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CODE OF ETHICS

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[**HISTORY: Adopted by the Town Board of the Town of Hamburg 6-23-1970 by L.L. No. 10-1970. Amendments noted where applicable.**]

ARTICLE I
Legislative Intent

§ 8-1. Declaration of policy.

The proper operation of the town government requires that its officers and employees be independent, impartial and responsible to the people; that the government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; that public officers and employees observe in their official acts the highest standards of morality and discharge faithfully the duties of their public office regardless of personal consideration; and that the public have confidence in the integrity of its government and the officers and employees thereof. In recognition of goals, there is hereby established a Code of Ethics for all officers and for all employees of the Town of Hamburg, hereinafter referred to as the "town." In the event of any conflict between the provisions of this code and provisions of Article 18 of the General Municipal Law, the latter shall control.

ARTICLE II
Definitions

§ 8-2. Definitions and usage.

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

AGENCY — Shall mean any town department or division, board, committee or bureau, including the Town Board or any successor thereto.

COMPENSATION — Shall mean any money, thing of value or financial benefit conferred for services rendered or to be rendered.

INTEREST — For the purpose of this Code of Ethics, shall be deemed to include the affairs of: the officer's or employee's spouse, minor children and dependents; a firm, partnership or association in which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

OFFICER — Includes every elected official of the town, every town "officer," elected or appointed, as defined in the Town Law or any other law referring to "officers" acting on behalf of the town or any "agency" thereof, all members of boards or committees created by law or appointed by the Town Board or Town Supervisor, including members of so-called advisory committees, whether any of such persons mentioned in this definition are paid or unpaid.

PUBLIC EMPLOYEE or EMPLOYEE — Shall mean any person directly employed and compensated by the Town of Hamburg.

B. Usage. The masculine gender as used herein shall include the feminine where applicable.

ARTICLE III
Rules and Standards

§ 8-3. Interests in conflict with proper discharge of duties.

No officer or employee shall have any interest, financial or otherwise, or engage or invest in any business or transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest. To this end, no officer or employee shall:

- A. Be or become interested directly or indirectly in any manner whatsoever in any business or professional dealings with the Town of Hamburg or any agency thereof.
- B. Act as attorney, agent, broker, employee or representative in business or professional dealings with the Town of Hamburg or any agency thereof for himself or any person, firm or corporation, directly or indirectly.

§ 8-4. Other employment or business transactions impairing independence of judgment.

No officer or employee shall accept other employment or engage in any business transaction which will impair his independence of judgment in the exercise of his official duties or create a conflict of interest with his official duties.

ARTICLE IV
Compliance

§ 8-5. Compliance required; distribution of copies of code.

Compliance with this Code of Ethics shall be deemed a condition of employment for all officers and employees, and every officer and employee shall, subsequent to the date of enactment of this code, be given a copy of this code, together with all amendments thereto, and a receipt for same shall be signed by such employee or officer. Such receipt shall be filed with the Town Clerk, who shall supply the necessary forms.

ARTICLE V
Future Employment

§ 8-6. Restrictions upon activities of officers or employees terminating employment.

No officer or employee shall, within a period of two years after the termination of such service or employment, appear before any agency of the town or receive compensation for any services rendered on behalf of any person, firm, corporation or association in relation to any case, proceeding or application with respect to which such person was directly concerned or in which he personally participated during the period of his service or employment or which was under his active consideration. Nor shall any person who has served as a member of the legislative

body of the town, within a period of two years after the termination of such service, receive compensation for any service on behalf of any person, firm, corporation or association to promote or oppose, directly or indirectly, the passage of bills or resolutions by such legislative body of the town.

ARTICLE VI Gifts and Favors

§ 8-7. Gifts from persons interested in dealings with town.

No officer or employee of the Town of Hamburg, whether paid or unpaid, shall accept any gift or gratuity, whether in the form of services, loan or any promise or benefit of any kind, from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in any business or professional transaction or dealing with the town or any agency thereof.

ARTICLE VII Disclosure of Interest

§ 8-8. Disclosure of interest by officer or employee participating in discussion before board, agency, etc.

Any officer or employee of the Town of Hamburg, whether paid or unpaid, who has, will have or intends to acquire an interest, direct or indirect, in any matter being considered by the Town Board or any other official board, agency, officer or employee of the Town of Hamburg, and who participates in discussion before or gives opinions or advice to any board, agency or individual considering the same, shall publicly disclose on the official record the nature and extent of such interest.

§ 8-9. Disclosure of interest by officer or employee having knowledge of matter being considered by board, agency, etc.

Any officer or employee of the Town of Hamburg, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency, officer or employee of the Town of Hamburg in which he has or will have or intends to acquire any interest or indirect interest, shall be required to disclose in writing his interest to such board, agency, officer or employee and the nature and extent thereof.

ARTICLE VIII Disclosure of Confidential Information

§ 8-10. Disclosure restricted.

No officer or employee of the Town of Hamburg, whether paid or unpaid, shall disclose confidential information concerning the property, government or affairs of the town or any

other confidential information of an official character, except when required by law, nor shall he use such information to advance the financial or other private interests of himself or others.

ARTICLE IX
Penalties

§ 8-11. Forfeiture of pay; suspension or removal from office.

Any violation of the provisions of this Code of Ethics shall constitute cause for suspension or removal from office or employment or such other disciplinary action as the Town Board may consider advisable, after a hearing, pursuant to the law currently in effect.

§ 8-12. Voidance of contracts.

Any contract knowingly entered into by and with the Town of Hamburg, or any agency thereof in which there is an interest prohibited by this chapter, shall be null, void and wholly unenforceable.

§ 8-13. Other laws may apply.

Nothing contained in this article shall limit any other applicable laws or ordinances which are now or may hereafter be provided.

§ 8-14. Actions not constituting violations.

No action, expressly or impliedly permitted under Article 18 of the General Municipal Law, shall constitute a violation of this code.

ARTICLE X
Amendment; Severability

§ 8-15. Amendment of code.

This code may be amended from time to time by the Town Board by the adoption of further rules and standards designed to improve the administration of the town and protect the public, or by supplementing the coverage of this code, to the extent permitted by law.

§ 8-16. Severability.

If any portion of this code shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such portion thereof shall be deemed inoperative and the balance of said code shall be deemed to be in full force and effect.

ARTICLE XI
Board of Ethics

§ 8-17. Creation of Board; conditions of membership.

- A. A Board of Ethics is hereby established, pursuant to Article 18, § 808, Subdivision 3, of the General Municipal Law, to be composed of three members appointed by the Town Board; said members of such Board of Ethics shall be residents of the Town of Hamburg, and, at least one member thereof shall not be a municipal officer or employee. The Town Attorney, representing the municipality, shall be an ex officio member of the local Board, without power to vote.
- B. Advisory opinions. The Board of Ethics established hereunder shall render advisory opinions to town employees on written request and upon request of the Town Board make recommendations to such Town Board as to any amendments of this chapter. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall the identity of the town employee be disclosed except to authorized persons and agencies.
- C. Rules and regulations. Such Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

ARTICLE XII
Effective Date

§ 8-18. When effective.

This code shall become effective immediately upon its enactment by the Town Board, after proper filing, including filing with the office of the State Comptroller and the office of the Secretary of State.