

Chapter 24

ETHICS, CODE OF

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| § 24-5. Powers and duties of Board of Ethics. | § 24-10. Penalties for offenses. |

[HISTORY: Adopted by the Town Board of the Town of Marbletown 5-18-2004 by L.L. No. 1-2004. Amendments noted where applicable.]

§ 24-1. Purpose; statutory authority.

Pursuant to the provisions of Article 18, § 806, of the General Municipal Law, the Town Board of the Town of Marbletown recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. Therefore, the Town Board has adopted rules of ethical conduct. These rules shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 24-2. Definitions.

As used in this Code of Ethics, the following terms shall have the meanings indicated:

INTEREST — A direct or indirect pecuniary or material benefit accruing to an officer or employee as a result of a contract with the municipality which such officer or employee serves. For the purposes of this code, an officer or employee shall be deemed to have an interest in the contract of:

- A. His or her spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.
- B. A firm, partnership or association of which such officer or employee is a member or employee.
- C. A corporation of which such officer or employee is an officer, director or employee.
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

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OFFICER or EMPLOYEE — An officer or employee of the Town of Marblertown, whether paid or unpaid, including members of any administrative board, commission or other agency thereof.

§ 24-3. Standards of conduct.

Every officer or employee of the Town of Marblertown shall be subject to and abide by the following standards of conduct:

- A. Gifts. An officer or employee shall not solicit any gift or accept or receive any gift having a value of \$25 dollars or more, whether in the sum of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that such gift was intended to influence the officer or employee or could reasonably be expected to influence the officer or employee in the performance of official duties or was intended as a reward for any official action on the officer's or employee's part.
- B. Confidential information. An officer or employee shall not disclose confidential information acquired in the course of official duties or use such information to further personal interest.
- C. Representation before one's own agency. An individual shall not receive or enter into any agreement, express or implied, for compensation for services to be performed in relation to any matter before any Town agency of which the individual is an officer, member or employee, or of any Town agency over which the individual has jurisdiction or to which the individual has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the Town, whereby the officer's or employee's compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this provision shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he or she knows thereof, a member of the Town Board and any officer or employee of the Town of Marblertown, whether paid or unpaid, who participates in the discussion of or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.
- F. Investments which conflict with official duties. An officer or employee may not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with the officer's or employee's official duties.
- G. Private employment. An officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of the officer's or employee's official duties.

- H. Future employment. An officer or employee shall not, after the termination of service or employment with the Town, appear before any board or agency of the Town of Marblertown in relation to any case, proceeding or application in which the officer or employee personally participated during the period of service or employment or which was under the officer's or employee's active consideration.
- I. Employment of relatives. A member of an officer's or employee's immediate family may be considered for employment by the Town if the applicant possesses all of the qualifications for employment. An immediate family member may not be hired, however, if the employment would create either a direct or indirect supervisory/subordinate relationship with the family member; or create either an actual conflict of interest or the appearance of a conflict of interest. These criteria will also be considered when assigning, transferring or promoting an employee. As used herein, "immediate family" includes the officer's or employee's spouse, brother, sister, parents, children, step-children, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the officer or employee's household. Employees who marry or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between the employees, or an actual conflict of interest or the appearance of a conflict of interest. Should one of the above situations occur, the Town will attempt to find a suitable position with the Town to which one of the affected employees may be appointed. Such appointment must be in accordance with applicable state and local statutes, including Civil Service Law and related rules and regulations. If accommodations of this nature are not feasible, the employees will be permitted to determine which one of them will resign.
- J. Discrimination. No Town officer, Town Board member, Town employee, or any service or other organization chartered by or directly or indirectly sponsored or supported by the Town shall:
- (1) Permit, directly or indirectly, the use of any Town property, equipment or services by any person or persons, organizations, corporations, or any other group which directly or indirectly discriminates based upon creed, color, national origin, sex, sexual preference, veteran status, marital status, disability, or any other federal or state legally protected class.
 - (2) Allow the Town to knowingly have any financial or business dealing with any organization which discriminates as set forth above.

§ 24-4. Establishment, composition and removal of Board of Ethics.

There is hereby established a Board of Ethics to consist of five members, a majority of whom are not otherwise officers or employees of the Town. The Board of Ethics shall include at least one member who is a member of the Town Board; the four remaining members will be electors of the Town of Marblertown and may not be (an) officer(s), employee(s) or appointee(s) of the Town of Marblertown government. Board of Ethics members shall reside in the Town and shall not hold an office in any political organization. No more than a majority minus one shall be registered in the same political party. Members shall be appointed by the Town Board and shall serve for terms of three years, except that as to the members first

appointed, one shall serve until December 31 in the year in which this Board was established, two shall serve until the second December 31 and two shall serve until the third December 31. Consecutive service shall not exceed two full terms. When a vacancy occurs, it shall be filled within 60 days for the unexpired portion of the term. However, a member shall serve until his or her successor has been appointed. The members shall receive no salary or compensation for their services as members of such Board and shall serve at the pleasure of the Town Board. A member shall not be removed without good cause, and without a written complaint of specific charges, opportunity to contest them with an attorney and a hearing. Good cause shall include, but not be limited to, a failure of a member to recuse himself/herself on any issue or person before the Board where there is personal or official connection to the member.

§ 24-5. Powers and duties of Board of Ethics.

The Board of Ethics established hereunder shall render advisory opinions to Town employees on written request and, upon request of the Town Board, make recommendations to such Town Board as to any amendments of the Code of Ethics. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the Town employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Attorney to the Town Board.

§ 24-6. Promulgation of rules and regulations.

Such Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

§ 24-7. Appropriation of funds.

The Town Board may appropriate moneys from the general Town funds for the maintenance of, and for personnel services to, the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town moneys except with the appropriations provided herein.

§ 24-8. Filing of claims against Town.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Marbletown, or any agency thereof on behalf of himself or herself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 24-9. Distribution and posting of code.

The Town Supervisor shall cause a copy of this Code of Ethics to be distributed to every municipal officer and employee within 30 days after its enactment. Each officer and employee

elected or appointed thereafter shall be furnished a copy before entering upon the duties of the officer's or employee's office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code nor the enforcement of the provisions thereof.

§ 24-10. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.