

Chapter 14: ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Ogden 10-27-1976 as L.L. No. 5-1976 (Ch. 4 of 1972 Code). Amendments noted where applicable.]

ARTICLE I Intent and Scope

§ 14-1. Legislative intent.

The Town Board of the Town of Ogden 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.

§ 14-2. Scope.

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 Establishment of Code

§ 14-3. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

INTEREST — A direct or indirect financial or material benefit accruing to a town officer or employee as the result of a business or professional transaction with the Town of Ogden which such officer or employee serves.

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

TOWN OFFICER OR EMPLOYEE — Any officer or employee of the Town of Ogden, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity, including members of any administrative board, commission or other agency thereof. No person shall 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. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 14-4. Conflict of interest.

No town employee shall have any interest, financial or otherwise, direct or indirect, nor engage in any business or transaction or professional activity, nor incur any obligation of any nature which is in conflict with the proper discharge of the employee's duties in the public interest.

§ 14-5. Standards of conduct.

- A. No town employee shall accept other employment which will impair the employee's independence of judgment in the exercise of the employee's official duties.
- B. No town employee shall accept employment or engage in any business or professional activity which will require the employee to disclose confidential information which the employee has gained by reason of the employee's official position or authority.
- C. No town employee shall use or attempt to use the employee's official position to secure unwarranted privileges or exemptions for the employee or others.
- D. No town employee shall engage in any transaction as representative or agent of the town with any business entity in which the employee has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of the employee's official duties.
- E. A town employee shall not by the employee's conduct give reasonable basis for the impression that any person can

- improperly influence the employee or unduly enjoy the employee's favor in the performance of the employee's official duties or that the employee is affected by the kinship, rank, position or influence of any party or person.
- F. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that the employee is likely to be engaged in acts that are in violation of the employee's trust.
 - G. 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.
 - H. Each town employee shall, to the extent that the employee is cognizant thereof, disclose the nature and extent, in writing, to the appropriate board of any interest the employee has, had or will have in a matter before any board of this town. Such written disclosure shall be made part of and set forth in the official record of the proceedings of said board.
 - I. No town employee, within one (1) year after the termination of the employee's service or employment with the town, shall accept employment which will involve contacts with the town which can work to the employee's special advantage by virtue of the employee's prior contact and relationship with the town.
 - J. No town employee shall, directly or indirectly, solicit any gifts or accept or receive any gifts having a value of seventy-five dollars (\$75.) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing of promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the employee or could reasonably be expected to influence the employee in the performance of the employee's official duties or was intended as a reward for any official action on the employee's part. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 14-6. Exceptions.

The following shall be exceptions to the conflict of interest provisions of § 14-4:

- A. A contract with a corporation in which a town officer or employee has an interest by reason of stock holdings when the stock of the corporation is listed on either the New York or American Stock Exchange; or if not listed, then less than five per centum (5%) of the outstanding stock of the corporation is owned or controlled, directly or indirectly, by such officer or employee.

§ 14-7. Penalties for offenses.

In addition to any penalty contained in any other provisions 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

§ 14-8. Board established.

There is hereby established a Board of Ethics consisting of at least three (3) members to be appointed by the Town Board, all of whom shall reside in the Town of Ogden and who shall serve without compensation and at the pleasure of the Town Board of the Town of Ogden. A majority of such members shall be persons other than town employees, but shall include at least one (1) member who is an elected town employee of the Town of Ogden.

§ 14-9. Duties.

The Board of Ethics established hereunder shall render advisory opinions to town employees or the Town Board, on their written request, regarding their obligations and the obligations of their employees under this code. The opinions of this Board pursuant to these requests shall be advisory and confidential and in no event shall the identity of the employee be disclosed by the Board of Ethics. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Town Attorney. In addition, the Board of Ethics may make recommendations to the Town Board as to amendments to this code.

§ 14-10. Rules and regulations.

The 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 Administrative Provisions

§ 14-11. Distribution.

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 and the State Code of Ethics 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.

§ 14-12. Copy to be filed with state. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Within thirty (30) days of the adoption of this chapter or any amendment thereto, the Town Clerk shall file a copy thereof with the appropriate state agency.

§ 14-13. Appropriation of funds.

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 hereinunder, but such Board of Ethics may not commit the expenditure of town moneys except within the appropriations provided herein.

