

Resolution #090386 Code Of Ethics
Presented by Supervisor Thorne
Moved by Supervisor Thorne
Seconded by Councilman Bliak

LOCAL LAW establishing standards of conduct: for officers and employees of the Town of Marion, County of Wayne, State of New York.

BE IT ENACTED by the Town Board of Marion, New York, as follows:

SECTION 1. Pursuant to the provisions of Section 806 of the General Municipal Law of the State of New York, the Marion Town Board, as one of the Townships of the County of Wayne, in the State of New York, a municipality, having its principal office for transaction of business at 3823 North Main Street, in the Town of Marion, New York, recognizes that there are rules of ethical conduct for public officials 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 local government. It is the purpose of this local law to publicly promulgate these rules of ethical conduct for the officers and employees of the Town of Marion. These rules shall serve as a guide for conduct of the officers and employees of the Town of Marion. The rules of ethical conduct of this local law as adopted, shall not conflict with, but shall be in addition to any prohibition of Article 18 of General Municipal Law of the State of New York or any other general or special law of the State of New York relating to ethical conduct and interest in contracts of municipal officers and employees.

SECTION 2. DEFINITIONS

- a. MUNICIPAL OFFICER or EMPLOYEE means an officer or employee of the Town of Marion, whether paid or unpaid, including members of any administrative board, commission, committee or other department, unit agency thereof.
- b. INTEREST means a pecuniary or material benefit directly or indirectly intended to accrue to a municipal officer or employee.

SECTION 3. STANDARDS OF CONDUCT

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

- a. GIFTS. He shall not directly or indirectly, solicit any gift or knowingly accept or receive any gift having a value of twenty-five (\$25.00) dollars or more, whether in the form of money, services, or any other form, given to him or his immediate family, under circumstances in which it 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. REPRESENTATIVE BEFORE ONE'S 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 or of any municipal agency of which he has jurisdiction or to which he has the power to appoint any member, officer or employee or of any municipal agency over which he has the power to directly influence the policy of decision thereof.
- d. 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 paragraph shall not prohibit the fixing at any time, of fees based upon the reasonable value of the services rendered. Agency herein shall not be interpreted to include the judicial court system of the Town of Marion.

e. DISCLOSURE OF INTEREST IN LEGISLATION. To the extent that he knows thereof, a member of the Marion Town Board, any officer or employee of the Town of Marion, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board or other official policy making agency on any matter before said Board or agency shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other personal interest he has in such legislation.

f. DISCLOSURE IN CERTAIN APPLICATIONS. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemptions from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of the Town of Marion, shall state the name, residence, and the nature and extent of the interest of any town officer, or any officer or employee of the Town, in the person, partnership or association making such application, petition or request to the extent known to such applicant. Further reference is made to Section 809 of the General Municipal Law of the State of New York.

g. INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES. He shall not invest or hold any investment directly or indirectly in a financial, business, commercial or other private transaction, which creates a conflict with his official duties.

h. PRIVATE EMPLOYMENT. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interest when such employment or services creates a conflict with his official duties.

i. PRIVATE EMPLOYMENT. He shall not engage in, solicit, negotiate for or promise to accept private employment, or render services for private interest, when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

j. SPECIAL CONSIDERATION OR PRIVILEGE. He shall not use his official municipal position to intentionally secure special consideration or privileges for himself or others by interceding directly in the function of any municipal agency.

k. FUTURE EMPLOYMENT. He shall not after the termination of service or employment with such a municipality, appear before any board or agency of the Town of Marion in relationship to any case, preceeding or application in which he personally participated during the period of his employment, or which was under his direct consideration.

SECTION 4.

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 Marion, 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.

SECTION 5.

DISTRIBUTION OF THE CODE OF ETHICS. The Supervisor of the Town Board of Marion, shall cause a copy of this Code of Ethics, to be distributed to every officer, and employees of the Town of Marion within thirty days after the effective date of this local law. Each officer and employee thereafter shall be furnished a copy before entering, upon the duties of his office or employment.

SECTION 6.

PENALTIES. In addition to any penalty contained in an 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.

SECTION 7..

EFFECTIVE DATE. This local law shall take effect immediately upon passage and proper filing as provided in Section 27 of the Municipal Home Rule law of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows.

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| Supervisor Thorne | Yes | Councilman Bliet | Yes |
| Councilman Hance | No | Councilman Fisher | Yes |
| Councilman Lootens | Yes | | |

The resolution was declared duly adopted.

Deborah D. Smith

I, Deborah D. Smith, Town Clerk/Clerk of the Board, do hereby certify that this is a true and exact copy of the resolution presented and adopted at a regular Town Board Meeting on August 14, 2009.

