Chapter 59, ETHICS, CODE OF

[HISTORY: Adopted by the City Council of the City of Binghamton by L.L. No. 5-1970 (Sub-Part XXXIII of the 1970 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Administration of government -- See Ch. 5.
Boards, commissions and committees -- See Ch. 18.
City Council -- See Ch. 26.
Mayor -- See Ch. 92.
Treasurer -- See Ch. 148.

§ 59-1. Authority; purpose; construction.

Pursuant to the provisions of § 806 of the General Municipal Law, the Council of the City of Binghamton 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 City of Binghamton. These rules shall serve as a guide for official conduct of the officers and employees of the City of Binghamton. 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.

§ 59-2. 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 City of Binghamton, 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 fire fighter or civil defense volunteer, except a chief engineer or assistant chief engineer.

§ 59-3. Standards of conduct.

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

A. Gifts. He or she shall not directly or indirectly, solicit any gift, or accept or receive any gift 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 her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

B. Confidential information. He or she shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest.

C. Representative before one's own agency. He or she 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 or she is an officer, member or employee or of any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. He or she 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 his or her municipality, whereby his or her compensation is 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 or she knows thereof, a member of the Council and any officer or employee of the City of Binghamton, whether paid or unpaid, who participates in the discussion or gives official opinion to the Council on any legislation before the Council 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 in conflict with official duties. He or she 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 or her official duties.

G. Private employment. He or she 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 or her official duties.

H. Future employment. He or she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the City of Binghamton in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

§ 59-4. Filing of claims and suits.
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 City of Binghamton 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.

§ 59-5. Distribution of Code of Ethics. [Amended 12-4-2006 by L.L. No. 2-2006]
The Mayor of the City of Binghamton shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the City within 90 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 or her office or employment. Failure to distribute any copy of the Code of Ethics 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.

§ 59-6. 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 code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.