

Code of Ethics -- ADOPTED December 28, 2010

Policy Statement – Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board of the Town of Elmira 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 Code of Ethics to promulgate these rules of ethical conduct for the officers and employees of the Town of Elmira. The rules of ethical conduct of this code as adopted, shall not conflict with, but shall be in addition to any prohibitions 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.

Definitions – For the purpose of the Town of Elmira’s Code of Ethics, the following terms shall have the meanings indicated:

Municipal Officer or Employee means an officer or employee of the Town of Elmira, 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.

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

Standards of Conduct – Every officer or employee of the Town of Elmira 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 seventy-five 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 his/her personal interest.
- C. **Representation before one’s own agency** – An officer or employee 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 municipal agency of which the individual is an officer, member or employee, or of any municipal 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 municipality, 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, provide 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 any officer or employee of the Town of Elmira, 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. Such disclosure shall also apply to any interest that any member of the Town Board and any officer or employee of the Town of Elmira shall have, or which may be affected by, a decision of any municipal agency including the Town Planning Board, Zoning Board of Appeals and Board of Assessment Review.
- F. **Investment 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 termination of service or employment with the Town, appear before any board or agency of the Town of Elmira 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.

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 Elmira, 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.

Distribution of Code of Ethics –Each officer and employee elected or appointed shall be furnished a copy of the Code of Ethics before entering upon the duties of the officer's or employee's office or employment. Failure to distribute any such copy or failure or 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.

Penalties – In addition to any penalty contained in any provision of law any person who shall knowingly 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.