

# CODE OF ETHICS OF THE TOWN OF NAPOLI

A local law establishing standards of conduct  
for officers and employees of the Town of Napoli.

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

**Section 1.** Pursuant to the provisions of section eight hundred six of the general municipal law, the Town Board of the Town of Napoli 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 unit of local government. It is the purpose of this local law to promulgate these rules of ethical conduct for the officers and employees of the Town of Napoli. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Napoli. The rules of ethical conduct of this local law as adopted, shall not conflict with, but shall be in addition to any prohibition of 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.

**NOTE:** It is important to note from the foregoing that codes of ethics may not be enacted to as to conflict with the primary provisions of the statute relative to interests in contract and ethical conduct.

A code of ethics cannot increase or diminish any of the exceptions to prohibited interests in contract or diminish the disclosure provisions.

**Section 2. Definition.**

(a) "Municipal Officer or Employee" means an officer or employee of the Town of Napoli, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

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

NOTE: The definition of "interest" is limited by the above language to the municipal officer or employee. The definition can be expanded to include a pecuniary or material benefit accruing to the municipal officer's or employee's

1. spouse, minor children 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 or indirectly by such officer or employee.

**Section 3. Standards of Conduct.** Every officer or employee of the Town of Napoli shall be subject to and abide by the following standards of conduct:

(a) **Gifts.** He shall not directly or indirectly, solicit any gift; or accept or receive any gift having 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, or could reasonably be expected to

influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

SOURCE: This provision is part of the statutory code, applicable to all municipalities ( General Municipal Law, 805-a, (1) )

NOTE: The solicitation of any gifts by a municipal officer or employee or the receipt by him of gifts of significant value, whether in money, an object, entertainment, or in any other form, under circumstances under which it could reasonably be inferred that such gift was intended to or could reasonably be expected to influence him in the performance of his official duties or was intended to reward him therefor, should be prohibited. The Commission wanted to make it clear that a solicitation of a "gift" by a municipal officer or employee was an improper practice under all circumstances. It is important that the prohibition of unsolicited gifts, however, be limited to circumstances related to improper influence. It is not the intent of the Commission to isolate municipal officers and employees from normal social intercourse where gifts among friends and relatives for occasions are appropriate. The line should be drawn, however, where the circumstances are such that the gift represents more than mere friendship or family relationship. The Commission further recommends limiting the prohibition to avoid de minimis situations, such as subjecting a public officer or employee for accepting a proffered cigar or permitting himself to be outfumbled for a modest lunch check. A figure of \$25.00 was selected in order to draw a clear line for the guidance of such officers and employees which is based on a similar provision in Public Officers Law, 73(5) which applies to State officers and employees, members of the Legislature and legislative employees. The Commission feels that it is appropriate to authorize municipalities to limit further this exception to all or certain classes of employees or under certain circumstances.

(b) **Confidential Information.**

He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

SOURCE: This Provision is part of the statutory code, applicable to all municipalities ( General Municipalities Law, 805-a, (1) ).

NOTE: The disclosure of confidential information acquired by an officer or employee in his official duties or his use of this information to further personal interests should be prohibited. The Commission could see no situation where it would be proper for a public officer or employee to betray his trust or feather his own nest by means of confidential information received in the performances of his official functions.

( c ) **Representation before one's own agency.**

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

SOURCE: This provision is part of the statutory code, applicable to all municipalities ( General Municipal Law, 805-a, (1).

NOTE: Representation for a fee by a municipal officer or employee before any municipal agency of which he is an officer, member or employee, or an agency over which he has jurisdiction or to which he has the power to appoint a member, officer or employee's should be prohibited. This prohibition would extend further than the provisions applicable to State officers or employees and legislators and legislative employees. Without deciding the advisability of such activity by State officers or employees or legislators, or legislative employees for non-contingent fees, as outside the scope of inquiry of the Commission it was felt that the municipal standard should clearly be as strict as recommended because of the close relationship and less opportunity for public scrutiny in such situations.

( d ) **Representation before any agency for a contingent fee.**

He shall not receive or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before the

agency of his municipality, whereby his 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.

**SOURCE:** This provision is part of the statutory code, applicable to all municipalities ( General Municipal Law, 805-a, (1).

**NOTE:** Representation by a municipal officer or employee of any client before any agency of his municipality for a contingent fee should be prohibited. This recommendation is patterned after Public Officers Law, 73 which prohibits representation by a State officer or employee or legislator or legislative employee of a client before any State agency for a contingent fee.

(e) **Disclosure of interest in legislation.**

To the extent that he knows thereof, a member of the Town Board and any officer or employee of the Town of Napoli, 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 has in such legislation.

**SOURCE:** Administrative Code of the City of New York 898.1-0.

**NOTE:** This disclosure provision is limited to any officer or employee who participates in or gives opinions to the governing board and members of the board. This requirement could be changed to include all municipal officers and employees or selected groups such as legislative officers and employees. Provision for disclosure may be broadened so as to include interest in any action of the legislative body in addition to interest in legislation. It could also be extended to include matters being considered by any other official board, agency, officer or employee.

(f) **Investments in conflict with official duties.**

He 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 official duties.

SOURCE: The subject matter of this provision is a required part of a local code, when adopted ( General Municipal Law, 806). The language has been patterned after the existing provision in Public Officers Law, 74(2).

NOTE: This regulation recognizes that personal investments may prejudice or influence official actions and decisions in addition to those conflicts of interest that may arise as a result of a municipal contract; i.e.: a business transaction. The regulation is pertinent to the same influences that may be considered in any rule pertinent to disclosure of interest in legislation but is broader in that it may include administrative or ministerial actions. The regulations may provide for a divesting of investments or for disclosure of such investments prior to acceptance of public office or public employment or prior to any official action that may affect such investments.

(g) **Private employment.**

He 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 official duties.

SOURCE: The subject matter of this provision is a required part of a local code, when adopted ( General Municipal Law, 806). The language has been patterned after the existing provision in Public Officers Law, 74 (3,(a)).

NOTE: A conflict between public and private employment may be prohibited and defined, by a code of ethics, to exist in private employment when the private interests being served are subject to regulation by license or permit by the municipality or by a particular agency of the municipality. In addition a municipal officer or employee should be prohibited from using the power of his official duties to obtain outside employment.

(h) **Future employment.**

He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Napoli in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

SOURCE: The subject matter of this provision is a required part of a local code, when adopted (General Municipal Law, 806). The language has been patterned after the existing provision in Public Officers Law, 73(7).

NOTE: The provision will prohibit a former officer or employee of a municipality from appearing before a municipal board or agency on a matter in which he personally participated while an officer or employee of the municipality.

**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 of Napoli, or any agency thereof 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 of the Town of Napoli shall cause a copy of this code of ethics to

be distributed to every officer and employee of the Town of Napoli within thirty 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 his 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 local law shall take effect thirty days after it is filed as provided in section twenty-seven of the municipal home rule law.

NOTE: A municipality, influenced by particular circumstances, may wish to regulate other official conduct. It may enact in its code of ethics a prohibition of a municipal officer and employe seeking to secure special privileges or exemptions for himself or others by interceding, in public or private, with any municipal agency. It may also require disclosure of any interest that may be affected by a decision of any municipal agency including zoning boards and boards of appeal.

Nepotism, meaning the selection of municipal officers and employees by an appointing officer or body on the basis of relationship rather than merit, may be regulated by a code of ethics. Consideration of this regulation should include the degree of relationship and the merits, if any, or prohibiting employment of relatives other than a spouse, minor child or dependent. Provisions of law, such as Section 3016 of the Education Law, and the Civil Service Law as it relates to the competitive class, should be considered. The appointee's official duties, the method of his appointment and the fixing of his compensation are all prime factors to be considered in reference to his relatives official duties and responsibilities and the drafting and application of this suggested regulation.