

# CITY OF ONEIDA CODE OF ETHICS

## **Standards of Conduct**

### **Purpose**

Pursuant to the provisions of Section 806 of the General Municipal Law, the Common Council of Oneida, New York, 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 chapter to promulgate these rules of ethical conduct for the officers and employees of the City. 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.

### **Definitions**

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

**INTEREST:** Except as provided in General Municipal Law Section 802, Interest is defined as: A direct or pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality in which such officer or employee serves. An officer or employee shall be deemed to have an interest in the contract of: a) 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, and d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

**MUNICIPAL OFFICER OR EMPLOYEE:** An officer or employee of the City of Oneida, 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.

**CONFLICT OF INTEREST:** A conflict of interest is a limitation on the holding of a municipal office when the holder of the office has certain other private interests affecting the municipality.

### **Standards of Conduct**

Every officer or employee of the City of Oneida shall be subject to and abide by the following standards of conduct:

**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.

**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.

**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.

**Representation before any agency for a contingent fee.** He shall not receive or contract to receive payment for services to be rendered in relation to any matter before any agency of the City of Oneida, whereby his compensation is dependent on the outcome of such matter and not based upon the reasonable value of the services rendered.

**Disclosure of interest in legislation.** To the extent that he knows thereof, a member of the Common Council and any other officer or employee of the City of Oneida, whether paid or unpaid, who participates in the discussion or gives official opinion to the Common Council on any legislation before the Common Council 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.

**Disclosure of Conflict.** An officer or employee is required to inform the City Clerk of a conflict of interest in a contract or other matter whether or not prohibited unless the interest is exempt under General Municipal Law Section 802(2). However, disclosure does not cure the conflict and the action is still prohibited.

**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.

**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.

**Future employment.** He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the City of Oneida, 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.

**Personal claims.**

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 City of Oneida, 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.

**Distribution of Code of Ethics.**

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

**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 may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

**BOARD OF ETHICS****Establishment; members; terms of office.**

There is hereby established a Board of Ethics consisting of the Mayor and four members to be appointed by the Mayor and shall serve without compensation and at the pleasure of the Mayor. Terms shall be for four years and staggered. (Initial member appointments shall be for one, two, three and four year terms, with subsequent 4-yr appointments.) A majority of such members shall be persons other than officers or employees of the City of Oneida.

**Powers and duties.**

The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the City of Oneida with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant to such Article, under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon request of the Common Council. The legal counsel of the Board of Ethics shall be the City Attorney.