



Code of Ethics

Article I Code of Ethics

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[History: Adopted by the Town Board of the Town of Clermont – January 17, 2005

ARTICLE 1
Code of Ethics

1. Statutory authority; purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Clermont recognizes that there are rules of ethical conduct for public officers, employees, chairpersons and committee members 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 article to promulgate these rules of ethical conduct for the officers, employees, chairpersons and committee members of the Town of Clermont, New York. These rules shall serve as a guide for official conduct of the officers, employees, chairpersons and committee members of the Town of Clermont, New York. The rules of ethical conduct of this Article, as adopted and amended, 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, employees, chairpersons and committee persons.

2. Definitions

For the purpose of this Article, the terms used herein are defined as follows:

INTEREST – A pecuniary or material benefit to a municipal officer, employee, chairperson or committee member.

MUNICIPAL OFFICER, EMPLOYEE, CHAIRPERSON OR COMMITTEE MEMBER - An officer, employee, chairperson or committee member of the Town of Clermont, New York, whether paid or unpaid. No person shall be deemed to be a “municipal officer, employee, chairperson or committee member” solely by reason of being a volunteer fireman or civil defense volunteer.

3. Standards of conduct.

Every officer, employee, chairperson or committee member of the Town of Clermont, New York, shall be subject to and abide by the following standards of conduct:

- A. Gifts. No officer, employee, chairperson or committee member shall, directly or indirectly, solicit any gift or accept or receive any gift having value of twenty-five dollars (\$25.) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or in 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. No officer, employee, chairperson or committee member shall 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. Representation before one's own agency. No officer, employee, chairperson or committee member shall 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, employee, or member or any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any officer, employee or member.
- D. Representation before any agency for a contingent fee. No officer, employee, chairperson or committee member shall 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 or her compensation is to be 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 legislative and non legislative matters. Any Town of Clermont officer, employee, chairperson or committee member who has, will have or later acquires an interest in any actual or proposed contract with the Town of Clermont, of which he or she is an officer, employee, chairperson or committee member, shall publicly disclose the nature and extent of such interest, writing to the Town of Clermont thereof, as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and be set forth in the official record of the proceedings of such body. Once disclosure has been made by an officer, employee, chairperson or committee member with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need to be made by such officer, employee, chairperson or committee member with respect to additional contracts with the same party during the remainder of the fiscal year.

F. Investments in conflict with official duties. No officer, employee, chairperson or committee member shall 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. No officer, employee, chairperson or committee member shall engage in, solicit, negotiate for or promise to accept private employment or render services for 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. No officer, employee, chairperson or committee member shall, after the termination of service or employment such municipality, appear before any board or agency of the Town of Clermont, New York, 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.

4. Effect of filing claims.

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

5. Distribution

The supervisor of the Town of Clermont, New York, shall cause a copy of this Code of Ethics to be posted in the Clermont Town Hall and distributed to every officer, employee, chairperson or committee member of the town within ten (10) days after the effective date of this Article. Each officer, employee, chairperson or committee member elected or appointed hereafter shall be furnished a copy before entering upon the duties of his or her office, employment or appointment. Failure to distribute any such copy or failure of any officer, employee, chairperson or committee member to receive such copy shall have no effect on the duty of compliance with such code nor the enforcement of provisions thereof.

6. Penalties for offenses.

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

ARTICLE II
Board of Ethics

7. Establishment; membership.

There is hereby established a Board of Ethics consisting of three (3) members, to be appointed by the Town Board, who shall serve without compensation at the pleasure of the Town Board. A majority of such members shall be persons other than officers or employees of the Town of Clermont, New York, but shall include one (1) member who is an elected or appointed officer or employee of the Town of Clermont, New York.

8. Powers and duties.

The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Town of Clermont, New York, with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant to such Article, under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to the drafting and adoption of a Code of Ethics or Amendments thereto upon request of the Town Board of the Town of Clermont.