



Adopted 12/14/11

SECTION

## CODE OF ETHICS

### 1. PURPOSE:

The purpose of this Code of Ethics ("Code"), in compliance with Article 18 of the New York State General Municipal Law (the "Ethics Law"), is to memorialize the standards of conduct expected of Town of Fine ("Town") officers and employees. The citizens of the Town are entitled to the expectation of exemplary ethical behavior from their officers and employees, and this Code is intended to create the minimum standards which constitute that behavior. This Code recognizes that varying degrees of professional and governmental responsibility warrant equitable requirements of disclosure in pursuit of official integrity, which must be balanced against individual constitutional rights. Any particulars not determined in this law shall be construed within the provisions of General Municipal Law article 18.



## 2. DEFINITIONS:

Unless otherwise indicated, the following terms shall be defined as such for the purpose of the Code of Ethics. The definitions shall be no less restrictive than those contained in the Ethics Law:

**APPOINTED OFFICIAL**—Any individual who is appointed by the Town Board or any town official to an agency, department, council, commission, or board, whether unpaid or paid.

**APPROPRIATE BODY**—Pursuant to article 18 of the General Municipal Law, the Board of Ethics of the County.

**CONFIDENTIAL INFORMATION**—Any record or other information in any format that is either:

(a.) prohibited by federal or state law from disclosure to the public; or

(b.) prohibited from disclosure by local law of the Town and also exempt from mandatory disclosure under the New York State Freedom of Information Law (“FOIL”) and the New York State Open Meetings Law.

**TOWN**—The Town of Fine or any department, board, office, commission agency, or authority thereof.

**DEPARTMENT**—Any of the divisions of Town government referred to in the definition of legislation in this section, except the Town Board.

**INTEREST**—A direct or indirect pecuniary or material benefit accruing to a municipal officer, employee, or appointed official, whether as the result of a contract with the Town or otherwise.

**JURISDICTION**—Having authority, capacity, power, or right to act with regard to the management and administration of policy and supervision of personnel of any Town department.

**LEGISLATION**—A matter that appears upon the calendar or agenda of the Town Board of the Town or upon a committee thereof upon which any official action has been taken, and which includes adopted acts, local laws, ordinances, or resolutions.

**OFFICER or EMPLOYEE**—Any officer or employee of the Town and any elected official, appointed official, and head of any agency, commission, or board of the Town, whether paid or unpaid.

**TOWN BOARD**—The elective legislative body of the Town of Fine.



**3. CONFLICTS OF INTEREST:**

It is the policy of the Town Board that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever an officer or employee has an interest, direct or indirect, which conflicts with his or her duty to the Town or which could adversely affect an individual's judgment in the discharge of his or her responsibilities. No officer or employee shall:

A. Take action or participate in any manner whatsoever in his or her official capacity in discussion, negotiation, or awarding of any contract or in any business or professional dealings with the Town or any department thereof in which the officer or employee has or will have an interest, direct or indirect, in such contract or professional dealings.

B. Engage in, solicit, negotiate for, or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict that impairs the proper discharge of his or her official duties.

C. Solicit, directly or indirectly, any gift or receive or accept any gift having the value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

D. Disclose confidential information acquired in the course of his or her official duties and use such information to further his or her personal interest.

E. Take action on a matter before the Town or any instrumentality of the Town, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit to himself or herself.

**4. DISCLOSURE OF INTEREST:**

A. Any officer or employee who has, will have, or intends to acquire an indirect interest in any matter being considered by the Town Board or by any officer or employee of the Town and who participates in the discussion shall give an opinion or gives advice to any board, department, or individual officer and publicly disclose on the official record of the Town the nature and the extent of such interest.

B. Any officer or employee of the Town who has knowledge of an interest being considered by any board, department, officer, or employee of the Town shall immediately disclose, in writing, the nature and extent of the interest to such board, department, officer, or employee and the extent of the interest to the degree that such disclosure gives substantial potential conflict of interest.



**5. REVIEW:**

Every officer and employee is required to attest, on an annual basis, on or before February 1 of the year for which the employment is in effect or upon initial employment, that he or she has reviewed the Code of Ethics of the Town.

**6. BOARD OF ETHICS:**

A. Pursuant to article 18 of the New York State General Municipal Law, upon receipt of a complaint by the Town of Fine Town Attorney ("Town Attorney"), by any person alleging a violation of this Code, and at the request of the Town Attorney, the Town Board shall refer the complaint to the St. Lawrence County Attorney for review and recommendation by the St. Lawrence County Ethics Board ("Ethics Board"). If the complaint alleges a violation by any member of the Town Board, the Town Attorney may forward the complaint directly to the St. Lawrence County Attorney for review and advisory opinion by the Ethics Board, without prior approval by the Town Board.

B. The Town Board will take the advisory opinion of the Ethics Board into consideration, but is not required to follow the advisory opinion, in determining the appropriate action to take in response to a complaint.

**7. PENALTIES FOR OFFENSES:**

Upon appropriate determination by the Town Board of a violation of this Code, the following penalties may be imposed:

A. The Town Board may refer a violation to the County District Attorney for prosecution, upon conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor in accordance with the Ethics Law.

B. The Town Board may vote to terminate employment of the violating officer or employee for cause, in accordance with provisions of Town Law pertaining to officers and employees and rules governing conduct.

The Town Board may impose any other disciplinary actions up to and including suspension, in accordance with Town Law and policies.



