TOWN OF MENTZ – CODE OF ETHICS

1. Title; statement of purpose.

A. This chapter shall be known as the "Code of Ethics of the Town of Mentz."

B. Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Mentz 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 chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Mentz. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Mentz. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 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.

2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DOMESTIC PARTNER — Any adult mate living in the same household.

IMMEDIATE FAMILY MEMBERS — A spouse, domestic partner, or minor child residing in the household of a Town officer, Town board member, or Town employee.

TOWN CONSULTANT —Any individual, group or firm which renders services on behalf of the Town to any Town officer, Town board, Planning Board, Zoning Board of Appeals, or any Town agency.

TOWN OFFICER, TOWN BOARD MEMBER or TOWN EMPLOYEE — An officer or employee of the Town of Mentz, whether paid or unpaid, including members of the Planning Board, Zoning Board of Appeals, Recreation Advisory Board, Board of Assessment Review or any other agency. It shall not include volunteer firemen, ambulance corpsmen, or civil defense volunteers. Should any Town officer be subject to another code of ethics or professional conduct (i.e., Town Justice), the Town officer shall be subject to the conditions of both codes, and the more stringent standards will apply.

3. Conflict of interest prohibited.

A. No Town officer, Town board member, Town employee or Town consultant 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 conflict with, or might reasonably tend to conflict with, the proper discharge of his duties in the public interest. In supplementation of the foregoing, pursuant to § 801 of New York State General Municipal Law, and subject to the exceptions set forth in § 802 of the General Municipal Law, as

such sections may be amended or redesignated from time to time, no Town officer, Town board member or Town employee shall have an interest in any contract with the Town, when such Town officer, Town board member or Town employee, individually or as a member of a board, has the power or duty to negotiate payment thereunder, audit bills or claims under the contract, or appoint an officer or employee who has any of the powers or duties set forth above; and no Town Supervisor, Town accountant, his or her deputy, nor a Town employee within his or her department, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the Town. See Appendix A of this chapter for the texts of § 801 and § 802 of the General Municipal Law as of the date of adoption hereof.

B. If such a conflict occurs, the Town officer, Town board member, Town employee or Town consultant shall make known to all concerned parties the nature of such conflict and shall refrain from any participation whatsoever in the matter so as to avoid the conflict. In all cases of potential conflict, the Town Supervisor and all Councilmen shall be made aware of the situation by the person in conflict along with any other concerned parties, including the Town of Mentz Board of Ethics.

C. No Town board member, Town officer, Town employee or Town consultant shall represent private interests before any agency, department, officer or other entity of this Town of Mentz Town government of which he or she is a member, by which he or she is employed, or to which he or she renders services. Furthermore, no Town officer, Town board member, Town employee or Town consultant shall:

(1) Appear as attorney or counsel against the interests of the Town in any matter in which the Town is a party or complainant.

(2) Solicit any nonelected officer or employee of the Town to participate in an election campaign or to pay or promise to pay any assessment, subscription, or contribution to a political party, political party organization, or election campaign.

(3) Solicit participation in an election campaign or payment or promise of payment of any assessment, subscription, or contribution to a political party, political party organization, or election campaign from any person who, to the knowledge of the Town officer or employee, has, or within the previous 12 months has had, any business dealing with the Town.

(4) Hold the office of chairman or vice-chairman in a political party or political party organization. This Subsection C(4) shall apply only to appointed, paid public officials.

(5) Direct or cause any Town officer, Town board member or Town employee to do or perform any service or work outside of public work or employment, or to accept any such service or work, nor shall any such officer, member or employee offer to perform any such service or work, for such officer or employee.

(6) Request of members of the Town Board, Town officers or department

heads or employees that any individual receive preferential consideration in connection with the provision of services or any appointment.

(7) Request or permit the use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as a Town policy for the use of such officer, Town board member or employee in the conduct of official business, or as otherwise permitted by prior written agreement or contractual language, copies of which shall be provided to the Board of Ethics.

D. The provisions of Subsections B and C above shall not be interpreted or construed as precluding any Town officer, board member, employee or consultant from contribution to, or participating in, any political campaign, whether federal, state, county or local, as a private citizen.

4. <u>Disclosure of interest</u>.

Any Town board member, Town Officer, Town employee or Town consultant who has any financial interest, direct or indirect, in any contract with the Town, or in the sale of any land, material, supplies or services to the Town or in any contractor supplying the Town, shall make the interest known, in writing, to the Town Board and the Board of Ethics. The conflicted person shall not in any way participate in discussion of the contract.

5. <u>Disclosure of confidential information</u>.

No Town board member, Town officer, Town employee or Town consultant, whether paid or unpaid, shall disclose confidential information acquired by him/her in the course of his/her official duties, nor use such information to advance his/her financial or other private interests.

6. <u>Standards of conduct</u>.

A. No Town board member, Town officer, Town employee or Town consultant shall accept other employment which will impair his/her independence of judgment in the exercise of his/her official Town duties.

B. No Town board member, Town officer, Town employee or Town consultant shall accept employment or engage in business or professional activity which will require him/her to disclose confidential information gained by reason of official position or authority.

C. No Town board member, Town officer, Town employee or Town consultant shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.

D. No Town board member, Town officer, Town employee or Town consultant shall engage in any transaction as a representative of the Town of Mentz or a Town of Mentz agency

or department or other office 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. No Town board member, Town officer, Town employee or Town consultant shall by his/her conduct give reasonable basis for the impression that another 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 kinship, rank, position or influence of any party or person.

F. A Town board member, Town officer, Town employee or Town consultant shall abstain from taking personal investments in enterprises which he/she 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. No Town board member, Town officer, Town employee or Town consultant shall accept any gifts or gratuities having a value of $75 or more whether in the form of money or in kind in any way relating to his/her official duties. The recipient of such gift or gratuity shall immediately return same to the giver and shall notify the Town of Mentz Board of Ethics of the incident.

7. <u>Establishment of Board of Ethics</u>.

A. The Town Board shall establish the Town Board of Ethics, consisting of five members , one of whom shall be a Town officer or employee, and shall appropriate adequate funds for the Board's maintenance and operation. The term of a member who is a Town officer or Town employee shall expire when he or she leaves his/her office or employment by the Town.

B. All members of the Board of Ethics shall reside within the Town. Of the initial appointed members, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Subsequently, members shall be appointed to five-year terms. Each appointment shall be by unanimous vote of the Town Board.

C. The Town Attorney or Attorney for the Town shall provide such legal and advisory services to the Board of Ethics as it may require in the performance of its duties.

D. Qualifications of Board of Ethics members:

(1) No Board member shall hold office in any political party or be employed as a lobbyist.

(2) The members of the Town Ethics Board shall not receive compensation for the performance of their official duties but shall be reimbursed for reasonable and necessary expenses.

E. Removal of Town Ethics Board members. A Town Ethics Board member may be removed by a 4/5 majority vote of the Town Board for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Code, after written notice and opportunity for reply.

F. Town Ethics Board meetings and quorum. At its first meeting each year, the Town Ethics Board shall elect a Chairman from among its membership. Three members of the Board shall constitute a quorum. A vote of at least three members shall be required for the Board to take any action. The Board shall hold at least one meeting per year. The Chairman or any three members may call a meeting of the Board.

G. Powers and duties of the Town Ethics Board. The Town Ethics Board shall have the following powers and duties:

(1) To prescribe and promulgate rules and regulations governing its own organization and procedures in a manner consistent with this Code;

(2) To cause to be filed with the State Ethics Commission a copy of the form for any disclosure statements required to be filed in §4 of this Code;

(3) To review disclosure statements pursuant to §4 of this Code;

(4) To conduct investigations pursuant to §9 of this Code;

(5) To recommend disciplinary action and initiate appropriate actions and proceedings pursuant to §10 of this Code;

(6) To issue advisory opinions pursuant to §11 of this Code;

(7) To provide training and education to Town officers and employees on the provisions of this Ethics Code; and

(8) To prepare an annual report to the Town Board, summarizing the activities of the Town. Ethics Board, and recommend changes to this Code, as necessary.

H. The Town Ethics Board may act only with respect to officers, consultants and employees of the Town.

I. The Town Ethics Board may refer any matter within its jurisdiction to the county or state ethics board.

8. <u>Waivers; complaints</u>.

A. Issuance of waivers. The Town Ethics Board shall grant a waiver in those situations in which the Town Ethics Board believes the exception would serve the public interest, upon a unanimous vote of the Town Ethics Board. Waivers shall be in writing and state the

grounds on which they are granted.

B. Filing of a complaint. Any person may file a complaint alleging a violation of this Code by writing to the Town Clerk's office, except if such complaint pertains to the Town Clerk or his/her office, then to the Town Supervisor's office.

9. Investigation of alleged violations.

A. Upon receipt of a sworn complaint by any person alleging any violation of this chapter or of any local ethics law, or upon determining on its own initiative that a violation of this chapter or of any local ethics act may exist, the Town Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provision of this chapter. The Town Ethics Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant and material.

B. The accused shall be notified in writing regarding the complaint and shall have the right to appear before the Town Ethics Board to explain or defend his/her position regarding the complaint.

C. The Town Ethics Board is not permitted to conduct an investigation of any of its members. Should the Town Ethics Board receive notification alleging that the Board or any of its members has violated any provision of this Code or any other law, the Board shall promptly refer the matter to the county or state ethics board.

D. The Town Ethics Board shall state in writing its advisory opinion or disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. Upon the final disposition of a complaint, all such statements and all sworn complaints shall be public records and shall be indexed and maintained on file by the Town Ethics Board. Prior to final disposition, all complaints, statements or other evidence shall remain confidential.

E. Upon receipt of a complaint alleging a violation of this chapter by an individual that is a member of an association or society that maintains a grievance committee and has a grievance procedure in effect, the Town Ethics Board shall forward said complaint to said grievance committee for an advisory opinion of any violation of the association or society code of ethics. Upon receipt of the advisory opinion, the Town Ethics Board shall either adopt, reject or adopt in part the advisory opinion of the association or society and shall thereafter adopt its own decision.

F. In its discretion, the Town Ethics Board may refer a matter to the authority, person or body authorized by law to impose disciplinary actions or to the appropriate prosecutor, if in the course of an investigation or hearing the Town Ethics Board determines that such a referral is appropriate. If such a referral is made, the Town Ethics Board may suspend its investigation or adjourn its hearing, as the case may be, pending a determination by such authority, person, body or prosecutor.

10. Recommendation of disciplinary action.

A. After receiving the advisory opinion, the Town Board may conduct a hearing on the matter in accordance with applicable laws. Upon completion of such hearing, the Town Board may request an advisory opinion and recommendation of disciplinary action from the Town Ethics Board, which may recommend as follows:

(1) Any Town officer, Town consultant or employee who engages in any action that violates any provision of this Code may be warned or reprimanded or suspended or removed from office or employment by the Town Board, pursuant to applicable law, or by the person or body authorized by law to impose such sanctions.

B. If a hearing Is held, the Town Board shall conduct and complete the hearing with reasonable promptness.

11. Advisory opinions.

A. Upon written request of any board, department, or individual Town officer or Town employee, the Town Ethics Board may render written advisory opinions with respect to the interpretation or application of any provision of this Code in a generic sense.

B. Opinions and requests for opinions shall be public records and shall be indexed and maintained on file in an appropriate manner by the Town Ethics Board.

12. Unconstitutionality or illegality.

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

Mentz Ethics Committee

Jay Moose	Ethics Committee	8277 Barnes Rd	427-3231	12/31/2015
Sally Smith	Ethics Committee	Conquest Rd. PB	776-4684	12/31/2014
Robert Ware	Ethics Committee	1208 Howland Island Rd PB	776-9531	12/31/2014
Robert Warrick	Ethics Committee	25 Shotwell St. PB	776-4037	12/31/2015
Barbara Jean Van Ditto	Ethics Committee	35 Rochester St. PB	776-5707	12/31/2015