

TOWN OF WESTERLO

CODE OF ETHICS

A Resolution to replace the undated Code of Ethics, and establish standards of conduct for officers and employees of the Town of Westerlo.

Be it Resolved by the Town Board of the Town of Westerlo, that the following Code of Ethics be and it hereby is adopted:

SECTION 1. Pursuant to the provisions of section eight hundred six of the General Municipal Law, the Town Board 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 local government. It is the purpose of this Resolution to replace the existing undated Code of Ethics, and to promulgate a new set of rules of ethical conduct for the officers and employees of the Town. These rules shall serve as a guide for official conduct of the officers and employees of the Town. The rules of ethical conduct of this resolution as adopted, shall not conflict with, but shall be in addition to any prohibition set forth in Article Eighteen 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.

SECTION 2. DEFINITION.

(a) "Agency" shall mean: (i) any county, city, town, village, school district or district corporation, or any agency, department, division, board, commission or bureau thereof; and b) any public benefit corporation or public authority not included in the definition of a state agency.

(b) "Municipal Officer or Employee" means an officer or employee of the Town whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person, however, will be deemed to be a municipal officer or employee solely by reasons of being an emergency service (fire or ambulance) or civil defense volunteer.

(c) "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

(d) "Town" means the Town of Westerlo

SECTION 3. STANDARDS OF CONDUCT.

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

- (a) Gifts. He/she shall not directly or indirectly, solicit any gift, or accept or receive any gift having a value of twenty-five dollars 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 him/her, or could reasonably be expected to influence him/her, in the performance of his official duties or was intended as a reward for any official action on his part.
- (b) Confidential Information. He/she shall not disclose confidential information acquired by him/her in the course of his official duties or use such information to further his personal interest.
- (c) Representation before one's own agency. He/she 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 he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.
- (d) Representation before any agency for a contingent fee. /she 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/her municipality, whereby his/her 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 he/she knows thereof, a member of the Town Board and any officer or employee of the

Town, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.

- (f) Disclosure of Interest in Contract or proprietary Agreement. Any municipal officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the municipality of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the governing body thereof as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body.

- (g) Disclosure in certain applications.

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when

he/she, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

(a) is the applicant, or

(b) is an officer, director, partner or employee of the applicant,
or

(c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant,
or

(d) is a party to an agreement with such an applicant, express or implied, whereby he/she may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

- (h) Investments in conflict with official duties. He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his/her official duties.
- (i) Private employment. He/she 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 his/her official duties.
- (j) Future Employment. He/she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration
- (k) Appearance of impropriety. An official should avoid circumstances that compromise his/her ability to make decision solely in the public interest or create an appearance of impropriety.
- (l) Town Property and Resources. No employee may use town owned property, assets, or any resources for personal purposes or profit, or to

benefit any person. Use of these resources is restricted to the conduct of official business, for the benefit of all residents and to further an authorized purpose. Notwithstanding the foregoing, however, town employees may use town owned property, assets, or any resources when necessary to protect health, safety and welfare either directly, or indirectly by request of an authorized emergency responder to an incident in the town, or as required under any Town authorized Shared Services Agreement or pursuant to the National Incident Management System.

- (m) Subordinates. No official shall solicit political contributions from subordinates or request that they attend political functions or engage in any political activity.
- (n) Nepotism. Spouses and other family members of the Town official may not serve in appointed positions whose duties conflict or appear to conflict within the scope of duties of the official. They may not serve on a commission, board, or body of which the official is a member.
- (o) Inducement of others. A municipal officer or employee shall not induce or aid another officer or employee of the municipality to violate any of the provisions of this Code of Ethics.
- (p) Recusal: A town official shall promptly recuse himself/herself from acting on a matter before that official or board on which official sits when faced with the above conflicts.

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 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 CODE OF ETHICS. The Supervisor shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town within thirty days of its adoption. Each officer and employee elected or appointed

thereafter shall be furnished a copy before entering upon the duties of his/her office or employment.

SECTION 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 7. EFFECTIVE DATE. This Resolution shall take effect January 3, 2012.