Town of Liberty

Chapter 9

ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Liberty 10-8-1970. Amendments noted where applicable.]

~ 9-1. Legislative declaration.[1]

Pursuant to the provisions of ~ 806 of the General Municipal Law, the Town Board of the Town of Liberty, Sullivan County, New York, 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 Code of Ethics to promulgate these rules of ethical conduct for the officers and employees of the Town of Liberty. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Liberty. The rules of ethical conduct of this Code of Ethics, as adopted and amended, 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 conflicts of interest of municipal officers and employees.

~ 9-2. Definitions.[2]

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 purposes of this chapter, a municipal officer or employee shall be deemed to have an interest in the contract of:

A. Their spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.

B. A firm, partnership or association of which such officer or employee is a member or employee.

C. A corporation of which such officer or employee is an officer, director or employee.

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[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

[2] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

D. 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 Liberty, 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.

~ 9-3. Standards of conduct.

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

A. Gifts. They shall not, directly or indirectly, solicit any gift having a value of seventy-five dollars ($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 reasonably be inferred that the gift was intended to influence them or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward for any official action on their part.[3]

B. Confidential information. They shall not disclose confidential information acquired by themselves in the course of their official duties or use such information to further their personal interest.

C. Representation before one's own agency. They 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 they are an officer, member or employee or before any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. They 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 this municipality, whereby their 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 or other matter. To the extent that they know thereof, a member of the Town Board and any officer or employee of the Town of Liberty, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town of Liberty or acts on any legislation or other matter before the Town Board or any department, committee, commission, board or agency of the town shall publicly disclose on the official record the nature and extent of any direct or

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[3]Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

indirect financial or other private interest they have in such legislation or other matter.

F. Investments in conflict with official duties. They shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with their official duties.

G. Private employment. They 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 their official duties.

H. Future employment. They shall not, after the termination of service or employment with this municipality, appear before any board, commission or agency of the Town of Liberty in relation to any case, proceeding or application in which they personally participated during the period of their service or employment or which was under their active consideration.

I. No town employee shall use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others.

J. No town employee shall engage in any transaction as representative or agent of the town with any business entity in which they have a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of their official duties.

K. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust.

~ 9-4. Personal claims permitted.

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 Liberty or any agency thereof, on behalf of themselves or any member of their family, arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

~ 9-5. Board of Ethics.

A. Composition. There is hereby established a Board of Ethics consisting of three (3) members to be appointed by the Town Board, all of whom shall reside in the Town of Liberty and who shall serve without compensation and at the pleasure of the Town Board of Liberty. A majority of such members shall be persons other than town officers or employees, but at least one (1) member shall be an elected or appointed town officer or employee.

B. Duties. The Board of Ethics established hereunder shall render advisory opinions to town employees and to the Town Board on written request and, upon a request of the Town Board, make recommendations to such Town Board as to any amendments to this code. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the town employee or officer be disclosed except to authorized persons and agencies.

C. Organization. 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.

~ 9-6. 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 in the manner provided by law.

~ 9-7. Distribution and posting.

The Supervisor of the Town of Liberty shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the town within thirty (30) days after the effective date of this code. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of their office or employment. The Town Supervisor shall further cause a copy of this code to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to so distribute or post shall have no effect on the duty of compliance herewith nor the enforcement of provisions hereof.

~ 9-8. Filing.[4]

Within thirty (30) days of the adoption of this chapter or any amendment thereto, the Town Clerk shall file a copy thereof with the appropriate state agency.

~ 9-9. Appropriations.

The Town Board may appropriate moneys from the general town funds for the maintenance 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.

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[4]Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.