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Chapter 17. ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Gates 7-22-1970. Amendments noted where applicable.]

Article I. Intent

§ 17-1. Statement of legislative intent.

The Town Board of the Town of Gates recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this town as part of our state's important system of local government. It is the purpose of this chapter to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards and to create a Board of Ethics to render advisory opinions to the town's officers and employees as provided for herein.

§ 17-2. Applicability of other laws.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of town officers to the extent that the same are more severe in their application than this chapter.

Article II. Code of Ethics

§ 17-3. Definitions.

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

INTEREST [Added 9-7-1999 by L.L. No. 2-1999]
A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an interest in the contract of:

A. His 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.

D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

TOWN
Any board, commission, district, council or other agency, department or unit of the government of the Town of Gates.

TOWN OFFICER OR EMPLOYEE
An officer or employee of the Town of Gates, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a town officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief. **[Amended 9-7-1999 by L.L. No. 2-1999]**

§ 17-4. Rule with respect to conflicts of interest.

No town employee shall have any interest, financial or otherwise, direct or indirect or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

§ 17-5. Standards.

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

B. No town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

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

D. No town employee shall engage in any transaction as representative or agent of the town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

E. 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 party or person.

F. Each town employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

G. 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.

H. No town employee employed on a full-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.

I. Each town employee shall, to the extent that he is cognizant thereof, disclose any interest he may have in legislation before the Town Board.

J. No town employee within six months 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.

K. Gifts. No officer or employee shall be permitted to 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 be reasonably 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.

[Amended 9-7-1999 by L.L. No. 2-1999]

§ 17-6. Violations.

In addition to any penalty contained in any other provision of law, any such town employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended or removed from office or employment in the manner provided by law.

Article III. Board of Ethics

§ 17-7. Board of Ethics established.

There is hereby established a Board of Ethics consisting of three members to be appointed by the Town Board, all of whom reside in the Town of Gates and who shall serve without compensation and at the pleasure of the Town Board of the Town of Gates. A majority of such members shall be persons other than town employees but shall include at least one member who is an elected or appointed town employee of the Town of Gates.

§ 17-8. Duties.

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. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Town Attorney.

§ 17-9. 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 IV. Administration

§ 17-10. Distribution of copies.

Upon the adoption of this chapter, the Town Supervisor shall cause a copy thereof to be distributed to every town employee of this town. Failure to distribute any such copy or failure of any town employee to receive such copy

shall have no effect on the duty of compliance with this chapter, nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to so post this chapter shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

§ 17-11. Filing of copies.

Within 30 days of the adoption of this chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

§ 17-12. Appropriation of money.

The Town Board may appropriate moneys from the general town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of town moneys except within the appropriations provided herein.

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