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Chapter 26. ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Catskill 10-6-1970. Amendments noted where applicable.]

§ 26-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Catskill 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 Catskill. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Catskill. 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.

§ 26-2. Definitions.

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

INTEREST *Editor's Note: Amended at time of adoption of Code (see Ch. L, General Provisions, Art. I).*

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 spouse, minor children and dependents, 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 owned or controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE

An officer or employee of the Town of Catskill, 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 fire chief or assistant fire chief.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).

§ 26-3. Standards of conduct.

Every officer or employee of the Town of Catskill shall be subject to and abide by the following standards of conduct:

- A. Gifts. He shall not directly or indirectly solicit any gift; or accept or receive any gift having a value of \$75 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 him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*
- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- C. Representation before one's own agency. He 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 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.
- D. Representation before any agency for a contingent fee. He 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 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 subsection 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 knows thereof, a member of the Town Board of the Town of Catskill and any officer or employee of the Town of Catskill, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board of the Town of Catskill on any legislation before the Town Board of the Town of Catskill shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- F. Investments in conflict with official duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties.
- G. Private employment. He 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 his official duties.
- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Catskill in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 26-4. Filing of claims.

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 Catskill 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 any lawful benefit authorized or permitted by law.

§ 26-5. Distribution of Code of Ethics.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1). The Supervisor of the Town of Catskill shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Catskill within 10 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his 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 provisions thereof.

§ 26-6. Penalties for offenses.

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.

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407 Code of Ethics

(This Section contains excerpts from the Local Law Adopted by the Town Board of the Town of Catskill)

Policy Statement - Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board of the Town of Catskill 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 officers and employees of the Town of Catskill. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Catskill. 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 18 of the general municipal law or any other general or special law relating to the ethical conduct and interest in contracts of municipal officers and employees.

Definitions - For the purpose of the Town of Catskill's Code of Ethics, the following terms shall have the meanings indicated:

- **Municipal Officer or Employee** – means an officer or employee of the Town of Catskill, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person will be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer, except a chief engineer or assistant chief engineer.
- **Interest** – means a pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

Standards of Conduct – Every officer or employee of the Town of Catskill is subject to and must abide by the following standards of conduct:

- **Gifts** - An officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of twenty-five dollars 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 such gift was intended to influence the officer or employee, or could reasonably be expected to influence the officer or employee, in the performance of official duties or was intended as a reward for any official action on the officer's or employee's part;
- **Confidential information** - An officer or employee shall not disclose confidential information acquired in the course of official duties or use such information to further personal interest;
- **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 any municipal agency which the officer or employee has jurisdiction or to which the officer or employee has the power to appoint any member, officer or employee.

- **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 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 bases upon the reasonable value of the services rendered.
- **Disclosure of interest in legislation** - To the extent that an officer or employee knows thereof, a member of the Town Board of the Town of Catskill and any officer or employee thereof, 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 the officer or employee has in such legislation;
- **Investments which 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 official duties;
- **Private employment** - An officer or employee may 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 official duties;
- **Future employment** - An officer or employee may not, after the termination of service or employment with the Town, appear before any board or agency of the Town of Catskill in relation to any case, proceeding or application in which the officer or employee personally participated during the period of service or employment or which was under the officer's or employee's active consideration.

Penalties for Offenses - In addition to any penalty contained any other provision of law, any person who shall knowingly 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.