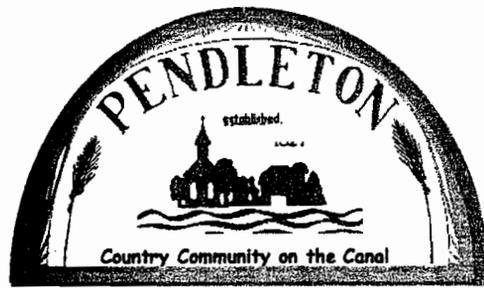


TOWN OF PENDLETON



CODE OF ETHICS

ADOPTED 2005

**CODE OF ETHICS
TOWN OF PENDLETON, NEW YORK**

**ARTICLE I
Intent of the Town Board**

Section 1. Statement of Legislative Intent.

The Town Board of the Town of Pendleton 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. The Board considers it 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 local law 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.

Section 2.

The standards, prohibited acts and procedures established herein are in addition to any conflict of interest laws, provisions or procedures prescribed by the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of Town officers and employees.

**ARTICLE II
Code of Ethics**

Section 1. Definitions.

As used in this ordinance the term "Town" shall mean any board, commission, district, council or other agency, department or unit of the government of the Town of Pendleton. The term "Town Employee" shall mean any officer or employee of the Town of Pendleton, whether paid or unpaid, whether service in a full-time, part-time or advisory capacity.

Section 2. Rules 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.

Section 3. Standards.

1. Any person whose position is subject to appointment by the Town Board shall be prohibited from holding an executive office in any political party organization, nor shall an executive officer of any political party contract with the Town to provide services or products. An executive office is defined as President, Vice-President, Chairman, Vice-Chairman, Treasurer or Secretary. A political party is defined as an organization whose primary purpose is to propose or nominate candidates for elective public office.

2. No Town employee shall accept any employment or acquire any investment under circumstances in which an impression may reasonably be created that that person will thereby be influenced in the conduct of their office, but nothing contained herein shall prohibit any officer or employee from holding any position of employment with any other governmental body or authority not otherwise incompatible with State Law. No Town employee shall use or attempt to use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

3. No Town employee shall take or refrain from taking any action on any matter before the Town in order to obtain a pecuniary or material benefit for: (1) himself or herself; (2) a family member; (3) any partnership or unincorporated association of which the Town employee is a member or employee or in which he or she has a proprietary interest; (4) any corporation of which the Town employee is an officer or director or of which he or she legally or beneficially owns or controls more than 5% of the outstanding stock; (5) any person with whom the Town employee or his or her family member has an employment, professional, business or financial relationship; or (6) any person from whom the Town employee, or his or her spouse, has received pecuniary or material benefit having an aggregate value greater than \$1,000.00 per year.

4. No Town employee who, or whose spouse, owns or controls 5% of more stock in a firm and no partnership or unincorporated association as defined in Subsection 3 above may do business with the Town unless:

- a. The value of goods or services does not exceed \$500.00 per year; or
- b. The goods or services are provided after public notice and competitive bidding; or
- c. The goods and services consist of rental property so long as the Town officer or employee is not employed by the department or agency that is providing funds for the rental, tenancy or shelter.

5. No Town employee shall directly or indirectly compel any non-elected officer or employee of the Town to participate in an election campaign, or compel the payment of any assessment, subscription, or contribution to a political party, political party organization, election campaign, or candidate nor shall such Town employee circulate political petitions during working hours on Town property. No political solicitation for funds shall take place at any time on Town property. No Town property or equipment shall be used in connection with any election campaign or to aid in any political party, political party organization, election campaign, or candidate. This paragraph shall not prohibit a general solicitation of a class of persons, other than those expressly prohibited, of which such soliciting Town employee happens to be a member. Notwithstanding the

foregoing, the Town buildings (after normal working hours) and Town recreational facilities may be available to a political party or election campaign for political activities, meetings and functions.

6. Town employees shall not take or refrain from taking any action on any matter before the Town which gives the impression of favoritism in their office duties, and which is based on kinship, rank, position or influence.

7. Nothing in this Article shall be construed to prohibit a Town employee or any other person from receiving a Town service or benefit or using a Town facility, which is generally available to residents or a class of residents in the Town.

Section 4. 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 local law may be fined, suspended or removed from office or employment in the manner provided by law.

ARTICLE III **Board of Ethics**

Section 1.

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 reside in the Town of Pendleton and who shall serve without compensation and at the pleasure of the Town Board of the Town of Pendleton. A majority of such members shall be persons other than Town employees but shall include at least one (1) member who is an elected or appointed Town employee of the Town of Pendleton.

Section 2.

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 local law. 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.

Section 3.

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 V
Administration

Section 1.

Upon the adoption of this ordinance, the Town Supervisor shall cause a copy thereof to be distributed to every Employee. Each Town Employee shall return a signed slip to the Town Clerk acknowledging receipt of this code. Failure to distribute any such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this ordinance to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this ordinance shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

Section 2.

Within thirty (30) days of the adoption of his ordinance, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

Section 3.

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

ARTICLE VI
Severability Clause

Section 1.

If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE VII
Effective Date

Section 1.

This ordinance shall take effect ten (10) days after adoption.

Adopted: December 6, 2005

Effective Date: December 16, 2005