

Chapter 20

ETHICS

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[HISTORY: Adopted by the Town Board of the Town of Geneva 5-27-1972 as Ch. 104 of the 1972 Code. Amendments noted where applicable.]

§ 20-1. Intent; purpose.

The Town Board of the Town of Geneva 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 and to create a Board of Ethics to render advisory opinions to the town's officers and employees as provided for herein.

§ 20-2. Definitions.

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

INTEREST¹ — A direct or indirect pecuniary or material benefit accruing to a town employee as the result of a contract with the town. For the purposes of this chapter, a town employee shall be deemed to have an interest in the contract of:

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

¹ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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

TOWN EMPLOYEE — Any officer or employee of the Town of Geneva whether paid or unpaid, whether serving full-time, part-time or advisory capacity.

§ 20-3. Conflicts of interest prohibited.

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 or her duties in the public interest.

§ 20-4. Standards of conduct.

- A. Private employment. No town employee shall accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.
- B. Disclosure of confidential information. No town employee shall accept employment or engage in any business or professional activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or authority.
- C. Use of public office. No town employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for the employee or others.
- D. Financial interest. No town employee shall engage in any transaction as representative or agent of the town with any business entity in which he or she has a direct or indirect financial interest that reasonably tend to conflict with the proper discharge of his or her official duties.
- E. Improper influence. A town employee shall not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
- F. Personal investments. Each town employee shall abstain from making personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest.
- G. Suspicious acts. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to engage in acts that are in violation of his or her trust.
- H. Ownership or interest in certain enterprises. No town employee on a full-time basis nor any firm or association of which such employee is a member, no 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.

§ 20-5. Penalties for offenses.

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 or suspended or removed from office or employment in the manner provided by law.

§ 20-6. Distribution of copies.

Upon the adoption of this chapter, or any amendments hereto, ~~the Town Supervisor shall cause a copy hereof 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 Code nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this chapter to be 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.~~²

§ 20-7. County Board of Ethics.

The County Board of Ethics of Ontario County shall render advisory opinions to the officers and employees of the Town of Geneva with respect to Article 18 of the General Municipal Law and the Code of Ethics adopted pursuant to such article, and as heretofore prescribed in this chapter, under such rules and regulations as the Board of Ethics may prescribe. In addition, it may make recommendations with respect to amendments to the Code of Ethics upon request of the Town Board.

² Editor's Note: Former Section 104.32, Duties of Town Clerk, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

