7/20/2011

Town of Floyd
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TOWN OF FLOYD CODE OF ETHICS

BE IT ORDAINED, by the Town Board of the Town of Floyd, Oneida County, New York, as follows:

Section 1. Authority. Pursuant to the provisions of Section 806 of the General Municipal Law of the State of New York, the Town Board of the Town of Floyd 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 ordinance to promulgate these rules of ethical conduct for the officers and employees of the Town of Floyd. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Floyd. The rules of ethical conduct established by this ordinance, as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law of the State of New York or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. Definitions.

(a) "Municipal Officer or Employee" means an officer or employee of the Town of Floyd, whether paid or unpaid, including members of any administrative board, commission or other agency thereof.

(b) "Interest" means a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee whether as the result of a contract with the Town or otherwise.

Section 3. Standards of Conduct. It is the policy of the Town Board of the Town of Floyd that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or potential conflict exists whenever an officer or employee has an interest, direct or indirect, which conflicts with his or her duty to the Town or which could adversely affect an individual's judgment in the discharge of his or her responsibilities. To such end, every officer or employee of the Town of Floyd shall be subject to, and abide by, the following standards of conduct:

(a) Gifts. A municipal officer or employee shall not directly or indirectly solicit any gift, or accept or receive any gift having a value of Seventy-five Dollars ($75.00) or more, whether in the form of money, services, loans, 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 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.

(b) Confidential information. A municipal officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interests.

(c) Representation before Town Agency. A municipal 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 he or she is an officer, member or employee or of any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.

(d) Town contracts and professional dealings. No municipal officer or employee shall take action or participate in any manner whatsoever in his or her official capacity in the discussion, negotiation or awarding of any contract or in any business or professional dealings with the Town or any department thereof in which the officer or employee has, or will have, an interest, direct or indirect, in such contract or professional dealings.

(e) Disclosure of interest. Any municipal officer or employee who has, will have or intends to acquire, a direct or indirect interest in any matter being considered by the Town Board or by any other official, board, department, officer or employee of the Town of Floyd, and who participates in the discussion before or gives advice to any board, department or individual considering the same, shall publicly disclose on the official record of the Town the nature and extent of any direct or indirect financial or other private interest he or she has in such matter.

(f) Investments in conflict with official duties. A municipal officer or employee shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which might reasonably tend to conflict with the proper discharge of his or her official duties.

(g) Private employment. A municipal officer or employee shall not engage in, solicit, negotiate for or promise to accept, private employment, or render services for his or her personal benefit, when such employment or service creates a conflict with, or impairs the proper discharge of, his or her official duties.

(h) Future employment. A municipal officer or employee shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Floyd in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration.

Section 4. Reservation of rights. 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 Floyd, or any agency thereof, on behalf of himself or herself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 5. Board of Ethics.

(a) The Town Board of the Town of Floyd, pursuant to Article 18 of the General Municipal Law of the State of New York, hereby establishes the Town Board of Ethics, responsible for insuring full compliance with this Code of Ethics. The Board of Ethics shall consist of at least three (3) members, a majority of whom are not otherwise officers or employees of the Town. The Board shall include at least one (1) member who is an elected or appointed municipal officer or employee. The Board shall be appointed by the Town Board and shall serve without compensation.

(b) The Board of Ethics shall render advisory opinions to the officers and employees of the Town of Floyd with respect to Article 18 of the General Municipal Law and this Code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board of Ethics may prescribe. The Board of Ethics shall have the advice of legal counsel employed by the board or, if none, the municipality's legal counsel. In addition, the Board of Ethics may make recommendations with respect to the drafting of revisions to the Code of Ethics, or amendments thereto, upon the request of the Town of Floyd Town Board.

Section 6. Distribution of Code of Ethics. The Supervisor of the Town of Floyd shall cause a copy of this Code of Ethics to be posted in each public building under the jurisdiction of the Town in a place conspicuous to its officers and employees and to be distributed to every officer and employee of the Town of Floyd within thirty (30) days after the effective date of this ordinance. 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 Town officer or 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 Clerk shall file a copy of this Ordinance with the State Comptroller within thirty (30) days after its adoption.

Section 7. 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.

Section 8. Repeal. Any ordinance or local law inconsistent with the foregoing shall be, and the same hereby is, repealed.

Section 9. Effective Date. This Ordinance shall take effect ten (10) days after publication in accordance with Section133 of the Town Law of the State of New York.

I hereby certify that the foregoing was duly adopted by the Town Board of the Town of Floyd on December 16, 2010, and became effective on December 31, 2010.

Dated: January 20, 2011

Georgianna Larry

Georgianna Larry, Town Clerk