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**ARTICLE II. - CODE OF ETHICS** [52]

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Sec. 46-32. - Definitions.

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**Sec. 46-31. - Rules of ethical conduct for municipal officers and employees adopted.**

Pursuant to General Municipal Law, § 806, the common council 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 the city's unit of local government. It is the purpose of this article to promulgate these rules of ethical conduct for the officers and employees of the city. These rules shall serve as a guide for official conduct of the officers and employees of the city. The rules of ethical conduct of this article, as adopted, shall not conflict with but shall be in addition to any prohibition of General Municipal Law, art. 18, or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

(Code 1966, § 11-51)

**Sec. 46-32. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Interest* means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires. The term "interest" also includes that interest as defined in section 13 of the Charter.

*Municipal officer or employee* means an officer or employee of the city, 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 because of being a volunteer firefighter or civil defense volunteer, except a chief engineer or assistant chief engineer.

(Code 1966, § 11-52)

**Cross reference—** Definitions generally, § 1-2.

**Sec. 46-33. - Standards of conduct.**

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

- (1) *Gifts.* He shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of \$75.00 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.
- (2) *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.
- (3) *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.

- (4) *Representation before agency for contingent fee.* 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 agency of this city, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- (5) *Disclosure of interest in legislation.* To the extent that he knows thereof, a member of the common council and any officer or employee of the city, 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.
- (6) *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.
- (7) *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.
- (8) *Future employment.* He shall not, after the termination of service or employment with the city, appear before any board or agency of the city 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.

(Code 1966, § 11-53)

**State law reference—** *Prohibited acts, General Municipal Law, § 805-a.*

#### **Sec. 46-34. - Distribution of article.**

The mayor shall cause a copy of this code of ethics to be distributed to every officer and employee of the city. Each officer and employee elected or appointed shall be furnished a copy before entering upon the duties of his office or employment.

(Code 1966, § 11-55)

#### **Sec. 46-35. - Penalties**

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the sections of this article may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

(Code 1966, § 11-56)

#### **Sec. 46-36. - Reserved.**

*Editor's note—*

Ord. No. 7406, adopted April 25, 2001, repealed § 46-36, which pertained to disclosure of information discussed or deliberated in executive session and derived from Ord. No. 7374, adopted Jan. 24, 2001.

#### **Secs. 46-37—46-60. - Reserved.**

FOOTNOTE(S):

<sup>(52)</sup> **State Law reference—** *Municipalities may adopt code of ethics, General Municipal Law, § 806. (Back)*