

Town of Herkimer Code of Ethics - 2011

1. **Conflicts of Interest**

No Town of Herkimer Official may take action that provides a financial or other personal benefit to the official, relatives of the official, customers, clients, an employer or a person who has made campaign contributions to the official within a 12 month period.*

2. **Appearance of Impropriety**

An Town of Herkimer official must avoid circumstances that compromise his/her ability to make decisions solely in the public interest or create an appearance of impropriety.*

+ Sections 1 & 2 require consideration of specific facts and circumstances. This is the role of the board of ethics, which can engage in fact-finding and issue an advisory opinion.*

3. **Recusal**

A Town of Herkimer official must recuses himself/herself when faced with above conflicts.

Recusal Defined

Recusal means that the Town of Herkimer official may not deliberate, vote or participate in any way in that matter. The official should disclose his/her conflict and remove him or herself from the board. He/she should not provide input regarding the matter from the audience in his capacity as a member of the public.

4. **Town Property and Resources**

No employee may use town-owned property, assets or any other resources for personal purposes or profit or to benefit any person. Use of these resources is restricted to the conduct of official business, for the benefit of all residents and to further an authorized public purpose.

5. **Nepotism**

Spouses and other family members of the Town of Herkimer municipal officers may not serve in positions whose duties conflict or appear to conflict within the duties of the Town of Herkimer official. They may not serve on a commission, board or body of which the Town of Herkimer official is a member.

6. **Gifts**

A Town of Herkimer official may not solicit any gift* nor may he/she receive any gift*, whether financial or in any other form from any person who is doing or seeking to do business of any kind with the Town of Herkimer, including applications for permits or approvals; has done business with the Town of Herkimer during the last 12 months; or from a lobbyist representing a person before a Town of Herkimer agency. A Town of Herkimer official may not solicit or receive any gift* or payment as a reward for exercise of official duties. Generally, a Town of Herkimer official may not receive or solicit any gift*, creating the appearance that his/her official duties may be influenced or that his/her responsibility to make impartial decisions solely in the public interest is compromised.

+ Gift- defined to exclude gifts from family members; attendance at local social events such as holiday festivities; benefits available to the general public; functions that Town of Herkimer officials routinely attend, such as chamber of commerce events; and an event or activity fulfilling a public purpose.*

7. Private Employment

A Town of Herkimer official shall not solicit, negotiate for or commit to accept private employment from any person doing business with or having any matter pending with the Town of Herkimer.

8. Representation

A Town of Herkimer official shall not appear on behalf of, or represent a person in any matter before a municipal agency except on his/her own behalf.

9. Confidential Information

A Town of Herkimer official or former official may not disclose confidential information or use it to further his/her or another person's private interests or in any way utilize the information for non-public purposes.

10. Subordinates

No Town of Herkimer official shall solicit political contributions from subordinates or request that they attend political functions or engage in any political activity.

11. Revolving Door

No Town of Herkimer official who has left municipal service shall appear before or receive compensation in a matter before his former agency for a period of 1 year after departure. He/she is permanently barred from appearing or receiving compensation regarding a matter he/she was personally involved in as a Town of Herkimer official.

12. Incompatible Positions – Judicial Standards

A Town of Herkimer official is prohibited from:

- a. Holding more than one position with the Town of Herkimer when one is subordinate to the other;
- b. Holding more than one position with the Town of Herkimer when duties of the positions conflict.

13. Board of Ethics

Unlike codes of ethics, which are required by State law, local governments are authorized but not required to establish boards of ethics. State law is located in Section 808 of the General Municipal Law. Advice in Section 808 is as follows:

- a. Members of the board of ethics are appointed by the town board, whose members may request advisory opinions or be subject to enforcement actions; "we will suggest an independent nominating committee."
- b. The board can consist of as few as three members, one of whom must be an officer or employee of the municipality. This is not an independent board.
- c. The members of the board of ethics serve as the pleasure of the appointing authority. Once again, their independence is compromised.
- d. It is not clear under Section 808 as to who may request an advisory opinion.
- e. The ethics board has no enforcement authority to the board of ethics.

Note nytowns: "Components of a Local law Establishing and Empowering a Board of Ethics"

14. Training

Each Town of Herkimer official annually shall receive training concerning the requirements of the Town of Herkimer Code of Ethics and the procedure for seeking an opinion or investigation by the board of ethics. Copies of the code and amendments to the Code shall be provided to all Town of Herkimer officials.