

Section 94.02. Code of Ethics for officers and employees of the City of New Rochelle.

1 . Statement of purpose. The City Council 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 city government. It is the purpose of this Code of Ethics to promulgate these rules and ethical conduct for the officers and employees of the city. This code shall serve as a guide for official conduct of the officers and employees of the city. The rules of ethical conduct 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.

2. Definitions.

(a) MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the City of New Rochelle, whether paid or unpaid, including members of any administrative board, commission or other agency thereof.

(b) INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires. This shall include benefits accruing to the following:

1. The municipal officers' or employees' spouse, minor child and dependents;
2. A firm, partnership or association of which such officer or employee is a member or employee;
3. A corporation, of which such officer or employee is an officer, director or employee; and
4. A corporation, any stock of which is accrued or controlled directly or indirectly by such officer or employee.

3. Standards of conduct. Every officer or employee of the City of New Rochelle shall be subject to and abide by the following standards of conduct:

(a) Gifts. An officer or employee shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of \$25 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 or could reasonably be expected to influence such officer or employee in the performance of such officer's or employee's official duties or was intended as a reward for any official action on such officer's or employee's part.

(b) An officer or employee shall not disclose confidential information acquired by such officer or employee in the course of such officer's or employee's official duties or use such information to further such officer's or employee's personal interest or the interest of others.

(c) Representation before one's own agency. An officer or employee

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 such officer or employee is an officer, member or employee or of any municipal agency over which such officer or employee has jurisdiction or to which such officer or employee has the power to appoint any member, officer or employee.

(d) Representation before any agency for a contingent fee. An officer or employee 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 such officer's or employee's municipality, whereby such officer's or employee's 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.

(e) Disclosure of interest in legislation. To the extent that the officer or employee knows thereof, a member of the Council and any officer or employee of the City of New Rochelle, whether paid or unpaid, who participates in the discussion or gives official opinion to the Council on any legislation before the Council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest such officer or employee has in such legislation.

(f) Investments in conflict with official duties. An officer or employee shall not invest or hold any investments, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with such officer's or employee's official duties.

(g) Private employment. An officer or employee 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 such officer's or employee's official duties.

(h) Future employment. An officer or employee shall not, after the termination of service or employment with such municipality, appear before any board or agency of the City of New Rochelle in relation to any case, proceeding or application in which such officer or employee personally participated during the period of service or employment or which was under such officer's or employee's active consideration, nor shall such officer or employee appear before any board or agency of the City of New Rochelle to which such officer or employee has appointed one or more members who are currently serving thereon. This shall include communicating in any form, including personally, through another person by letter or by telephone.

(i) Use or attempt to use such officer's or employee's official position to secure unwarranted privileges or exemptions for the officer or employee or others. An officer or employee, after termination of service with the city, may be retained as a paid consultant at a reasonable fee upon the recommendation of the City Manager and approval of the City Council.

(k) Political solicitation. A municipal officer or employee shall not knowingly request or knowingly authorize anyone else to request any subordinate of the officer or employee to participate in an election campaign or contribute to a

political committee.

(l) Inducement of others. A municipal officer or employee shall not induce or aid another officer or employee to violate any of the provisions of this Code of Ethics.

(m) Recusal. A municipal officer or employee shall promptly recuse himself/herself from acting on a matter before the city when acting on the matter or failing to act on the matter may financially benefit his or her interest.

(n) Transactional disclosure. Whenever a municipal officer or employee is required to recuse him/her self under this Code of Ethics, such officer or employee shall:

(1) Promptly inform his or her superior;

(2) Promptly file with the City Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of the board; and

(3) Refrain from participating further on the matter.

(o) Disclosure of financial interest. Certain employees and officers shall submit an annual statement of financial disclosure as provided in Chapter 33 of the Code of the City of New Rochelle.

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 City of New Rochelle, or any agency thereof, on behalf of such officer or employee or any members of such officer's or employee's family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

5. Distribution of Code of Ethics. The City Manager of the City of New Rochelle shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the city within 20 days after the effective date of this local law. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of office or employment.

6. Penalties. 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 provided by law.

Section 94.03. Nonsalaried officers and employees.

The provisions of Section 94.01 of this Charter shall not apply to any person appointed as a nonsalaried member of any board, agency or commission of the city, provided that such person, upon becoming a nonsalaried officer or employee of such board, agency or commission, shall disclose to the other members of said board, agency or commission his interest or employment in any transaction or matter which may come before such board, agency or commission, and provided further that such nonsalaried officer or employee shall refrain from voting on any transaction or matter in which he has an interest and that he also refrain from any discussion, debate or use of his position in such a manner as to attempt to influence

the judgment of any of the other members of the board, agency or commission.