CODE OF ETHICS OF THE TOWN OF DANUBE

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

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

Section 1. Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board of the Town of Danube 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 Danube. The rules of ethical conduct of this Resolution 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 of special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. Definitions.

a. **"Municipal Officer or Employee"** means an officer or employees of the Town of Danube, 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 of assistant chief engineer.

b. **"Interest"** means a pecuniary or material benefit accruing to a municipal official or employee unless the context otherwise requires.

c. **"Town"** shall mean any Board, Commission, District, Council or other Agency, Department or unit of government of the Town of Danube.

Section 3. Standards of Conduct. Every officer or employee of the Town of Danube 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 ($25.00) 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 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.

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, 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 Any 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 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.

e. **Disclosure Of Interest In Legislation.** To the extent that he knows thereof, a member of the Town Board and any officer of employee of the Town of Danube, 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 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 Danube 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. No town employees within two (2) years after the termination of his service or employment with the town shall accept employment which will involve contacts with the town which can work to his special advantage by virtue of his prior contact and relationship with the town.

i. No town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

j. No town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

k. A town employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position, or influence of any other party or person.

l. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

m. No town employee employed on a full-time or part-time basis nor any firm or association of which such employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm corporation, or association which is licensed or whose rates are fixed by the town in which such employee serves or is employed.

Section 4. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee or any claim, account, demand, or suit against the Town of Danube, 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 Danube shall cause a copy of this code of ethics to be distributed to every officer and employee of the Town of Danube within ten (10) days of the adoption 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.

The above is a true copy of Resolution adopted by the Town Board of the Town of Danube on November 4, 1970.

I have hereunto set my hand and seal of the Town of Danube.

Diane K. Cagwin
Town Clerk
Town of Danube

TOWN OF DANUBE
PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the Town involved in the procurement process, now, therefore, be it

RESOLVED, that the TOWN OF DANUBE does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid. .

PROCUREMENT POLICY FOR THE TOWN OF DANUBE,
HERKIMER COUNTY, NEW YORK.

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under $10,000 and public works contracts under $20,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and secondhand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over $10,000 and public works contracts over $20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy:

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract Method .

$500 - $2,999	verbal quotations
$3,000 - $9,999	written/fax quotations or written request for proposals

Estimated Amount of Public Works Contract Method

$250 - $2,999	verbal quotations
$3,000 - $4,999	written/fax quotations .
$5,000 - $19,999	written/fax quotations or written request for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Town to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgement, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Town Board or the Town of Danube shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker, services of a certified public accountant; investment management services; printing services involving extensive writing,

editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Town is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under $250. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. All vendors providing the Town or any of its officials or employees with a written/fax quotation or responding to a written request for proposals or competitive bids shall include a written statement, signed under penalty of perjury and notarized, that the vendor and any officer or employee thereof has provided no gift or other item of value to any official or employee of the Town in excess of $25.00, either individually or cumulatively, during the twelve (12) months immediately proceeding the date of the written/fax quotation or the date upon which such requests for proposals shall be received or such competitive bids opened. The vendor shall further certify in writing that the vendor and any officer or employee thereof shall not provide any gift or other item of value to any official or employee of the Town in excess of $25.00, either individually or cumulatively, during the twelve (12) months immediately following the date of the written/fax quotation or the date upon which such requests for proposals or competitive bid shall be awarded. If the vendor is unable to so certify, the vendor must provide a detailed, itemized listing of all gifts or other items of value provided to all officials and employees of the Town.

8. This policy shall go into effect immediately, and will be reviewed annually.

Roll Call: Voting Aye-All. Voting Nay-None. Resolution duly adopted.