

## **TOWN OF SANGERFIELD**

### **LOCAL LAW NO. 1, 1970**

A local law relating to a code of ethics and a board of ethics for the Town of Sangerfield

Be it enacted by the Town Board of the Town of Sangerfield as follows:

#### **INTENT OF TOWN BOARD**

Section 1. Statement of legislative intent. The Town Board of the Town of Sangerfield recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this town as part of our states important system of local government. It is the purpose of this local law to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards, and to create a board of ethics to render advisory opinions to the towns officers and employees as provided for herein.

Section 2. The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of town officers to the extent that the same are more severe in their application than this local law.

#### **ARTICLE 11 CODE OF ETHICS**

Section 1. Definitions. As used in this local law, the term town shall mean any board, commission, district, council or other agency, department or unit of the government of the Town of Sangerfield.

The term town employee shall mean any officer or employee of the town of Sangerfield whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

Section 2. Rule with respect to conflicts of interest. No town employee shall have any interest, financial or otherwise, direct or in-direct, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his/her duties in the public interest.

Section 3. Standards. A. No town employee shall accept other employment which will impair his/her independence of judgment in the exercise of his/her official duties.

B. No town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he/she has

gained by reason of his/her official position or authority.

C. No town employee shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.

D. No town employee shall engage in any transaction as representative or agent of the town with any business entity in which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties.

E. A town employee shall not by his/her conduct give reasonable basis or the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties, or that he/she is affected by the kinship, rank, position or influence of any party or person.

F. Each town employee shall abstain from making personal investments in enterprises which has reason to believe may be directly involved in decisions to be made by him/her or which will otherwise create substantial conflict between his/her duty in the public interest and his/her private interest.

G. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his trust.

H. No town employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the town in which such employee serves or is employed.

F. Each town employee shall, to the extent that he/she is cognizant thereof, disclose any interest he/she may have in legislation before the town board.

J. No town employee within 2 years after the termination of his/her service or employment with the town shall accept employment which will involve contacts with the town which can work to his/her special advantage by virtue of his/her prior contact and relationship with the town.

Section 4. Violations. In addition to any penalty contained in any other provision of law, any such town employee who shall knowingly and intentionally violate any of the provisions of this local law may be fined, suspended or removed from office or employment in the manner provided by law.

## **ARTICLE 111 ADMINISTRATION**

Section 1. Upon the adoption of this local law, the town supervisor shall cause a copy thereof to be distributed to every town employee of this town. Failure to distribute any such copy or failure of any town employee to receive such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof. The town supervisor shall further cause a copy of this local law to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to post this local law shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

Page 3 – Code of Ethics

Section 2. Within thirty days of the adoption of this local law, the town clerk shall file a copy thereof in the office of the state comptroller.

#### **ARTICLE IV SEVERABILITY CLAUSE**

Section 1. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the cause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **ARTICLE V EFFECTIVE DATE**

Section 1. This local law shall take effect immediately.

Section !! It is understood that in the event a “true emergency” is taking place or has taken place this Procurement Policy would be overridden by an emergency meeting of a majority of the Town Board members.

#### **GIFTS (ADDITION 01/12/2011)**

- (a) No municipal officer or employee may directly or indirectly solicit any gift.
- (b) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy - five dollars or more when:
  - (1) It appears the gift is intended to influence the officer or employee in the exercise or performance of his/her powers or duties.
  - (2) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his/her powers or duties.
  - (3) The gift is intended as reward for any official action on the part of the officer or employee.
- (c) For purposes of this section “ a gift” includes anything of value, whether in the form of money, services, 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 seventy-five dollars 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.
- (d)
  - (1) A gift from a person or organization that seeks to contract with the municipality is presumed to be a gift that is intended to influence an officer or employee in the exercise or performance of his/her official powers/duties.
  - (2) A gift from a person or organization that has a contract with the municipality, or has had a contract with the municipality during the preceding twelve month, is

presumed to be a gift intended as a reward for the official action.

(e) This action does not prohibit:

(1) Gifts made to the municipality;

(2) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that it is that personal relationship rather than the recipient's status as a municipal officer or employee that is the primary motivating factor for the gift.

(3) Gifts which are modest, reasonable and customary, given on special occasions, such as marriage, illness, or retirement.

(4) Unsolicited advertising or promotional material of little intrinsic value, such as note pads, pens, pencils, and calendars, etc.

(5) Awards and plaques having a value of seventy five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community.

Revised by the Town Board 01/09/2018