

**TOWN OF TAGHKANIC
COLUMBIA COUNTY, NEW YORK**

RESOLUTION NO. 7 - 07

At a regular meeting of the Town Board of the Town of Taghkanic, Columbia County, New York, duly held on the 2 day of July 2007 at the Town Hall, Route 82, West Taghkanic, the following Resolution was proposed and seconded:

Resolution by: Councilperson Carolyn Sammons;

Seconded by: Councilperson William Hilscher.

WHEREAS, Section 806 of the New York General Municipal Law provides that the Town may elect by resolution to enact a Code of Ethics for guidance of its officers and employees, as well as to set standards of conduct reasonably expected of them; and

WHEREAS, the Town Board of the Town of Taghkanic desires to establish rules and standards of ethical conduct for town officers and employees which, if observed, can enhance public confidence in local government. It is the purpose of this Code of Ethics to implement this objective through the establishment of standards of conduct for the town's officers and employees as provided for herein; and

WHEREAS, the Town Board of the Town of Taghkanic shall review the Code of Ethics on an annual basis, making any changes or modifications found necessary and proper to ensure the goals of the Code of Ethics are accomplished; and

NOW, THEREFORE, BE IT RESOLVED That the Town of Taghkanic Code of Ethics be enacted as follows:

CODE OF ETHICS

Part I. Applicability.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts-of-interest provisions or procedures prescribed by statutes 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 chapter.

Part II. Definitions.

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

Interest - A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an "interest" in the contract of:

- A. His/her spouse, minor children and dependents, members of his or her household, except a contract of employment with the municipality, which such officer or employee serves.
- B. A firm, partnership or association of which such officer or employee is a member or employee.
- C. A corporation of which such officer or employee is an officer, director or employee.
- D. A corporation, any stock of which is controlled directly or indirectly by such officer or employee.

Recusal - Means that the official or employee may not deliberate, vote or participate in any way in such matter. The official or employee should disclose his or her conflict and remove him or herself from the board when the board considers the matter requiring recusal. When a person recuses, that person retains their status and ability to comment as a public citizen upon matters pending before the Town.

Town Employee - Means any officer or employee of the Town of Taghkanic 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.

Town - Any board, commission, district, council or other agency, department or unit of the government of the Town of Taghkanic.

Part III. Recusal - Conflict of Interest.

No town officer or 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 in conflict with the proper discharge of his or her duties in the public interest.

Part IV. Standards of Conduct.

- A. A town officer or employee shall promptly recuse themselves from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit any of the persons or organizations set forth in Part II, "Interest" as set forth herein.
- B. No town officer or employee shall enter into any agreement for compensation for services to be rendered, contingent, flat fee or otherwise in relation to any matter before another board, agency or office of the Town. This section is not intended to prohibit said town officer or employee from representing his or her own private interests before the Town, but to prohibit third party representation.
- C. No town officer or employee shall accept other employment and/or compensation that will impair their independence of judgment in the exercise of their official duties.
- D. No town officer or employee shall accept employment and/or compensation or engage in any business or professional activity that will require them to disclose confidential information, which they have gained by reason of their official position or authority.
- E. No town officer or employee shall use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others.
- F. No town officer or employee shall engage in any transaction as representative or agent of the Town with any business entity in which they have a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of their official duties.
- G. A town officer or employee shall not by their conduct give reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
- H. Each town officer or employee shall abstain from making personal investments in enterprises that they have reason to believe may be directly involved in decisions to be made by them or which will otherwise create substantial conflict between their duties in the public interest and his or her private interest.
- I. Each town officer or employee shall endeavor to pursue a course of conduct that will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust.
- J. No town officer or 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.

- K. Each town officer or employee shall, to the extent that they are cognizant thereof, disclose any interest he or she may have in legislation before the Town.
- L. No town officer or employee within two years after the termination of their service or employment with the Town shall accept employment that will involve contacts with the Town that can work to his or her special advantage by virtue of their prior contact and relationship with the Town.
- M. No town officer or employee should disclose confidential information acquired by them in the course of his or her official duties nor use such information to further personal interests.
- N. No town officer or employee shall directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, 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 or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part. Excluded from this prohibition are allowable gifts as campaign contributions as permitted by the New York State Election Law.
- O. No town officer or employee shall use town-owned property or assets for personal purposes or profit or to benefit a private party. Use of town property or assets is restricted to the conduct of official business and for the benefit of all residents.
- P. No town officer or employee shall solicit political contributions from subordinates.
- Q. Town officers or employees are prohibited from holding multiple positions when (a) one is subordinate to the other, or (b) when the duties of the positions conflict.
- R. All officers and employees should attempt, when available, to receive training concerning the requirements of the code of ethics.
- S. Other Codes of Conduct:
 - (1) Recognizing the need for professional integrity and the fact that various professional associations have adopted standards of conduct for their members, the Town hereby requires that each town officer or employee who is affected by a professional code of ethics be bound, in addition to the within, by his or her respective codes of ethics.
 - (2) Substantial consideration shall be given to the effect deviation from an individual's professional code of conduct will have on that individual's ability to practice his or her profession. If need be, the Town may obtain advisory options from the appropriate professional association to clarify any given situation

Part V. Complaints

All complaints of violations of the Code of Ethics shall be made in writing and submitted to the Town Clerk for review and consideration by the Town Board.

Part VI. Penalties for Offenses.

Any town officer or employee who engages in any action that violates any provision herein may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.

Part VII. Distribution and Posting.

The Supervisor shall cause a copy thereof to be distributed to every officer and employee of the Town. Failure to distribute any such copy or failure of any Town office or employee to receive such copy, shall have no effect on the duty of compliance with this Code or enforcement of provisions thereof. The Supervisor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this chapter shall have no effect on the duty of compliance herewith nor the enforcement of provisions hereof.

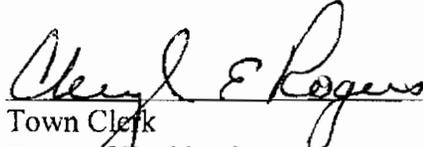
Upon question of the foregoing Resolution, the following Taghkanic Town Board members voted "Aye" in favor of the Resolution:

- Supervisor Elizabeth L. Young;
- Councilperson Erin Edwards;
- Councilperson William Hilscher;
- Councilperson Anthony LaSalvia; and
- Councilperson Carolyn Sammons.

The following Taghkanic Town Board Members voted "No" in opposition, thereto: _____; and
_____.

The Resolution having been approved by a majority of the Taghkanic Town Board, the same was declared duly adopted by the Supervisor of the Town of Taghkanic.

Dated: July 2, 2007



Town Clerk
Town of Taghkanic