

ETHICS, CODE OF

CHAPTER 3

TOWN OF GORHAM

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[History: adopted by the Town Board of the Town of Gorham, Local Law #1-70; adopted 11/19/70, effective 11/30/70; Revised 1/10/2001 Local Law #1-01]

3.1 Purpose

Pursuant to the provisions of 806 of the General Municipal Law, the Town Board of the Town of Gorham, 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 our unit of local government. It is the purpose of this local law to promulgate these rules of ethical conduct for the officers and employees of the Town of Gorham. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Gorham. The rules of ethical conduct of this local law as adopted, shall not conflict with, but shall be in addition to any prohibition of article eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officer and employees.

3.2 Definition

3.2.1. Municipal Officer or Employee

An officer or employee of the Town of Gorham, 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 by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

3.2.2. Interest

A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise require.

3.3 Standards of Conduct

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

3.3.1. Gifts

He shall not directly or indirectly, solicit any gift; or accept or receive any gift having a value of twenty-five dollars 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, in the performance of his official duties or was intended as a reward for any official action in his part.

3.3.2. 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.

3.3.3. 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.

3.3.4. Representation Before any Agency for a 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 his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

3.3.5. Disclosure of Interest in Legislation

To the extent that he knows thereof, no member of any Board nor any officer or employee of the Town of Gorham, whether paid or unpaid, who participates in the discussion or gives official opinion to any Board on any legislation before the Board 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.

3.3.6. 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.

3.3.7. 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.

3.3.8. Future Employment

He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Gorham 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.

3.4 Construal of Standards

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Gorham, or any agency thereof on behalf of himself or any member of his family arising out of any personal injury of property damage or for any lawful benefit authorized or permitted by law.

3.5 Distribution of Code of Ethics

The Supervisor of the Town of Gorham shall cause a copy of this code of ethics to be distributed to every officer and employee of the Town within twenty days after the effective date of this local law. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

3.6 Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined a minimum of \$250 for each occurrence, suspended or removed from office or employment as the case may be, in the manner provided by law.

3.7 Effective Date

This Local Law shall take effect ten days after it is filed as provided in #27 of the Municipal Home Rule Law.

Local Law No 1-70, Revised by Local Law #1-2001, filed with Secretary of State on 1/24/01)