

## TOWN OF ULYSSES – CODE OF ETHICS

WHEREAS, the General Municipal Law provides that all towns shall enact a Code of Ethics and that it be filed with the State Comptroller on or before December 31, 1970, and

WHEREAS, this Town Board believes that a Code of Ethics will provide town public officials and employees with adequate and definitive guidelines for their official conduct, be it

RESOLVED, that the Town Board of the Town of Ulysses does hereby enact and adopt the following resolution and that a certified copy be sent to the comptroller of the State of New York and also one copy be posted on the Town Clerk's bulletin board:

**Section 1.** Pursuant to the provisions of Section Eight Hundred Six of the General Municipal Law, the Town Board of the Town of Ulysses recognizes that there are rules of ethical conduct for public officials 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 resolution to promulgate these rules of ethical conduct for the officers and employees of the Town of Ulysses. The rules of ethical conduct of this resolution as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen 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.

### **Section 2. – Definition**

- A. **“Municipal Officer or Employee”** means an officer or employee of the Town of Ulysses, 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 contract otherwise requires.

### **Section 3. – Standards of Conduct.**

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

- A. **Gifts.** He/she shall not directly or indirectly (through family members), solicit any gift; or accept or receive any gifts having an annual cumulative value greater than seventy-five dollars and that \$75 referred to is the limit of all permissible gifts to an affected employee or public official regardless of

number of such gifts. The gifts could be in the form of money, services, loan travel, entertainment, hospitality, promise or any other form, under circumstance in which it could reasonably be inferred that the gift was intended to influence him/her or could reasonably be expected to influence him/her, in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

- B. **Confidential Information.** He/she shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.
- C. **Representation before one's own agency.** He/she 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 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 knows, thereof, a member of the Town Board and any officer or employee of the Town of Ulysses, 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 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 private transaction, which creates a conflict with his official duties.
- G. **Appearance of Impropriety.** A public official or employee must avoid circumstances that compromise his/her ability to make decisions solely in the public interest or create an appearance of impropriety.
- H. **Recusal.** A public official or employee must recuse himself when faced with the above conflicts. Recusal defined-Recusal means that the official may not deliberate, vote, or participate in any way in such matter. The official should disclose his or her conflict and remove him or herself from the board.

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- I. **Town Property.** No employee or public official shall use town property or assets for personal purposes or profit or to benefit a private party. Use of town property or assets restricted to the conduct of official business and for the benefit of all residents.
- J. **Nepotism.** Spouses and other family members may not serve in positions creating a conflict of interests, the appearance of a conflict or consolidation of power in one board.
- K. **Private Employment.** He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or services creates a conflict with or impairs the proper discharge of his official duties.
- L. **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 Ulysses 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.
- M. **Subordinates.** No public official shall solicit political contributions from subordinates.
- N. **Incompatible Positions.** A public official is prohibited from (a) holding positions when one is subordinate to the other (b) Holding positions when the duties of the positions conflict.

### **Section 4. – Right to File Claims.**

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claims, account, demand or suit against the Town of Ulysses, 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.

### **Section 5 – Distribution of Code of Ethics.**

The Supervisor of the Town of Ulysses shall cause a copy of this Code of Ethics to be distributed to every public official and employee of the Town of Ulysses every January. A signed document reflecting receiving and understanding of Ulysses Code of Ethics Policy (see attachment 1) must be returned by March of the current year to the Town Clerk. Each public official and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The attorney for the Town shall provide mandatory training to Ulysses public officials and employee's concerning the requirements

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of the Town Code of Ethics within the first year of election, appointment or hiring.

### **Section 6 – Penalties.**

Any Town of Ulysses employee or public official may submit in writing alleged ethical issues or concerns to the Tompkins County Ethics Board for review and investigation. Infractions of the Code of Ethics that are confirmed by such investigation will be referred to the Town Board for action.

### **Section 7 – Effective Date.**

This resolution shall take effect 30 days after it is filed as provided in Section Twenty-seven of the Municipal Home Rule Law.

This is to certify that the above Revised Code of Ethics was adopted by the Town Board of the Town of Ulysses January 13, 2009.

## MEMORANDUM

The purpose of this Memorandum is to advise each employee and public official of changes to the Code of Ethics Policy for the Town of Ulysses that was recently adopted by the Town Board. A copy of the Code of Ethics is attached to this Memorandum for your information.

Please review the Code of Ethics Policy, sign the attached sheet affirming that you have read and understood the Policy and return this sheet to Marsha L. Georgia, Ulysses Town Clerk

If there are any components of the Policy that you do not understand or would like to comment on, please send your questions in writing or via e-mail to: Marsha L. Georgia, Town Clerk 10 Elm Street, Trumansburg, NY - email - [touclerk@twcnny.rr.com](mailto:touclerk@twcnny.rr.com)

Because Section 3, paragraph A, dealing with gifts to staff and elected officials was recently changed, each employee and elected official should be aware that the gift limit described therein is a cumulative, annual gift limit and that the \$75 referred to is the limit of all permissible gifts to an affected employee or official regardless of the number of such gifts.

Beginning January 13, 2009 any alleged infractions of the Town of Ulysses Code of Ethics Policy will be referred to the Tompkins County Board of Ethics for investigation. Infractions of the Code of Ethics that are confirmed by such investigations will be referred to the Town Board for action.

### Town of Ulysses Code of Ethics Policy

I \_\_\_\_\_ have received a copy of the Code of Ethics Policy for the Town of Ulysses. I have read and understand the Code of Ethics Policy for the Town of Ulysses and understand that it is my responsibility as an elected official, public official, or staff member for the Town of Ulysses to adhere to its requirements.

I understand that any alleged violations of the Town of Ulysses Code of Ethics Policy will be referred to the Tompkins County Board of Ethics for review and investigation.

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Date

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Signature

