

Resolution No. 24-1991

Code of Ethics

Offered by Ransom A. Evans, who moved it's adoption.

Seconded by John Barlow.

Reviewed and adopted Again: Bill Lancaster made the motion, Eric Haslun seconded on October 9, 2014.

I. PURPOSE

The purpose of this resolution is to create the Town of Richmondville Ethics Code in compliance with Article 18 of the New York State General Municipal Law. The citizenry of the Town of Richmondville are entitled to the expectation of exemplary ethical behavior from their town officers, employees and appointed officials and this resolution is intended to create minimum standards which constitute that behavior. This resolution recognizes that financial disclosure is not required as this municipality has less than 50,000 population and that any future requirements of disclosure in pursuit of official integrity must be balanced against individual constitutional rights. Any particulars not determined by this resolution shall be construed within the provisions of General Municipal Law Article 18.

II. DEFINITIONS

Unless otherwise indicated, the following terms shall be defined such for the purpose of the Town of Richmondville Code of Ethics:

- (a) "Agency" means any of the divisions of Town government, referred to in subdivision (d) of this section.
- (b) "Appropriate body" pursuant to Article 18 of General Municipal Law means the Town Board of the Town of Richmondville.
- (c) "Child" means any son, daughter, step-son or step-daughter of a Town Officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee or appointed official as defined in the Internal Revenue Code Section 152 (a) (1) and (2) and any amendments there to.
- (d) "Town" means the Town of Richmondville or any department, board, executive division, institution, office, branch, bureau, commission, agency or other division or part thereof.
- (e) "Interest" means a direct or indirect pecuniary or material interest accruing to a Town Officer, employee or appointed official, his or her spouse, or child, whether as the result of a contract with the Town or otherwise. For the purpose of this chapter, a Town Officer, employee or appointed official shall be deemed to have an interest in the contract of (i) his/her spouse and children, except a contract of employment with the Town; (ii) a firm, partnership or association of which such officer, employee or appointed official or his/her spouse or child is a member or employee; (iii) a corporation of which such officer, employee or appointed official, or his/her spouse or child is an officer or director; and (iv) the outstanding capital stock of a corporation which is owned by an officer, employee or appointed official or his/her spouse or child.
- (f) "Legislation" means a matter which appears upon the calendar or agenda of the Town Board of Richmondville or upon a committee thereof upon which any official action has been taken and shall include adopted acts, local law, ordinances or resolutions.
- (g) "Officer" or "Employee" means any officer or employee of the Town of Richmondville and any elected officials, appointed officials and heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the Town of Richmondville whether paid or unpaid.
- (h) "Town Elected Official" means the Town Supervisor, a Councilman, the Town Clerk, the

Highway Superintendent, the Tax Collector, the Justice and an Assessor.

- (i) "Appointed Official" means any individual who is appointed by the Town Supervisor or the Town Board to an agency, institution, department, office, branch, division, council, board, committee or bureau whether unpaid or paid.
- (j) "Relative" means a spouse, child or parent of a Town Officer, employee or appointed official.
- (k) "Spouse" means the husband or wife of an officer, employee or appointed official subject to the provisions of this Resolution unless legally separated from such officer, employee or appointed official.
- (l) "Jurisdiction" shall mean having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the Town agency (as defined above at II (3) (a) in which she\he is an officer, employee or appointed official as defined above at II (1) (g).
- (m) "Chief Elected Official" means, for the purposes of interpreting this resolution only, the Town Supervisor or his or her designee.

III. CODE OF ETHICS

A. PROHIBITED ACTIVITIES

It is the policy of the Town Board of Richmondville that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever an officer, employee or their relative as defined above in II (l) (j) has an interest, direct or indirect, which conflicts with their duty to the Town or which could adversely affect an individual's judgement in the discharge of his or her responsibilities. No officer, employee or their relatives shall:

1. Take action or participate in any manner whatsoever in his or her official capacity in the discussion, negotiation or the awarding of any contract or in any business or professional dealings with the Town of Richmondville or any agency thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or professional dealings.
2. Engage in , solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge of his or her official duties.
3. Solicit, directly or indirectly any gifts or receive or accept any gift having the value of Seventy-Five (\$75.00) Dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or in any other form under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her or could be 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.
4. Disclose confidential financial information acquired in the course of his or her official duties or use such information to further his or her personal interest.
5. Take action on a matter before the Town or any instrumentality thereof when, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit to himself or herself.

B. APPLICATION

Any questions as to the application of these rules shall be determined by the Town Attorney.

IV. DISCLOSURE OF INTEREST

1. Any officer or their relative who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the Town Board of Richmondville or by any other official, Board, Agency, officer or employee of the Town of Richmondville and who participates in the discussion before or who gives an opinion or gives advice to any Board, Agency or individual considering the same, shall publicly disclose on the official record the nature and extent of such interest.

2. Any officer or employee of the Town of Richmondville or their relative, who has knowledge of any matter being considered by any Board, Agency, Officer or employee of the Town of Richmondville in which he or she has or will have or intends to acquire any direct or indirect interest, shall immediately disclose, in writing, his or her interest to such Board, Agency, Officer or employee and the nature and the extent thereof, to the degree that such disclosure gives substantial notice of any potential conflict of interest.

3. Being a municipality of less than 50,000 population, financial disclosure is not required of any position in the Town of Richmondville.

V. BI-ANNUAL CODE OF ETHICS REVIEW

Every official and employee is required to attest on a bi-annual basis that he or she has reviewed the Code of Ethics of the Town of Richmondville to be made on or before March 31 of the year for which the employment is in effect. Said attestation is to be filed with the Town Clerk.

VI. SEVERABILITY

The various elements of the Town of Richmondville's Code of Ethics are explicitly intended to be construed within the application of Article 18 of the New York State General Municipal Law. Should any portion of this resolution be determined to be unconstitutional or improper, said determination shall have no bearing on the severable remainder of this local resolution.

VII. 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.

VIII. DISTRIBUTION OF CODE

The Town Clerk shall distribute a copy of this Code of Ethics to every officer and employee of the Town of Richmondville within 10 days after the effective date of this resolution. Each officer elected or appointed thereafter shall be furnished a copy of this Resolution by the Town Clerk. Each employee shall be furnished a copy of the Code of Ethics by the department head of the particular department within which such person is employed.