic politics with few restrictions. However, such broad freedoms must be exercised so as not to call into question their ability to perform their employment duties in a professional and impartial manner.

5.2 "Political Activity" is applicable to the civic, regional, state, and national elections and includes:

- carrying on any activity in support of, within, or in opposition to a political party;
- carrying on any activity in support of or in opposition to a candidate before or during an election period; or
- seeking nomination as or being a candidate in an election before or during the election period.

5.3 The Charter for the City of Plattsburgh encourages nominations as candidates for City Council provided they meet certain requirements.

The Charter requires any successful candidate to reside in his/her Ward in the immediate 30 days prior to the election and remain in the Ward as their primary and actual residence for the entire length of his/her term of office.

Employees can also run for City office. However, serving as an elected official precludes an employee from serving the city in any other capacity. Resignation from city employment must occur:

- *if elected:* on the day the employee resigns from the position;
- *if not elected and no application for judicial recount has been made:* on the last day on which an application for a judicial recount may be made; and
- *if not elected and an application for a judicial recount has been made:* on the date when the results of the judicial recount are determined.

- If elected, resign from the position before swearing the oath of office.

5.4 Staff may seek nomination and hold office on the Plattsburgh School Board provided they do not violate the standards outlined in this Code of Conduct.

5.5 The purpose of this section of the Code of Conduct is to recognize the right of employees to engage in Political Activity while maintaining the principle of political impartiality in the public service.

5.6 An employee may engage in any Political Activity so long as it does not impair, or is not perceived as impairing, the employee's ability to perform his or her duties in a politically impartial manner. This precludes employees from displaying slogans or symbols supporting a particular party or candidate while at work where their duties may reasonably require them to interact in person with the public or where their duties require them to supervise, schedule or assign work to others.

5.7 An employee may only seek candidacy as set out in Sections 5.2 and 5.3 above.

6 Gifts and Personal Benefits

6.1 What are gifts and personal benefits?

6.1.1 Gifts and personal benefits are items or services of value that are received by Council members, staff, or advisory body members for their personal use. Gifts and personal benefits include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, and invitations to social functions organized by groups or community organizations.

6.1.2 The following are not considered to be gifts or personal benefits for the purposes of this policy:

- compensation authorized by law,
- reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event, and

- a lawful contribution made to a Council member who is a candidate for election conducted under the City Charter.

6.2 What gifts and personal benefits may and may not be accepted?

6.2.1 Council members, staff, or advisory body members must not, directly or indirectly, accept a gift or personal benefit that is intended to influence the member's performance of their respective official duties related to the City of Plattsburgh.

6.2.2 Council members may accept gifts and personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibilities of elected office.

6.2.3 Staff, or advisory body members may accept a gift or personal benefit that meets both of the following criteria:

- it has a value of $50 or less, AND
- is received as an incident of protocol or as a City representative on activities such as speaking engagements, technical presentations, business meetings and social obligations reasonably related to their role with the City of Plattsburgh.

6.2.4 Notwithstanding section 6.22 and 6.23, Council members, staff, or advisory body members must never accept a gift of cash (for the purpose of this policy, gift cards constitute cash).

6.2.5 Notwithstanding section 6.22 and 6.23, Council members, staff, or advisory body members must never accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest as set out in sections 4.1 and 6.21 of this Code.

6.2.6 Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the City, unless those suppliers offer the same discounts/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.

6.2.7 Council members, staff, or advisory body members must take all reasonable steps to ensure that their immediate family members do not receive gifts or personal benefits that could appear to an impartial observer to be an attempt to subvert this policy or to influence or secure a favour from the Council member, staff, or advisory body member. Immediate family members include parents, spouses, children and siblings.

6.3 How must gifts and personal benefits be reported?

6.3.1 Council members must disclose any gift or personal benefit they have accepted that is valued at more than $50.

6.3.2 If a Council member, staff, or advisory body member receives multiple gifts or personal benefits valued under $50 from a single individual or source in one calendar year, the gifts must be disclosed if the combined value of these gifts for the year is more than $50.

6.3.3 Council members, staff, or advisory body members in receipt of gifts or personal benefits that they do not wish to accept have the option of immediately relinquishing the gift or personal benefit to the City Clerk without filing a disclosure form. If not relinquished immediately, a disclosure form will be required.

6.3.4 Where a disclosure is required, it must be filed with the City Clerk as soon as practicable, using the forms designated for this purpose. The disclosure must include:

- the name of the individual in receipt of the gift or personal benefit
- a description of the gift or personal benefit, estimated value, and date that it was received
- the source of the gift or personal benefit (if from a corporation, the full names and addresses of the CEO/Executive Director and at least 2 individuals who are directors)
- the circumstances under which the gift or personal benefit was given and accepted
- the final disposition of the gift or personal benefit

6.3.5 Responsibility for relinquishing of gifts and personal benefits in accordance with 6.33, and filing of the disclosure form in accordance with 6.34 lies solely with the recipient of the gift.

6.4 How are gifts and personal benefits valued?

6.4.1 For the purposes of this Code, the value of each gift or personal benefit shall be determined by its replacement cost, i.e. how much it would cost to replace the item.

6.4.2 Where the value for a gift or personal benefit is unclear, the City Clerk shall determine this value.

6.5 How are relinquished gifts managed and disposed of?

6.5.1 The City Clerk will maintain records of all gifts and personal benefits received, including disposition.

6.5.2 Any gifts or personal benefits that have been received in contravention of section 6.2 of this policy must be turned over to the City Clerk immediately for safekeeping or disposition, and are the property of the City.

6.5.3 At the City Clerk's discretion, such gifts may be disposed of as follows:

- returned to the donor,
- displayed in individual offices, general offices, or in the public areas of City Hall,
- disposed of by donation, sale or auction, with any proceeds credited to the City's general revenues or to the direct or indirect support of a charitable organization.

6.5.4 The City Clerk may contact the donor, where appropriate, to report on the disposition of the gift.

Quick reference guide on gift acceptance and disclosure policy:

	What can be accepted	What must be disclosed
Elected officials	May accept any gift or personal benefit related to protocol or social obligations related to elected official duties. (No defined dollar limit, in accordance with City Charter)	③ Must disclose individual items worth more than $50 ③ Must disclose multiple items from one source where the total value exceeds $50 in a calendar year
Staff and advisory body members	May accept gift or personal benefit if related to a protocol event or such activities as speaking engagements and business meetings *and* valued at less than $50.	③ Must disclose multiple items from one source where the total value exceeds $50 in a calendar year
Gifts and personal benefits may never be accepted by elected officials, staff or advisory body members when: ③ in the form of cash or gift card ③ acceptance of the item could reasonably be expected to result in a real or perceived conflict of interest ③ the gift or benefit is intended to influence the member's performance of their official duties Elected officials, staff and advisory bodies have the option to not accept the gift or personal benefit and relinquish immediately to the City Clerk without disclosure.		

7 Interactions of Council, Staff, and Advisory Body Members

7.1 Council is the governing body of the City of Plattsburgh. It has the responsibility to govern the City in accordance with the City Charter and other legislation.

7.2 Council officials must act in accordance with City Charter and the conduct guidelines outlined in this Code.

7.3 Council officials are to contact staff according to the procedures authorized by the Mayor regarding the interaction of Council members and staff. Direct access between Council and is at the Mayor's discretion.

7.4 Where a Council official inquiry may, in the opinion of the Mayor, result in any significant work or may involve sensitive matters, the Council official must obtain additional approval of the Mayor.

7.5 Council officials must not direct or influence, or attempt to direct or influence, any staff or advisory body member in the exercise of their duties or functions.

7.6 Council officials are not to contact or issue instructions to any of the City's contractors, tenderers, consultants or other service providers.

7.7 Councilors must refrain from public statements attacks that reflect poorly on City staff or Councilors or invoke city business for political purposes.

7.8 Council officials must not approach staff regarding individual staff members.

7.9 Council officials are to coordinate all communications with Department Heads and staff, requests for working papers or preliminary drafts of reports with the Mayor. The Mayor may point out controversial or confidential aspects of the communications or document, and may stress that the document may not represent the final position of staff. All public statements and reports to the public must be conducted through the Mayor's Office.

7.10 All communications with and between staff and council during the course of employment or in their professional capacity must remain strictly professional and consistent with these policies. Private communications cannot employ city resources or time. All communications are subject to scrutiny by the Mayor's Office at any time. Communications equipment and addresses or phone numbers remain the property of the City.

7.11 The Mayor's Office is responsible for the efficient and effective operation of the City organization and for the implemention of the decisions of the Council.

7.12 Staff are expected to:

- Give their full attention to the business of the City while on duty;
- Ensure work is carried out efficiently, economically and effectively;
- Provide Council officials with information so they may carry out civic duties.
- Carry out lawful direction given by any authorized person; and
- Give effect to the lawful policies, decisions and practices of Council, whether or not the staff member agrees with or approves of them.

7.13 Staff should seek the approval of the Mayor prior to responding to a direct request from Council officials, except if the request is minor or operational.

7.14 Staff are to provide information and professional advice through regular City processes and are not to lobby Council members on any matter.

7.15 Staff must not make public statements unfairly attacking or reflecting negatively on the City of Plattsburgh, City Council, individual Council members or staff.

7.16 Managers are to be equally helpful to all members of Council, and should avoid close alliance, or the appearance of close alliance, with any particular member. Information and advice is to be provided as requested, within the limitations of this document.

7.17 Significant information provided to any member of Council, which is likely to be used in Council or in political debate, should also be provided to all other Council Members, and to the Mayor.

7.18 Advisory body members must act in accordance with the relevant sections of the Procedure By-Law and the conduct guidelines outlined in this document.

7.19 Advisory body members must not inappropriately direct or influence, or attempt to direct or influence, any staff in the exercise of their duties or functions except where such direction or influence is necessary to fulfill the specific mandate of the advisory body.

7.20 Advisory body members must not make public statements unfairly attacking or reflecting negatively on the Plattsburgh Common Council, individual Council members or staff.

8 Breaches, Complaint Handling and Disciplinary Action

General

8.1 Council officials, Advisory Body Members and Staff are to abide by the requirements of the City Charter and this Code of Conduct, and shall endeavour to resolve interpersonal disputes in good faith.

Council Officials

8.2 Alleged breaches of this Code of Conduct by Council Officials shall be submitted in a written complaint addressed to the Mayor within six (6) months of the last alleged breach. In the event that the Mayor is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Corporate Counsel.

8.3 Upon receipt of a complaint under Section 8.2, the Mayor or Corporate Counsel shall, within thirty (30) days, appoint an independent third party identified and agreed between the Complainant(s) and Respondent(s) as having the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator"). The Third Party Investigator:

8.3.1 May conduct a preliminary assessment of the complaint, at the conclusion of which the Investigator may determine to continue the investigation or make a written recommend that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed;

If the Third Party Investigator determines to continue the complaint, the Third Party Investigator shall:

8.3.2 Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;

8.3.3 Provide an investigation update within ninety (90) days of his or her appointment to the Mayor or Corporate Counsel, as applicable, and to the Complainant and the Respondent;

8.3.4 Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Mayor or Corporate Counsel, as applicable, and to the Complainant and the Respondent; and

8.3.5 Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:

a) dismissal of the complaint; or

b) public censure of a Council Official or Officials for misbehavior or a breach of this Code of Conduct;

c) a requirement that a Council Official or Officials apologize to any person adversely affected by a breach of this Code of Conduct;

d) counselling of a Council Official or Officials, and/or

e) such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.

8.4 The City Clerk will receive and retain all Reports prepared under Section 8.3.3 and 8.3.4.

8.5 Where a Council Official alleges a breach of this Code of Conduct by a fellow Council Official, all Council Officials shall refrain from commenting on such allegations at meetings of Council.

Advisory Body Members

8.6 Alleged breaches of this Code of Conduct by Advisory Body Officials shall be submitted in a written complaint addressed to the Mayor within six (6) months of the last alleged breach.

8.7 The Mayor shall consider alleged breaches of this Code of Conduct by Advisory Body Members, direct that any enquiries he or she considers appropriate or desirable be undertaken, and recommend appropriate disciplinary action to Council.

8.8 The Mayor may recommend that Council take any actions provided for in the Code of Conduct that the Mayor considers reasonable in the circumstances.

8.9 Where Council finds that an Advisory Body Member has breached this Code of Conduct, Council may decide by resolution to:

8.9.1 censure the Advisory Body Member for misbehavior;

8.9.2 require the Advisory Body Member to apologize to any person adversely affected by the breach;

8.9.3 counsel the Advisory Body Member;

8.9.4 terminate the Advisory Body Member's appointment; or

8.9.5 implement such other measures as Council deems appropriate.

City Staff and Contract Employees

8.10 Alleged breaches of this Code of Conduct by Staff or Contract Employees shall be reported in writing to a Mayor's Office.

8.11 Breaches of this Code of Conduct by staff party to collective agreements will be handled through existing collective agreements including identified grievance and arbitration processes. These mechanisms include the ability for the City to take appropriate disciplinary action up to and including dismissal.

8.12 Breaches of this Code of Conduct by exempt staff will be handled through existing processes and in accordance with current employment law. The Manager of Human Resources, departmental Managers or equivalents and/or the Mayor shall review alleged breaches, make any necessary inquiries and determine appropriate disciplinary action.

8.13 Consequences associated with breaches of this Code of Conduct by contract employees are incorporated in the contracts under which they are retained, and will be dealt with in accordance with the conditions outlined therein.

Appendix - Powers and Duties of the Mayor - From Charter C4-3.

The mayor shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the mayor's charge by or under this charter. The mayor shall:

A. Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The mayor may authorize any administrative officer subject to the mayor 's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

B. Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;

C. Attend all council meetings. The mayor shall have the right to take part in discussion but shall not vote, except in the case of a tie or when all councilors present and voting are in favor or opposed to a measure and the mayor 's vote is necessary to pass or defeat the measure.;

D. See that all laws, provisions of this charter and acts of the council , subject to enforcement by the mayor or by officers subject to the mayor 's direction and supervision, are faithfully executed;

E. Prepare and submit the annual budget message, budget and capital program to the common council, and implement the final budget approved by council to achieve the goals of the city;

F. Submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

G. Make such other reports as the council may require concerning operations;

H. Keep the council fully advised as to the financial condition and future needs of the city;

I. Make recommendations to the council concerning the affairs of the city and facilitate the work of the council in developing policy and a five year plan;

J. Provide staff support services for the mayor and council members;

K. Assist the council to develop long term goals for the city and strategies to implement these goals;

L. Encourage and provide staff support for regional and intergovernmental cooperation;

M. Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and

N. Perform such other duties as are specified in this charter or may be required by the common council.

Powers and Duties of the Mayor Pro Tem from Charter C4-4

A. At the first meeting of the common council in each official year, or as soon thereafter as practicable, the common council shall choose a councilor to be the mayor pro tem.

B. When the mayor is absent from a council meeting or temporarily unable to perform the duties of mayor due to illness or disability, the mayor pro tem shall be the presiding officer of the common council and have all the powers and duties and be subject to all the obligations and liabilities of the mayor , except that the mayor pro tem shall not make any appointment or removal from office, or have the power to veto council action, or cast a vote on a tie, however, the mayor pro tem shall not lose his or her vote as a councilor while acting as presiding officer of the common council.

C. When the mayor is absent or unable to perform the duties of the office for an extended or frequent period(s) of time because of illness or disability, and the mayor pro tem performs the duties of mayor on substantially a full time basis, the common council shall increase the mayor pro tem's compensation commensurate with the duties assumed.

Powers and Duties of the Common Council for Charter Section C3-8

All powers of the city shall be vested in the common council, except as otherwise provided by law or this Charter and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

~~The council shall have, but not be limited to, the following powers and duties:~~

A. To enact, amend or rescind all local laws, ordinances and resolutions.

B. To establish, alter, consolidate or abolish city departments, offices, agencies, boards or commissions, provided however, the city shall guarantee that the following services shall be available to its citizens: public safety; public works infrastructure (including water, sewer, sanitation, power, streets and sidewalks); planning and development; public records; public parks and recreation; public library. The common council may provide additional services as deemed necessary. In lieu of providing any of these services through city departments, offices, or agencies, the common council may: (1) arrange with other governments, public agencies, or private businesses to provide any one or more of these services, or, (2) find that any such service is available to the public at reasonable cost through private sources, and therefore not necessary to provide as a public service.

C. To confirm mayoral appointments of city officers, department heads and assistant department heads by three affirmative votes, except as may be provided otherwise in this Charter.

D. To enact legislation over the disapproval of the mayor as provided by this Charter.

E. To adopt the annual budget, to appropriate moneys and levy taxes.

F. To provide for an annual independent audit and other audits as may be necessary.

G. To prepare a five year plan to guide the growth and development of the city. The plan shall include revenue and expenditure trends and projections, goals and plans for improving the efficiency of city government, desirable public projects and programs, and such other matters as may assist the mayor and the council in managing the city. The plan shall be adopted by resolution and shall be revised annually to include year five and reflect such changes as may be appropriate. The plan shall be adopted and modified by June 1 of each year.

H. To authorize the mayor, or a designated city officer, to enter into contracts and execute deeds.

I. To make investigations into the affairs of the city and the conduct of any city department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a misdemeanor punishable by a fine of not more than $500.00 dollars, or by imprisonment for not more than fifteen days or both.

J. To establish the salaries, salary schedules and fringe benefits of all officers and employees of the city.

Prohibitions of the Common Council from Charter Section C3-9

A. Appointments and Removals. Neither the common council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the mayor or any subordinate of the mayor is empowered to appoint, but the council may express its views and fully and freely discuss with the mayor anything pertaining to appointment and removal of such officers and employees.

B. Interference with Administration. Except for the purpose of inquiries, and investigations under §C3-8 I, individual council members shall deal with city officers and employees who are subject to the direction and supervision of the mayor solely through the mayor, and individual council members shall not give orders to any such officer or employee, either publicly or privately.