

RESOLUTION

Town of Red House

A Revised Resolution establishing an Ethics Code for Town of Red House

Pursuant to Article 18 of the General Municipal Law.

BE IT ENACTED by the Councilmen of the Town of Red House as follows:

SECTION 1. Short Title. This shall be known as the "Town of Red House Ethics Code".

SECTION 2. Legislative Purpose. The intent of this Code is to establish minimum standards of ethical conduct for Town officers and employees to ensure that Town government is free from improper influence.

By requiring public disclosure of interest that may influence, or be perceived to influence, the actions of Town officials, this code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people. The disclosure requirements of this Ethics Code are in addition to any other requirements imposed by law. Additional disclosure to the public is available pursuant to Article 6 of the New York State Public Officers Law and Election Law requirements. Copies of all contracts with the Town are also available for public inspection at the Town Clerk's office.

SECTION 3. Definitions. As used in the Code.

3.1 "Agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration division, bureau, or committee of the Town.

3.2 "Appear" and "appear before" mean communicating in whatever form whether personally or through another person.

3.3 "Business dealing" means (a) having or providing any contract, service, or work with the Town; (b) buying, selling, renting, leasing, or otherwise acquiring from, or dispensing to, the Town any goods, service, or property; or (c) applying for, petitioning, requesting, or obtaining any approval, grant license, permit, or other privilege from the Town.

3.4 "Town officer or employee" means elected Town officials and the heads of an agency, department, division, council, board, commission, or bureau of a political subdivision and their deputies and assistants, and the officers and employees, of such agencies, department, division, boards, bureaus, commissions, or councils who hold policy-making positions, as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the Town Board during the month of February.

3.5 "Discretionary act" means action involving the exercise of judgment or discretion by a Town officer or employee, either individually or as a member of any agency, and includes, but is not limited to, negotiation, approval, advice, recommendation, authorization, or audit.

3.6 "Ministerial act" means an administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

3.7 "Particular matter" means any business dealing with the Town, or any application therefore, or any case, proceeding, determination, investigation, charge, accusation, or arrest or any other matter involving a discretionary act of a Town officer or employee, but does not include the proposal consideration, or enactment of local law or regulations of general application.

3.8 "Person" means an individual, corporation, partnership, unincorporated association, and all other entities.

3.9 "Relative" means such individual's spouse, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the reporting individual's spouse.

3.10 "Spouse" means the husband or wife of the reporting individual, unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to: (a) a judicial order, decree or judgment, or (b) a legally binding separation agreement.

SECTION 4. Conflicts of Interest of Town Officers and Employees.

4.1 No Town officer or employee shall directly or indirectly do any act prescribed below, agree to do such acts, or attempt to induce another person to do such acts, including:

a. act or appear as attorney, agent, broker employee, consultant or representative for any third party in connection with any transaction that involves discretionary acts of any Town officer or employee or act or appear in any matter in which the Town is a party or a complainant, except on behalf of the Town or the officer or employee.

b. ask for, or accept any gift or financial benefit from any person, other than a relative, who the Town officer or employee knows is considering, or has had, any transactions with the Town that involves any discretionary act by the Town officer or employee. A Town officer or employee may not ask for, or accept from any person, a gift where it reasonably might be inferred that such gift was intended to influence the town officer or employee in any discretionary action.

c. take, or regain from taking, any action on any matter before the Town in order to obtain a pecuniary or material benefit for: (1) himself or herself; (2) a relative; (3) any partnership or unincorporated association of which the Town officer or employee is a member or employee or in which he or she has a proprietary interest; (4) any corporation of which the Town officer or employee is an officer or director, or of which he or she legally beneficially owns or controls more than five percent of the outstanding stock; (5) any person with whom the Town officer or employee, or his or her relative, has an employment, professional, business, or financial relationship; or (6) any person from whom the Town officer or employee, or his or her spouse, has received a pecuniary or material benefit having an aggregate value greater than one thousand dollars per year.

d. solicit directly, or indirectly, and non-elected officer or employee of the Town or any entity that is not subject to competitive bidding, to participate in an election campaign, or pay any assessment, subscription, or contribution to a political party, political party organization or election campaign. This paragraph shall not prohibit a general solicitation of a class of persons, other than those expressly prohibited, of which such solicited officer or employee happens to be a member.

e. except where authorized by law, disclose any confidential information acquired in the course of official duties or use any such information for personal gain, or to advance the financial interests of any other person.

f. after termination of his or her term of office or employment with the Town, appear before the Town or receive compensation for any services rendered on behalf of any person, other than the Town, in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the Town.

4.2 No partnership, unincorporated association, corporation, or any other entity owned, or controlled, by a Town officer or employee shall appear before any Town department or agency which employs such public official, except on behalf of the town or itself.

4.3 Nothing in the section shall be construed to prohibit a Town officer or employee any other person from receiving a Town service or benefit, or using a Town facility, which is generally available to residents, or a class of residents, in the Town.

4.4 Nothing in the section shall be construed to prohibit a Town officer or employee from performing any ministerial act.

SECTION 4. Transactional Disclosure and Refusal.

5.1 Whenever a Town officer or employee is requested or required to take any action on a matter before the Town, and to his or her knowledge, either the performance or nonperformance or action would provide a pecuniary or material benefit to himself or herself to any related person different from that which would be derived from the action by reason of its general application to a broad class of persons deriving such benefit, the Town officer or employee shall not participate in that matter.

5.2 A Town officer shall advise the Board of such interest and request permission to abstain from voting.

5.3 The Town officer or employee, shall file promptly with his or her supervisor or superior, if any, and the Town Clerk, a signed statement disclosing the nature and extent of that interest.

5.4 For purpose of this section, "related person" means:

a. a relative;

b. any corporation of which the Town officer or employee is an officer or director, or of which he or she legally or beneficially owns or controls more than five percent of the outstanding stock;

c. any person with whom the Town officer or employee, or his or her relative, has an employment, professional, business, or financial relationship; and

d. any person from whom the Town officer or employee, or his or her spouse, has received within any twelve month periods during the previous twenty-four months, a pecuniary or material benefit having an aggregate value greater than two thousand dollars.

5.5 Nothing in this section shall be construed to prohibit a Town officer or employee from performing any ministerial act or to require a Town officer or employee to file a disclosure statement pursuant to paragraph 5.1, supra, prior to performing any ministerial act.