

CODE OF ETHICS

1. Introduction

Section 806 of the New York State General Municipal Law states, in part, the governing body of each city shall, by local law, ordinance or resolution, adopt a Code of Ethics setting forth the guidance of its officers and employees the standards of conduct reasonably expected of them. Such Code shall provide standards for officers and employees with respect to disclosure of interest in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and such other standards relating to the conduct of officers and employees as may be deemed advisable. City of Tonawanda officers and employees hold their positions to serve and benefit the public, and not for obtaining employees hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise of their official powers and duties. The City recognizes these standards and in order to meet these fundamental principles, there is a need for a clear and reasonable set of standards of ethical conduct. It is the intent of the City of Tonawanda to pass and administer a code of ethics that complies by the letter and spirit of Section 806 of the New York State General Municipal Law that establishes these standards of conduct.

The rules and policies contained in this Code shall serve as a guide for the official conduct of city officers and employees

2. Policy

2.1 Applicability. This Code applies to every City of Tonawanda officer and employee who shall be subject to and shall abide by the standards contained in this Code, and supersedes any prior City of Tonawanda municipal Code of Ethics. This Code shall apply in addition to all applicable New York State and local laws relating to conflicts of interest and ethics, including, but not limited to, Article 18 of the General Municipal Law.

2.2 Gifts and Gratuities. No City officer or employee shall solicit, directly or indirectly, any gratuity regardless of value from any person, governmental agency, organization or business. No City officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an aggregate value of seventy-five dollars (\$75) when the gift reasonably appears to be intended to influence, or could reasonably be expected to influence, or is intended as a reward for a City officer or employee in the performance of his/her official duties. For purposes of this section a "Gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the

retain cost of the item or a comparable item. This section does not prohibit any other gift, including: gifts to the City; gifts given on special occasions, which are ordinary, customary or modest; unsolicited promotional material of little value such as pens, pads or calendars, awards or plaques having a value of \$75 or less which are publicly presented in recognition of service to the City and community and meals and refreshments provided when a City officer or employee is a speaker or participant at a job-related professional or educational conference or program.

- 2.3 Prohibition against use of City position for personal or private gain. No City officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which they have any interest.
- 2.4 Disclosure of Interest. Whenever a matter requiring the exercise of discretion comes before a City officer or employee, either individually or as a member of a board and disposition of the matter could result in a direct or indirect financial or material benefit to themselves, a relative or any other private or public entity in which he or she is deemed to have an interest, the City officer or employee shall disclose in writing the nature of the interest. The disclosure shall be made when the matter requiring disclosure first comes before the City official or employee or when the City officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier. In the case of an individual serving in elective office, the disclosure shall be filed with the Common Council. In all other cases the disclosure shall be filed with the individual's department head, with a copy to the Mayor's Office. In addition, in the case of a person serving on a City board or commission, a copy of disclosure shall be with the Council. Any disclosure made to the Council shall be made publicly at a meeting of the Council and must be included in the minutes of an official Common Council meeting.
- 2.5 Recusal and abstention. No City of Tonawanda officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material gain or benefit on themselves, a relative, or any private organization in which they have an interest. If the power of duty is vested in a City officer, a member of the Council or City board, then the other members of the Council or board shall exercise the duty. If the power of duty is vested in a City employee, he or she must refer the matter to his/her immediate supervisor and the immediate supervisor shall designate another person to exercise or

perform the duty, so long as the designee is not prevented by the City Charter or any other law or ordinance.

- 2.6 Use of City resources. City resources shall only be used for lawful purposes. City resources include but are not limited to, City personnel, the City's money, vehicles, equipment, materials, supplies or any other property. No City officer or employee may use or permit the use of City resources for personal or private purposes but this provision shall not be construed as prohibiting any use of City resources authorized by law or City policy or when the use of City resources is provided as part of the officer or employee's compensation.
- 2.7 Political Solicitations. No City officer or employee shall directly or indirectly compel or induce a subordinate City officer or employee to make or promise to make any political contribution, whether by gift or by money, service or other thing of value. No City officer or employee may act or decline to act in relation to appointing, hiring, promoting, discharging, disciplining, or in any manner changing the job title, status or compensation of any City officer or employee or an applicant for a position as a City officer or employee on the basis of giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.
- 2.8 Enforcement. Any City officer or employee who violates this Code may be censured, fined, suspended or removed from office or employment in the manner provided by law and consistent with the terms and conditions contained in relevant City collective bargaining agreements.
- 2.9 Future employment. No City official or employee may ask for, pursue or accept private sector, post-City government employment opportunities with any person or organization that has a matter requiring the exercise of discretion pending before the City officer or employee, either individually or as a member of a board, while the matter is pending or within 30 days following final disposition of the matter. No City officer or employee, for the two-year period after serving as a City official or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the City office, board or Council for which he or she serves. No city officer or employee, at any time after serving as a City officer or employee, may represent or render services to a private person or organization in connection with any transaction in which he or she personally and substantially participated while serving the City.
- 2.10 Posting and Distribution. This Code will replace Section 4.05 of the City's Personnel Benefits and Policy manual and must be posted publicly

in all City buildings and properties with ten (10) days of passage by the Common Council.

3. Definitions

- 3.1 “Common Council” The Common Council of the City of Tonawanda. The City’s governing body.
- 3.2 “Board” Any City of Tonawanda municipal administrative board or commission (e.g. Planning Board, Civil Service Commission, Zoning Board of Appeals) comprised of two or more City officers and/or employees.
- 3.3 “Code” Means this Code of Ethics.
- 3.4 “Officer of Employee” Means any paid or unpaid officer or employee of the City of Tonawanda including, but not limited to, the members of a municipal board or commission.
- 3.5 “Relative” means a spouse, parent, stepparent, sibling, stepsibling, sibling’s spouse, child, stepchild, uncle, aunt, nephew, niece, first cousin, or household member of a City officer or employee and individuals having any of these relationships to the spouse of the officer or employee.

Per resolution by Common Council on June 15, 2010.