

**407 Code of Ethics**

**Policy Statement** - Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board of the Town of Roxbury 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 Roxbury. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Roxbury. The rules of ethical conduct of this code 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 or interest in contracts of municipal officers and employees.

**Definitions** - For the purpose of the Town of Roxbury' Code of Ethics, the following terms shall have the meanings indicated:

- **Municipal Officer or Employee** - means an officer or employee of the Town of Roxbury, 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 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 Roxbury shall be subject to and abide the following standards of conduct:

- **Gifts** - An officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of twenty-five dollars 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 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.
- **Confidential information** - An officer or employee shall not discuss close confidential information acquired in the course of official duties or use such information to further personal interest.
- **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 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 the officer or employee has jurisdiction or to which the officer or employee has the power to appoint any member, officer or employee.

- **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 paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- **Disclosure of interest in legislation** - To the extent that an officer or employee knows thereof, a member of the Town Board, and any officer or employee of the Town of Roxbury, 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 the officer or employee has in such legislation.
- **Investments in conflict with official duties** - An officer or employee shall not invest or hold any investment, directly or indirectly in any financial, business, commercial, or other private transaction which creates a conflict with official duties.
- **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 official duties.
- **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 Roxbury 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.

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

**Penalties** - 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.

Adopted  
12/31/70

RESOLUTION # \_\_\_\_\_ 1970

TOWN OF ROXBURY

COUNTY OF DELAWARE

STATE OF NEW YORK

A resolution establishing standards for officers and employees of the Town of Roxbury.

Be it enacted by the Town Board of the Town of Roxbury as follows:

Section 1. Pursuant to the provisions of section eight hundred six of the general municipal law, the Town Board of Town of Roxbury 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 resolution to promulgate these rules of ethical conduct for the officers and employees of the Town of Roxbury. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Roxbury. The rules of ethical conduct of this resolution as adopted, shall not conflict with, but shall be in addition to any prohibition of article eighteen 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.

Section 2. Definition. (a) "Municipal Officer or Employee" means an officer or employee of the Town of Roxbury, 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 engineer or assistant chief engineer.

(b) "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

Section 3. Standards of Conduct. Every officer or employee of the Town of Roxbury 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 twenty-five dollars 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 be reasonably 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 discuss close 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 of 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 an 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 his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit ... 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 Roxbury, 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 Roxbury 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.

Section 4. 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 Roxbury, 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.

Section 5. Distribution of Code of Ethics. The supervisor of the Town of Roxbury shall cause a copy of this code of ethics to be distributed to every officer and employee of the Town of Roxbury within thirty (30) days after the effective date of this resolution. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

Section 6. Penalties. 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.

Section 7. Effective Date. This Resolution shall take effect immediately.



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
THE CAPITOL  
ALBANY, NY 12224

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

(518) 474-7330

November, 2011

Dear Town Supervisor:

New York State law provides for local conflict of interest issues to be resolved by local governments through local ethics boards. Specifically, General Municipal Law § 806(1)(a) requires that the local governing body for each county, city, town and village adopt a code of ethics setting forth a standard of conduct that is expected of its municipal officers and employees. In addition, pursuant to General Municipal Law §§ 808(1) and 808(3), the governing body of any county, city, town and village is authorized to establish Boards of Ethics.

As part of the Attorney General's effort to serve the citizens of the State of New York, we are gathering data from each county, city, town and village regarding its local ethics laws and Boards of Ethics.

In this regard, we would appreciate if you would advise this Office as to whether your town has adopted a Code of Ethics. If so, please provide this Office with a copy of the Code with your response. Please also advise us as to whether your town has an established Ethics Board, or as the law permits, ethics matters are generally referred to your county Ethics Board. If your town does have an established Ethics Board, please provide us with contact information for the Board. If your town has not established a Code of Ethics, we are available to assist you in such an effort.

Please mail your response to Martin J. Mack, Executive Deputy Attorney General, Division of Regional Offices, Office of the Attorney General, The Capitol, Albany, New York 12224-0341.

Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Martin J. Mack".

MARTIN J. MACK  
Executive Deputy Attorney General  
Division of Regional Affairs