

Ralph Angelo
Supervisor

Linda A. Grace
Town Clerk

Kerry M. Sek
Deputy Town Clerk

Thomas Gendreau
Deputy Supervisor

**Stephen A.
Barnhoorn**
Council Member

John Chrisman
Council Member

Gary Hubble
Council member

Edward P. Loux
Town Justice

Glenn Schreiber
Town Justice

Thomas E. Fleig
Highway
Superintendent

Jeffrey Miller
Water Superintendent
Buildings & Grounds

Lisa Bennett
Assessor

Rita Q. Kendzior
Assessor Clerk

James Moore
Code Enforcement Officer

Carl MacDonald
Town Historian

Holly Stoddard
Recreation Director

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Town of Richmond Ethics Committee

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RICHMOND ARTICLE 26

ETHICS, CODE OF

§26-1 TITLE. This chapter shall be known as the "Richmond Code of Ethics Local Law."

§26-2 LEGISLATIVE INTENT. Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Richmond 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 chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Richmond. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Richmond. The rules of ethical conduct of this chapter, as adopted, shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§26-3 DEFINITIONS. As used in this chapter, the following terms shall have the meanings indicated:

INTEREST A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purpose of this chapter, a municipal officer or employee shall be deemed to have an "interest" in the contract of his or her spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves; a firm, partnership or association of which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE An officer or employee of the Town of Richmond, 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 Fire Chief or Assistant Fire Chief.

RECUSAL Recusal means that the individual may not deliberate, vote or participate in any way in the matter at hand.

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

TOWN EMPLOYEE Any officer or employee of the Town of Richmond, whether paid or unpaid and whether serving in a full-time, part-time or advisory capacity.

TOWN OFFICIAL A representative of the Town of Richmond, whether paid or unpaid, elected or appointed, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a Town Official solely by reason of being a volunteer fireman or civil defense volunteer.

§26-4 CONFLICTS OF INTEREST.

No Town Officer or 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/her duties in the public interest. Town Officials and Employees must avoid circumstance that compromise their ability to act in the best interest of the Town or that create an appearance of impropriety.

§26-5 RECUSAL REQUIREMENTS. A Town Officer or Employee shall promptly disclose any conflict or potential conflict, and shall recuse himself or herself from participating in Town business when such participation may benefit that Town Officer or Employee, their immediate family, their outside employer or a current or recent customer or client of theirs or their employer's.

§26-7 STANDARDS OF CONDUCT.

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

- I. Gifts. He/she shall not directly or indirectly solicit any gift having a value of \$75 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 be reasonably be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

- II. Confidential Information. He/she shall not disclose confidential information acquired by him in the course of his/her official duties or use such information to further his/her personal interest.

- III. Representation before one's own agency. He/she 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/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

- IV. Representation before any agency for a contingent fee. He/she 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/her municipality whereby his/her 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.

- V. Disclosure of interest in legislation. To the extent that he/she knows thereof, a member of the Town Board and any officer or employee of the Town of Richmond, whether paid or unpaid, who participates in the discussion of or gives official opinion to the Town Board or any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.

- VI. Investments in conflict with official duties. He/she 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/her official duties.

VII. Private employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services or private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

VIII. Future employment. He/she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Richmond in relation to any case, proceeding or application in which he/she personally participated during the period of his service or employment or which was under his active supervision.

§26-7 EXCEPTIONS FOR CERTAIN CLAIMS. 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 Richmond, or any agency thereof, on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§26-8 DISTRIBUTION. The Supervisor of the Town of Richmond shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town within 30 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment. Failure to distribute any copy of the Code of Ethics or failure of any officer or employee to receive any such copy shall have no effect on the duty of compliance with such code, nor the enforcement of the provisions thereof, pursuant to Subdivision 2 of § 806 of the General Municipal Law.

§26-9 PENALTIES FOR OFFENSES.

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, suspended or removed from office or employment, as the case may be, in the manner provided by law.

§26-10 BOARD OF ETHICS

A. This section is enacted pursuant to the authority of Chapter 365 of the Laws of 1976 which added a new Subparagraph (3) to Paragraph d of Subdivision 1 of § 10 of the Municipal Home Rule Law authorizing a Town to adopt a local law which amends or supersedes any provision of

the Town Law in relation to the property, affairs or government of the Town or in relation to any of the other enumerated subject matters in such § 10, unless there is a state legislative restriction on such amendment or supersession. It is the intent of the Richmond Town Board to supersede the General Municipal Law as it relates to the composition of the local Board of Ethics.

B. There is hereby established a Board of Ethics consisting of three members and at least one alternate, all of whom are to be residents of the Town of Richmond, to be appointed by the Town Board of the Town of Richmond. The members of the Board of Ethics shall serve without compensation for a three year term of office. The terms of members of the board shall be so fixed that one term shall expire at the end of each calendar year, (i.e., member one appointed for one year; member two appointed for two years; member three appointed for three years). If any vacancy shall occur other than by expiration of the term, it shall be filled by the Town Board by appointment for the unexpired term. All such members shall be persons other than officers and employees of the Town of Richmond. The purpose of the alternate being to serve on the Board in the event any regular member recuses himself or herself or in the event of an extended absence or illness of a regular member.

C. The Board of Ethics establish hereunder shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to Town Employees and Town Officials on written request and, upon request of the Town Board, make recommendations to such Town Board as to any amendments of this chapter. 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, or upon consent. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Town Attorney.

D. The Board of Ethics shall act as an advisory Board to the residents of the Town to direct residents to available resources to address any ethical concerns. The Board of Ethics shall NOT issue opinions to Town Residents.

E. In the event that the Board of Ethics requires legal counsel and there is a conflict of interest preventing the Town Attorney from advising the Board of Ethics, the Board of Ethics may retain independent counsel with the prior consent of the Town Board.

F. 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.

§26-10 FILING. Within 30 days of the adoption of this chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

§26-11 APPROPRIATION OF FUNDS. The Town Board may appropriate moneys from the general Town funds for the maintenance and expenses of and for personnel services to the

Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town moneys except within the appropriations provided herein.