

Town of Salina, NY  
Wednesday, February 1, 2012

## Chapter 15. CODE OF ETHICS

[HISTORY: Adopted by the Town Board of the Town of Salina at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

### § 15-1. Legislative intent.

The Town Board of the Town of Salina recognizes that the State of New York has enacted 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. It is the purpose of this chapter to implement this objective through the establishment of standards of conduct for officers and employees of the Town of Salina.

### § 15-2. Construction of standards.

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

### § 15-3. Definitions.

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

#### **CHILD**

Any son, daughter, stepson or stepdaughter of a town employee if such child is under the age of 18 years or is a dependent of the employee pursuant to the provisions of the Internal Revenue Code.

#### **CONTRACT**

Any claim, account or demand against the town or an agreement, whether express or implied, with the town and shall include the designation of a depository of public funds and the designation of an official newspaper for the publication of any notice, resolution, ordinance or other proceeding where such is required or authorized by law.

#### **INTEREST**

A direct or indirect pecuniary or material benefit accruing to a town employee as a result of a contract with the town. For the purpose of this chapter, a town employee shall be deemed to have an interest in the contract of:

- A. The employee's spouse, minor children and dependents, except a contract of employment with the town which such employee serves;
- B. A firm, partnership or association of which such employee is a member or employee;
- C. A corporation of which such employee is an officer, director or employee; and
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such employee.

#### **OFFICER OR EMPLOYEE**

Any officer or employee of the Town of Salina, whether serving in a full-time or part-time capacity, whether elected or appointed or paid or unpaid, including members of any administrative board, commission or other agency of the Town of Salina, except the Town Justice.

**RELATIVE**

A spouse or a child, as defined herein, of a town employee.

**SPOUSE**

The husband or wife of a town employee, unless legally separated from such employee.

**TOWN**

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

**TOWN BOARD**

The Town Board of the Town of Salina.

**§ 15-4. Adoption of Code of Ethics.**

There is hereby established and adopted herein a Code of Ethics containing the following standards of conduct for officers and employees of the Town of Salina.

**§ 15-5. General rules.**

No town employee shall have any interest in or engage in any business or transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of the employee's duties.

**§ 15-6. Standard of conduct.**

- A. Outside employment. No town employee shall accept other employment which will impair the employee's judgment in the exercise of official duties.
- B. Confidential information. No town employee shall disclose confidential information acquired by the employee in the course of the employee's official duties, nor use such information to further the employee's personal interest(s).
- C. Solicitations by town employees. No town employee shall, 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, service, loan, travel, entertainment, hospitality, thing or promise or in 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 of any official action on the employee's part.
- D. Compensation prohibited. No town employee shall 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 the town of which the employee is an officer, member or employee thereof or of any municipal agency over which the employee has jurisdiction or to which the employee has the power to appoint any member, officer or employee.
- E. Contingent compensation. No town employee shall receive or enter into any agreement, express or implied, for compensation for services to be rendered to any matter before any agency of the town, whereby the employee's 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.

- F. Use of position. No town employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or others.
- G. Representing outside interests. No town employee shall engage in any transaction as representative or agent of the town with any business entity in which the employee has an interest. For the purposes of this subsection only, an employee shall not be deemed to have any interest hereunder in any corporation or other legal entity in which the employee owns no more than 5% of the outstanding stock or other controlling interest of the corporation or other legal entity.
- H. Disclosure of interest. Each town employee shall, to the extent that the employee is cognizant thereof, disclose any interest the employee may have in any matter pending before any town agency.
- I. Disclosure of interest in contracts. Any municipal officer or employee who has, will have or later acquires an interest in any actual or proposed contract with the town shall publicly disclose the nature and extent of such interest, in writing, to the Town Board thereof as soon as the employee has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of the Town Board. Once disclosure has been made by an employee with respect to any interest in a contract with a particular person, firm or corporation, association or other legal entity, no further disclosures need be made by such employee with respect to additional contracts with the same party during the remainder of the fiscal year.
- J. Contracts. No town employee shall have an interest in any contract with the town when such employee, individually or as a member of a board, has the power or duty to negotiate, prepare, authorize or approve the contract; or authorize or approve payment thereunder; or audit bills or claims under the contract; or appoint an officer or employee who has any of the powers or duties set forth above.
- K. The provisions of this section shall, however, be subject to the exceptions set forth in § 802 of the General Municipal Law, as none exists or may be hereafter amended.

**§ 15-7. Disciplinary action upon violation.**

Any 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.