

Chapter 28

ETHICS, CODE OF

- § 28-1. **Purpose.**
- § 28-2. **Definitions.**
- § 28-3. **Standards of conduct.**
- § 28-4. **Claims against town.**
- § 28-5. **Distribution of copies.**
- § 28-6. **Penalties for offenses.**
- § 28-7. **Board of Ethics.**
- § 28-8. **Powers and duties of Board.**

[HISTORY: Adopted by the Town Board of the Town of Palermo 8-24-1993 as L.L. No. 3-1993. Amendments noted where applicable.]

§ 28-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Palermo 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 Palermo. The rules of ethical conduct of this chapter, as adopted, shall not conflict with, but 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.

§ 28-2. 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 a result of a contract with the municipality which such officer or employee serves. A municipal officer or employee of the Town of Palermo shall be deemed to have "interest" in the contract of a spouse, minor children and dependents, except a contract of employment with the Town of Palermo; a firm, partnership or association of which such officer 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 Palermo, whether paid or unpaid, including members of an 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 firemen or civil defense volunteer, except as an engineer.

§ 28-3. Standards of conduct.

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

- A. Gifts. He shall not, directly or indirectly, solicit a 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 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.

- B. 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.
- C. 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.

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 subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

- E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Town Board or any officer or employee of the Town of Palermo, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on 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 has in such legislation.
- F. 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.
- G. 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.

- H. 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 Palermo 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.

§ 28-4. Claims against town.

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 Palermo or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 28-5. Distribution of copies.

The Supervisor of the Town of Palermo shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Palermo 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 such copy or failure of any such officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement thereof.

§ 28-6. Penalties for offenses. [Amended 8-11-1994 by L.L. No. 1-1994]

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 prescribed by law.

§ 28-7. Board of Ethics.

There is hereby created in the town a Board of Ethics to consist of not fewer than three nor more than five members to be appointed by the Town Board by resolution when needed and who shall serve without compensation and at the pleasure of the Town Board. A majority of such members shall be persons other than the officers or employees of the Town of Palermo, but shall include at least one member who is an elected or appointed officer or employee of the Town of Palermo.

§ 28-8. Powers and duties of Board.

The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Town of Palermo with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant to such Article under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon request of the Town Board.