

## Chapter 26

### ETHICS, CODE OF

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**[HISTORY: Adopted by the Town Board of the Town of Union Vale 9-17-1970 (Ch. 8 of the 1983 Code). Amendments noted where applicable.]**

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#### § 26-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Union Vale 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 Union Vale. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Union Vale. 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.

#### § 26-2. Definitions.

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

**INTEREST<sup>1</sup>** — A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an interest in the contract of:

- A. His spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.
- B. A firm, partnership or association of which such officer or employee is a member or employee.
- C. A corporation of which such officer or employee is an officer, director or employee.
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**MUNICIPAL OFFICER OR EMPLOYEE** — An officer or employee of the Town of Union Vale, whether paid or unpaid, including members of an administrative board, commission or other agency thereof.

**§ 26-3. Standards of conduct.**

Every officer or employee of the Town of Union Vale 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 \$75 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.<sup>2</sup>
- 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, expressed 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 any agency for a contingent fee. He shall not receive or enter into any agreement, expressed 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 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 Union Vale, 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.

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- 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 Union Vale 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.

**§ 26-4. Filing 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 Union Vale, 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.

**§ 26-5. Distribution of copies of code.**

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

**§ 26-6. 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 of Ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

**§ 26-7. Ethics Board. [Added 5-13-1999]**

- A. Ethics Board. The Union Vale Ethics Advisory Board (the Ethics Board) is hereby created under the authority granted to the Town Board by, and with the powers and duties defined under, General Municipal Law § 808.<sup>3</sup>
- B. Members. The Ethics Board shall have five members who shall be residents of the Town of Union Vale. The members shall be appointed by the Town Board. At least one but not more than two of the members shall be an elected officer of the Town. A majority of the members shall not be officers or employees of the Town.
- C. Term. Each member shall serve for a period of three years.
- D. First Board terms. The members of the first Ethics Board shall serve for the following terms: one member for one year; two members for two years and two members for three years.

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- E. **Jurisdiction.** The Ethics Board shall conduct any investigation requested by the Town Board:
- (1) To carry out the provisions of this Chapter 8 of the Union Vale Code;
  - (2) To review the basis of any allegations of wrongdoings made by Town officials, if such allegations are likely to erode the willingness of Union Vale citizens to participate in Town government; or
  - (3) To examine and report on facts of an ethical nature as requested by the Town Board.
- F. **Support.** The Ethics Board may request the help of the Town Board to subpoena documents held by third parties which are unavailable; or to require the production of books, papers and other evidence deemed necessary or material for the study or investigation carried out by the Board of Ethics; or when it is helpful to obtain statements under oath under penalty of perjury. The Ethics Board may also address legal questions to the Town Attorney.<sup>4</sup>
- G. **Meetings.** The Ethics Board shall convene when the Town Board asks for review of an ethical or legal matter that involves any Town official or employee and affects the interests of the Town. Once convened on a matter, the Ethics Board shall meet as called for by the Chair until it issues a report on that matter.
- H. **Chair.** The Ethics Board shall elect a Chair to serve for a term of one calendar year. The Chair shall have the duty of preparing the agenda, running the meetings and preparing a report to the Town Board with the Ethics Board findings of fact.

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4. **Editor's Note:** Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).