March 14, 2012
RESOLUTION: 3 -12

WHEREAS, The Town of Ashland hereby wishes to enact a Code Of Ethics, pursuant to General Municipal Law Section 806, for public officers and employees of the Town of Ashland,

NOW, THEREFORE, be it

RESOLVED, that said Town of Ashland Code of Ethics, reading as follows, be and hereby is adopted and enacted, to-wit:

TOWN OF ASHLAND CODE OF ETHICS

Section 1. Pursuant to the provisions of section eight hundred six of the General Municipal Law, the Town Board of the Town of Ashland 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 Ashland. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Ashland. 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 general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. Definitions.

(a) "Municipal Officer" means an officer or employee of the Town of Ashland, 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.

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

(a) Gifts. An officer or employee shall not, directly or indirectly, solicit any gifts; or accept or receive any gift having a value of seventy-five dollars ($75.00) 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 officer or employee, or could reasonably be expected to influence officer or employee, in the performance of the officer's or employee's official duties or was intended as a reward for any official action on the officer's or employee's part.

(b) Confidential information. An officer or employee shall not disclose confidential information acquired by the officer or employee in the course of the officer's or employee's official duties or use such information to further officer's or employee's personal interest.

(c) Representation before one's own agency. An officer or employee 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 the officer or employee is an officer, member or employee or of any municipal agency over which an employee or officer has jurisdiction or to which the employee or officer has the power to appoint any member, officer or employee.

(d) Representation before any agency for a contingent fee. An officer or employee 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 agency of the municipality, whereby the officer's or employee's 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.

(e) Disclosure of Interest in Legislation. To the extent that he or she knows thereof, a member of the Town Board and any officer or employee of the Town of Ashland, 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 or she has in such legislation. Such disclosure shall also apply to any interest that any member of the Town Board and any officer or employee of the Town of Ashland shall have, or which may be affected by, a decision of any municipal agency including the Town Planning Board, Zoning Board of Appeals, and Board of Assessment Review.

(f) Investments in Conflict with Official Duties. An officer or employee shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with the officer or employee's official duties.

(g) Private Employment. An officer or employee 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 the officer's or employee's official duties.

(h) Future Employment. An officer or employee shall not, after the termination of service or employment with the Town, appear before any board or agency of the Town of Ashland in relation to any case, proceeding or application in which the officer or employee personally participated during the period of his or her service or employment or which was under the officer's or employee's active consideration.

Section 4. Filing Claims Against Town. 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 Ashland, 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 a lawful benefit authorized or permitted by law.

Section 5. Distribution of Code of Ethics. A copy of the Code of Ethics shall be distributed to every officer and employee. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code nor the enforcement of the provisions herein.

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.