

**LOCAL LAW FILING** NEW YORK STATE DEPARTMENT OF STATE  
**162 WASHINGTON AVE., ALBANY NY 12231**

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**TOWN OF RYE**  
**LOCAL LAW NO. 1 YEAR 2011**  
**CODE OF ETHICS**

**SECTION 1. PURPOSE**

Officers and employees of the Town of Rye hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town of Rye recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. The Code of Ethics establishes those standards.

As an employee of the Town of Rye you have an obligation to report any behavior or incident you believe to be in violation of law or our internal Code of Ethics affecting the welfare of Town personnel, operations, or customers.

If you become aware of an incident that violates our Code of Ethics, it is your responsibility to report it to your manager, a member of the Rye Town Board, or a member of the Rye Town Board of Ethics.

**SECTION 2. DEFINITIONS**

**Board** - means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

**Code** - means this Code of Ethics.

**Interest** - means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

**Municipality** - means the Town of Rye. The word "municipal" refers to the municipality.

ADOPTED 02/15/2011  
FILED 02/16/2011  
EFFECTIVE 02/23/2011

**Municipal officer or employee** - means a paid or unpaid officer or employee of the Town or Rye, including, but not limited to, the members of any municipal board.

**Relative** - means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

### **SECTION 3. APPLICABILITY**

This Code of Ethics applies to the officers and employees of the Town of Rye and shall supersede any prior municipal Code of Ethics. The provisions of this Code of Ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Rye.

### **SECTION 4. PROHIBITION ON USE OF MUNICIPAL POSITION FOR PERSONAL OR PRIVATE GAIN**

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

### **SECTION 5. DISCLOSURE OF INTEREST IN LEGISLATION AND OTHER MATTERS**

1. Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing, the nature of the interest.
2. The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
3. In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee, or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

## **SECTION 6. RECUSAL AND ABSTENTION**

1. No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
2. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
  - a. If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercise or performed by the other members of the board; or
  - b. If the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officers does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
  - c. If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

## **SECTION 7. PROHIBITION INAPPLICABLE; DISCLOSURE, RECUSAL AND ABSTENTION NOT REQUIRED**

1. This Code's prohibition on use of a municipal position (Section 4), disclosure requirements (Section 5) and the requirements relating to recusal and abstention (section 6) shall not apply with respect to the following matters:
  - a. adoption of the municipality's annual budget;
  - b. any manner requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
    - I. all municipal officers or employees;
    - II. all residents or taxpayers of the municipality or an area of the municipality;  
or
    - III. the general public; or
  - c. any matter that does not require the exercise of discretion.
2. Recusal and abstention shall not be required with respect to any matter:
  - a. which comes before a board when a majority of the board's total membership would otherwise be prohibited from action by Section 6 of the Code;

- b. which comes before a municipal officer when the officer would be prohibited from acting by Section 6 of this Code and the matter cannot be lawfully delegated to another person.

#### **SECTION 8. INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES**

1. No municipal officer or employee may acquire the following investments:
  - a. Investments that can be reasonably expected to require more than sporadic recusal and abstention under Section 6 of the Code; or
  - b. Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
2. This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
  - a. real property located within the municipality and used as his or her personal residence;
  - b. less than five percent of the stock of a publicly traded corporation; or
  - c. bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

#### **SECTION 9. PRIVATE EMPLOYMENT IN CONFLICT WITH OFFICIAL DUTIES**

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition or any business, commercial, professional or other types of services, when the employment:

1. can be reasonably expected to require more than sporadic recusal and abstention pursuant to Section 6 of this Code;
2. can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
3. violates Section 805-1(1)(c) or (d) of the General Municipal Law; or
4. requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party

## **SECTION 10. FUTURE EMPLOYMENT**

1. No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
2. No municipal officer or employee, for a six (6) month period after service as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.
3. No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

## **SECTION 11. PERSONAL REPRESENTATIONS AND CLAIMS PERMITTED**

This Code shall not be construed as prohibiting a municipal officer or employee from:

1. representing himself or herself, or his or her spouse or minor children before the municipality; or
2. asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

## **SECTION 12. USE OF MUNICIPAL RESOURCES**

1. Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, the municipality's money, vehicles, equipment, materials, supplies, or other property.
2. No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
  - a. any use of municipal resources authorized by law or municipal policy;
  - b. the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

c. the occasional and incidental use during the business day of municipal telephone and computers for necessary personal matters such as family care and changes in work schedule.

3. No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals, or lodging in connection with official travel.

### **SECTION 13. INTERESTS IN CONTRACTS**

1. No municipal officer or employee may have an interest in a contract that is prohibited by Section 801 of the General Municipal Law.
2. Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by Section 803 of the General Municipal Law.

### **SECTION 14. NEPOTISM**

Except as otherwise required by law:

1. No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline, or discharge a relative or significant other for any position at, for, or within the municipality or a municipal board.
2. No municipal officer or employee may supervise a relative or significant other in the performance of the relative's official power or duties.

### **SECTION 15. POLITICAL SOLICITATIONS**

1. No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
2. No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

## **SECTION 16. CONFIDENTIAL INFORMATION**

No municipal officer or employee who acquired confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

## **SECTION 17. GIFTS**

1. No municipal officer or employee shall solicit, accept, or receive a gift in violation of Section 805-1(1) (a) of the General Municipal Law as interpreted in this section.
2. No municipal officer or employee may directly or indirectly solicit any gift.
3. No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of One Hundred Fifty Dollars (\$150.00) or more when:
  - a. the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
  - b. the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
  - c. the gift is intended as a reward for any official action on the part of the officer or employee.
4. For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed One Hundred Fifty Dollars (\$150.00) must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.
5. A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

6. A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.
7. This section does not prohibit any gift, including:
  - a. gifts made to the municipality;
  - b. gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
  - c. gifts given on special occasions, such as marriage, illness or retirement, which are modest, reasonable and customary;
  - d. unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, notes pads and calendars;
  - e. awards and plaques having a value of One Hundred Fifty Dollars (\$150.00) or less which are publicly presented in recognition of service as a municipal officer or employee or other services to the community; or
  - f. meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

#### **SECTION 18. BOARD OF ETHICS**

1. There is hereby established a Board of Ethics for the municipality. The Board of Ethics shall consist of five (5) members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such Board of Ethics shall be appointed by the Town Board, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the Board of Ethics.
2. The Board of Ethics shall render advisory opinions to the officers and employees of the Town of Rye with respect to Article 18 of the General Municipal Law and this Code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board of Ethics may prescribe. The Board of Ethics shall have the advice of legal counsel employed by the Board, or if none, the municipality's legal counsel. In addition, the Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics, or amendments thereto, upon the request of the Town of Rye.

## **SECTION 19. POSTING AND DISTRIBUTION**

1. The Town Supervisor must promptly cause a copy of the Code and a copy of any amendment to this Code, to be posted publicly and conspicuously in each building under the municipality's control. The Code must be posted within ten (10) days following the date on which the Code takes effect. An amendment to the Code must be posted within ten (10) days following the date on which the amendment takes effect.
2. The Town Supervisor must promptly cause a copy of this Code, including any amendments to the Code, to be distributed to every person who is or becomes an officer and employee of the Town of Rye.
3. Every municipal officer or employee who receives a copy of this Code or an amendment to the Code must acknowledge such receipt in writing. Such acknowledgements must be filed with the Clerk of the Municipality who must maintain such acknowledgements as a public record.
4. The failure to post this Code or an amendment to the Code does not affect either the applicability or enforceability of the Code or the amendment. The failure of the municipal officer or employee to receive a copy of this Code of Ethics or amendment to the Code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the Code or amendment to the Code.

## **SECTION 20. ENFORCEMENT**

Any municipal officers or employee who violates this Code may be censured, fined, suspended, or removed from office or employment in the manner provided by law.

## **SECTION 21. EFFECTIVE DATE**

This Code takes effect on February 15, 2011

## **SECTION 22. STANDARDS OF CONDUCT**

- Understand and follow the laws and regulations governing our Town
- Be honest, open, fair, and trustworthy in all Town business and relationships
- Avoid all conflicts of interest between work and personal affairs
- Protect Town assets
- Foster a safe, healthy, and productive workplace
- Be accountable at all levels of the Town

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of Year, 2011 of the (Town) of Rye was duly passed by the Town Board on February 15, 2011, in accordance with the applicable provisions of law.

2.(Passage by local legislative body with approval, no disapproval or re-passage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2011 of the (County)(City)(Town)(Village)of \_\_\_\_\_ was duly passed by the \*\* \_\_\_\_\_ on \_\_\_\_\_, 2011 and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 2011, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2011 of the (County)(City)(Town)(Village)of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 2011 and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 2011. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 2011, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_ of 2011 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 2011 and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 2011. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 2011, in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a elected on a countywide basis or, if there be none , the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

\*\* Name of legislative body

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 2011 of the Town of Rye having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_, 20 , became operative.

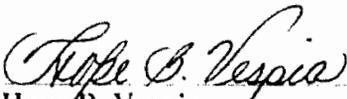
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 20\_\_ of the County of Westchester, State of New York, having been submitted to the electors at the General Election of November \_\_, 20\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

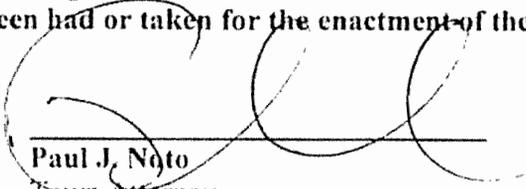
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(Seal)

  
Hope B. Vespia  
Town Clerk  
Town of Rye  
10 Pearl Street  
Port Chester, New York 10573  
February 15, 2011

State of New York  
County of Westchester

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Paul J. Noto  
Town Attorney  
Town of Rye  
February 15, 2011