Chapter 55

ETHICS, CODE OF

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[HISTORY: Adopted by the Common Council of the City of Ithaca 7-7-1993 by Ord. No. 93-14. (This ordinance also repealed former Ch. 55, Ethics, Code of, adopted 3-6-1974, as amended.) Amendments noted where applicable.]

CHARTER REFERENCES

Oath of office — See § C-6.

GENERAL REFERENCES

Personnel — See Ch. 90.

§ 55-1. Purpose.

A. The purpose of this chapter is to establish minimum standards of conduct to help ensure that the exercise of governmental responsibilities by City of Ithaca officials and employees is free from improper influences that might cause those officials or employees to make, promote or hinder public decisions in order to advance their own private interests. The standards and guidelines set forth in this chapter are intended to eliminate, to the greatest extent possible, the existence of conflicts of interest pertaining to city officials and city employees in the exercise of their official duties, to minimize unwarranted suspicion that such conflicts exist and to avoid potential conflicts of interest before they arise.

B. The rules of ethical conduct set forth in this chapter are intended to supplement those of §§ 800 through 813 of the General Municipal Law of the State of New York and any other applicable general or specific law relating to ethical conduct and interest by municipal officials and employees.

§ 55-2. Definitions.

For the purposes of this chapter, the following terms shall be defined as set forth in this section.

CITY EMPLOYEE — Any employee paid by the City of Ithaca, other than any elected official.

CITY OFFICIAL — Any elected official and any person, other than a city employee, appointed to any position in the city government.

ELECTED OFFICIAL — The Mayor and any member of Common Council.

FAMILY — A city official or city employee's spouse or domestic partner, and all dependent children. "Spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to a judicial order, decree or judgment or a legally binding separation agreement. "Domestic partner" shall mean a person defined as a domestic partner pursuant to Chapter 215, Article IV, of this Code.

§ 55-3. Applicability.

Unless otherwise specified, all sections of this chapter shall apply to all city officials and all city employees.

§ 55-4. Annual disclosure.

A. Applicability. This section shall apply only to elected officials.

B. Annual disclosure statement required. By February 1 of each year thereafter, each elected official shall complete and file with the City Clerk a signed statement of financial disclosure containing the information and in the form set forth in § 55-13 of this chapter. Upon receipt of such forms, the City Clerk shall file them with the New York State Temporary State Commission on local government ethics.

C. Such disclosure statements shall be kept on file as a public record by the City Clerk. Public notice of the existence and availability of such file shall be made annually by legal notice in the newspaper of record, announcement by the Mayor at each February's regularly scheduled Common Council meeting and posting of the notice conspicuously in City Hall.

§ 55-5. Gifts.

No city official or city employee shall, directly or indirectly, solicit, 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 in any other form, under circumstances in which it could reasonably be 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.

§ 55-6. Confidentiality.

Except as required by law, no city official or city employee may disclose confidential information acquired during the course of his or her official duties or use such information to further his or her personal interests or the personal interests of his or her family.

§ 55-7. Required conduct respecting actual and potential conflicts of interest.

A. City officials and city employees must exercise their official duties solely in the public interest and must avoid actual conflicts of interest to the greatest extent possible.

B. City officials and city employees should avoid circumstances which compromise their ability to make impartial judgments solely in the public interest and should, to the greatest extent possible, avoid even the appearance of conflict of interest. No city official or city employee shall knowingly take any action or incur any obligation of any nature which is in conflict with or might reasonably tend to conflict with the proper discharge of his or her duties on behalf of the City of Ithaca.

C. No city official or city employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any city agency of which he or she is an officer, member or employee or of any city agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.

D. No city official or city employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any city agency, whereby his or 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.

E. Avoidance of conflicts.

(1) Each city official and city employee is responsible for exercising due diligence in attempting to avoid actual or potential conflicts of interest when voting or taking other discretionary action regarding all matters with which he or she deals on behalf of the city.

(2) A city official or city employee shall exercise particularly careful diligence in avoiding any actual or potential conflict of interest when voting or taking other discretionary action on any matter brought before any element of the city government by any entity that employs said official or employee. In any such case, the involved city official or employee should attempt to avoid taking any action that could reasonably be interpreted as benefiting his or her career advancement, salary or standing within the entity that employs him or her.

F. Notwithstanding any provisions in this chapter, if a conflict of interest cannot be avoided because of the nature of the circumstances in a particular situation, any involved city official or employee shall bring the particular matter to the attention of the Mayor and the

City Attorney, or such other city official or city employees as may be appropriate, before voting or taking any discretionary action on said matter.

G. Provisions of this chapter shall not be deemed to prevent any city official from voting or taking other lawful action with regard to the establishment of salaries or benefits for elected city officials.

§ 55-8. Recusal from voting or other discretionary act.

Whenever a city official or city employee is called upon to vote on, advise on or otherwise take discretionary action on a matter before the city, and either the performance or nonperformance of such action would provide a significant and special pecuniary or material benefit to him/herself or his/her family or otherwise create any potential conflict of interest, the officer or employee shall immediately declare the nature of the conflict of interest and shall refrain, where appropriate, from taking any action or inaction that would affect the outcome of the matter.

§ 55-9. Inducement of violations prohibited.

No person shall intentionally induce a city official or city employee to take any action that violates any provision of this chapter. Any person who intentionally induces a city official or city employee to take action in violation of this chapter shall be guilty of a Class A misdemeanor, subject to a fine of not more than $1,000 and shall be barred from doing business with the City of Ithaca for a period of up to five years.

§ 55-10. Claims against the city.

Nothing in this chapter shall be deemed to bar the timely filing by a present or former official or employee of any claim, demand or suit against the city on behalf of him/herself or his/her family arising out of any personal injury or property damage or for any lawful benefit, or from receiving a municipal service or benefit that is generally available to the public or to other city employees or city officials.

§ 55-11. Distribution of Code of Ethics.

A. Within 10 days of this chapter's enactment, the City Clerk shall post a copy of this chapter conspicuously and permanently in City Hall in a manner allowing public perusal of its provisions. Copies of this chapter shall also be made available by the City Clerk to members of the public upon request under provisions of the Freedom of Information Law.

B. Within 30 days of this chapter's enactment, the City Clerk shall distribute a copy of this chapter to all city officials and city employees. Each city official and city employee shall be given a copy of this chapter before entering upon the duties of his or her office.

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE
CITY OF ITHACA, NEW YORK

For Year : 2012

Directions: This form must be completed in its entirety and submitted to the City Clerk by **February 1st** of each year, regardless of whether there have been any changes in your financial information. Do not leave any spaces blank. Please indicate with a "N/A" only if the section is not applicable to you. If you require more space to provide information, please attach additional sheets as necessary. Please consult with the City Attorney if you have any questions regarding the completion of this form.

1. Please provide your name, address and position with the City of Ithaca.

Last Name | First Name | Middle Initial

City Title | City Department

Residential Address

Daytime Telephone | E-Mail Address

2. Please provide the name of your spouse, domestic partner, adult dependents, or adult H/M. When used in this statement, "H/M" shall mean other household members who reside with you and who intend to reside with you for the foreseeable future, and to whom you are committed to mutual care and support. When used in this statement, Domestic Partner shall mean a person defined as a domestic partner pursuant to Chapter 215, Article IV, of the City of Ithaca Municipal Code.

Spouse/Partner Last Name | First Name | Middle Initial

Last Name | First Name | Middle Initial

Last Name | First Name | Middle Initial

Last Name | First Name | Middle Initial

Last Name | First Name | Middle Initial

3. Financial Interests:

A. Outside Employment:

Please state any other employment, occupation, trade, business, office or business title or profession held by you, your spouse, domestic partner, adult dependents, or H/M. Please indicate whether such activity is licensed or regulated by any local agency.

You	Spouse/Partner	H/M	Occupation	Name of Business/ Activity	Regulated by local agency Yes	No	If yes, nature of regulation
(Check which applies)							
___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___

B. Leave of Absence:

Are you on leave, paid or unpaid, from any business or organization?

_____ Yes _____ No

If yes, please identify the business or organization:_____

C. Associations and Organizations:

Please list any position that you hold in any proprietary or not-for-profit association, organization, or political party as an officer, decision or policy maker, whether you received monetary compensation or not. This includes honorary positions, self-appointed positions, and positions held by virtue of your municipal position. This excludes general membership and liaison roles where you have no decision or policy-making authority.

Organization	Position Held	Date(s) Held

D. Real Estate:

List the location of all real estate in or within five (5) miles of Tompkins County that is owned in whole or in part by you, your spouse, domestic partner, adult dependents, or H/M.

Property Address	Owned by

E. Business Connections:

Please indicate if you, your spouse, domestic partner, adult dependents, or H/M, are involved in any profit-making or non-profit enterprise not previously disclosed, which has a business connection, including contracts, with the City of Ithaca:

(Please describe the principal activities and nature of the connection or contract with the city.)

_____

_____

_____

F. DBA (Doing Business As)

Do you or anyone in your household have a current DBA, or ownership in a corporation that has a DBA in Tompkins County?

_____ Yes _____ No

If yes, please provide the DBA name(s)_____
and the owner:_____

G. Investments and other assets:

You may exclude Mutual Funds and Blind Trusts from this section.

Please itemize and describe all investments (e.g. capital stock, bonds, IRA, trusts, etc.), which you, your spouse, domestic partner, adult dependents, or H/M hold in any business, corporation, or partnership as a majority owner or a significant interest (5% or more).

_____

_____

_____

H. Loans:

List any outstanding loans payable or receivable over $1,000 involving people who live, work or own property in Tompkins county, excluding established financial institutions and family members.

_____

Amount of Loan | Purpose of Loan | Lender or Recipient

_____

Amount of Loan | Purpose of Loan | Lender or Recipient

I. Gifts:

List any personal gifts and who gave them received by you, your spouse, domestic partner, adult dependents, or H/M during the last 3 years from people who live, work or own property in Tompkins County, of a value greater than $1,000, other than from a relative:

_____

Gift Received from

_____

Gift Received from

4. Other Information:

A. To the best of your knowledge are you or anyone in your household involved in any organization or activity or holding any asset, excluding those listed above, that could be a conflict of interest in performing the duties of your city position?

_____ _____

Yes No

If yes, please explain:_____

_____

B. Do you have any holdings, assets, or property held under any other name?

_____ _____

Yes No

Please explain:_____

_____

5. Certification:

I certify that the responses herein are true and I understand that any willful misstatement constitutes a violation of the City of Ithaca Municipal Code and subjects me to penalties provided in Section 55.12 of the City Code.

_____ _____

Signature Date

05/04

§ 55-12. Penalties for offenses.

A. Any knowing and willful violation of this chapter will be a Class A misdemeanor subject to the penalties provided in § 813 of the General Municipal Law.

B. Knowing and willful violation of this chapter may also subject the violator to a civil penalty and may also involve forfeiture of office or employment and liability for all damages. Civil penalties may include a fine not to exceed $10,000, for knowingly and willfully failing to file a financial disclosure statement, for knowingly and willfully making a false statement with intent to deceive or for otherwise knowingly and willfully violating this chapter.

§ 55-13. Form of statement of financial disclosure.

The annual statement of financial disclosure shall contain the information and be in the form set forth hereinbelow.[1]

[1] **Editor's Note: Copies of the statement of financial disclosure are on file in the office of the City Clerk and may be examined during regular office hours.**