

RESOLUTION NO. 2019-

***RELATIVE TO AMENDING CHAPTER 107 OF THE CODIFIED ORDINANCES  
ENTITLED "CODE OF ETHICS"***

By:

Council Chairman Andrew Touma  
Council Member Kenny Tompkins  
Council Member Christopher Voccio

**BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York that Chapter 107 of the Codified Ordinances entitled "Code of Ethics" is hereby amended to read as follows:

CHAPTER 107  
CODE OF ETHICS

...

**107.11 Conflict of Interest Policy for Federal Award Funds**

- a. **Purpose. The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under State Law and Local policy when procuring goods, services, and construction or repair projects paid for in part or whole by federal funds and is required under Title 2 of the U.S. Code of Federal Regulations §200.112 and §200.318(c)(1).**
  
- b. **Policy. This policy applies when procuring goods (i.e. apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with federal financial assistance (direct or reimbursed). This policy also applies to any sub-recipient of the funds.**

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The employee(s) responsible for managing the federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including sub-recipients, of the requirements of this policy and any additional prohibitions or requirements.

- c. Conflicts of Interest. No employee, officer, or agent of the City of Niagara Falls may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:

1. The employee, officer, or agent involved in the selection, award, or administration of a contract;
2. Any member of his or her immediate family;
3. His or her partner; or
4. An organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

- d. Gifts. Officers, employees, and agents of the City of Niagara Falls are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value, valued less than the amount set forth in Section 805-A of the General Municipal Law which fall into one of the following categories may be accepted:

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1. Promotional items;
2. Honorariums for participation in meetings; or
3. Meals furnished at banquets.

Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.

- e. Violation. Any employee found to have violated this policy will be subject to disciplinary action up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.

**Bold and Underline Indicate Additions**

**[Bold and Brackets Indicate Deletions]**

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