

CODE OF ETHICS

WHEREAS, Chapter 1019 of the Laws of 1970 of the State of New York, mandates all units of local government to establish a Code of Ethics conduct for public officers and employees to be effective no later than January 1, 1971, and

WHEREAS, the Town Board of the Town of Fleming, Cayuga County, New York, recognizes that a Code of Ethics can enhance public confidence in local government and maintain the highest caliber of public administration for the Town of Fleming:

NOW, on motion of Councilman M. Harter, and seconded by Justice B. Arliss, it is hereby

RESOLVED, that a Code of Ethics and a Board of Ethics for the Town of Fleming, Cayuga County, New York, are hereby enacted, as follows:

ARTICLE I.

INTENT OF TOWN BOARD

SECTION 1. Statement of legislative intent. The Town Board of the Town of Fleming recognizes that there are state statutory provisions mandating all units of local government to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in our system of representative 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 state's important system of local government. It is the purpose of this enactment 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 town's 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 II

CODE OF ETHICS

SECTION 1. Definitions. As used in this enactment, the term "town" shall mean any board, commission, district, council or other

agency, department or unit of the government of the Town of Fleming.

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

SECTION 2. Rule with respect to conflicts of interests. No town employee shall have any interest, financial or otherwise, direct or indirect, 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 duties in the public interest.

SECTION 3. Standards

(a) No town employee shall, directly or indirectly, solicit any gift, or accept or receive any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

(b) No town employee shall 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.

(c) No town employee shall receive compensation, 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 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.

(d) No town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

(e) No town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

(f) No town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

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

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

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

(k) 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.

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 enactment may be fined, suspended or removed from office or employment in the manner provided by law.

ARTICLE III BOARD OF ETHICS

SECTION 1. There is hereby established a board of ethics consisting of three members to be appointed by the town board, all of which reside in the Town of Fleming and who shall serve without compensation and at the pleasure of the town board of the Town of Fleming. A majority of such members shall be persons other than town employees but shall include at least one member who is an elected or appointed town employee of the Town of Fleming.

SECTION 2. The board of ethics established hereunder shall render advisory opinions to town employees on written request and upon request of the town board make recommendations to such town board as to any amendments of this enactment. The opinions of the board of ethics shall be advisory and confidential and in no event shall the identity of the town employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the board of ethics, or if none, of the town attorney.

SECTION 3. Such board of ethics upon its formation shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

ARTICLE IV ADMINISTRATION

SECTION 1. Upon the adoption of this enactment, 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 enactment to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to so post this enactment shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

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

SECTION 3. The town board may appropriate moneys from the general town funds for the maintenance of and for personal services to the board of ethics established hereunder, but such board of ethics may not commit the expenditure of town moneys except within the appropriations provided herein.

ARTICLE V SEVERABILITY CLAUSE

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

ARTICLE VI EFFECTIVE DATE

SECTION 1. This enactment shall take effect immediately.

Dated: December 8, 1970

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Harold Orchard	voting	aye
Bruce Arliss	voting	aye
George Duckett	voting	aye
Millard Harter	voting	aye
Harry Saxton	voting	aye

The resolution was thereupon declared duly adopted.

I, the undersigned Clerk of the Town of Fleming, Cayuga County, New York, DO HEREBY CERTIFY;

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolutions contained therein, held on the 8th day of December, 1970, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 8th day of December, 1970.

Henry A. Roloson
Town Clerk