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CHAPTER 16. ETHICS, CODE OF

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Chapter 16. ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Bethlehem 9-23-1970. Amendments noted where applicable.]

Article I. Intent and Standards

§ 16-1. Legislative declaration.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Bethlehem 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. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Bethlehem. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Bethlehem. The rules of ethical conduct of this chapter, as adopted, 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.

§ 16-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INTEREST

A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

MUNICIPAL OFFICER OR EMPLOYEE

An officer or employee of the Town of Bethlehem, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a Chief or Assistant Chief.[Amended 3-23-1988 by L.L. No. 2-1988]

§ 16-3. Standards of conduct.

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

- A. Gifts. He shall not, directly or indirectly, solicit any gift, or accept or receive any gift having a value of \$25 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.
- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- C. Representation before one's own agency. He 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 municipal agency of which he is an officer, member or employee or before any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He 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 this municipality whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection 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 knows thereof, a member of the Town Board and any officer or employee of the Town of Bethlehem, whether paid or unpaid, who participates in the discussion 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 has in such legislation.
- F. Investments in conflict with official duties. He shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his official duties.
- G. Private employment. He 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 his official duties.
- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Bethlehem in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 16-4. Employees' rights preserved.

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 Bethlehem or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 16-5. Distribution of copies.

The Supervisor of the Town of Bethlehem shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Bethlehem within 30 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§ 16-6. 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 chapter may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Article II. Board of Ethics

§ 16-7. Board established; membership.

There is hereby established a Board of Ethics consisting of three members to be appointed by the Town Board, all of whom shall reside in the Town of Bethlehem, who shall serve without compensation and at the pleasure of the Town Board. A majority of such members shall be persons other than Town employees, but said Board shall include one member who is an elected or appointed Town employee of the Town of Bethlehem.

§ 16-8. Advisory opinions.

The Board of Ethics shall render advisory opinions to the officers and employees of the Town of Bethlehem upon written request. 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.

§ 16-9. Organization and records.

The Board of Ethics, following the appointment of the members, shall organize and adopt its own rules and regulations as to procedures and shall maintain appropriate records of its proceedings and opinions.

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