

Chapter 28

ETHICS, CODE OF

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[HISTORY: Adopted by the Town Board of the Town of Kingston at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

§ 28-1. Statutory authority; purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town 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 for this purpose that these rules of ethical conduct are proposed for the officers and employees of the Town. These rules, as adopted, shall serve as a guide for official conduct and shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other laws relative to ethical conduct and interest in contracts of municipal officers and employees.

§ 28-2. Definitions.

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

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

MUNICIPAL OFFICER OR EMPLOYEE — An elected or appointed officer or employee of the Town of Kingston, whether paid or unpaid, including members of any administrative board, commission or committee thereof. No persons shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer.

RELATIVES — A parent, spouse, child, spouse of a child or sibling of the officer or employee of the Town of Kingston.

§ 28-3. Standards of conduct.

- A. Conflicts of interest. No officer or employee shall use his or her official position to provide a financial or other private benefit to officials, relatives, customers, clients, employers or campaign contributors, etc.
- B. Appearance of impropriety. An officer or employee must avoid circumstances that compromise his ability to make decisions solely in the public interest or create an appearance of impropriety.

- C. Recusal. An officer or employee must recuse himself when faced with conflicts of interest.
- D. Town Board. A Town Board member or committee member appointed by the Town Board must disclose any and all interest in any application which comes before the Town Board and must recuse, as defined above. This would include acts before an application is submitted and any action during or after a submitted application.
- E. Town property. No officer or employee shall use Town-owned property or assets for personal purpose or profit or to benefit a private party. Use of Town property or assets is restricted to the conduct of official business for the benefit of all residents.
- F. Gifts. He or she shall not directly or indirectly, solicit any gift, 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 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.
- G. Confidential information. An 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 interest.
- H. Representation before one's own agency. He or 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 over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.
- I. Representation before any agency for contingent fee. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matters before any agency of his or her municipality, whereby his or her 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 services rendered.
- J. Disclosure of interest in legislation and administrative acts. To the extent that he or she knows thereof, a member of the Town Board and any officer or employee of the Town, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation or administrative action before the Board, shall publicly disclose in the official record the nature and extent of any direct or indirect financial or private interest he or she has in the same.
- K. Investments in conflict with official duties. He or she shall not invest or hold any investments, directly or indirectly, in any financial business, commercial or other private transaction which creates a conflict with his or her official duties.
- L. Private employment. He or she 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 or her official duties.

- M. Future employment. He or she shall not, after termination of services or employment with the municipality, appear before any board or agency of the Town 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.
- N. Penalties for offenses. In addition to any penalty contained in any provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code of Ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

§ 28-4. Board of Ethics.

- A. Membership. There shall be a membership of five members appointed by the Kingston Town Board consisting of:
 - (1) Five members of the general public residing in the Town of Kingston; and
 - (2) Two alternate members to act only in any meeting wherein an appointed member is absent or recused from sitting on a particular matter. The alternates will be chosen to sit on a particular matter on an alternating basis. An alternate appointed to sit on a particular matter shall continue to sit as a regular member in place of the absent or recused member and vote on the cases in which he or she has attended for the absent or recused member.
- B. Role of Board of Ethics. The function of the Board of Ethics is to render advisory opinions to the Town Board regarding General Municipal Law Article 18 and this local Code of Ethics. It may also act as the repository of any financial disclosure documents. Such advisory opinions shall be rendered pursuant to the written request of the Town Board, a Town officer or Town employee, under such rules and regulations as the Town Board may prescribe, and shall have the advice and counsel furnished by the Town Board. In addition, it may make recommendations with respect to the drafting and adoption of amendments to the Code of Ethics, or a new Code of Ethics, upon the request of the Town Board. The Town Board retains subpoena power in connection with the collection of information for the Board of Ethics, and the Board of Ethics shall have no subpoena power in connection with its duties.

§ 28-5. Training.

Municipal officials must attend periodic training, scheduled by the Town Board, concerning the requirements of the Code of Ethics and the procedure for seeking an opinion or investigation by the Board of Ethics. Training may also be received at the annual Association of Towns meeting. The Town Board may approve alternate training.

§ 28-6. Exception for bid to perform paid Town work.

A member of a board or commission who is appointed by the Town Board and serves without remuneration may submit a bid to propose to perform paid work for the Town, provided that:

- A. The procurement policy of the Town must be followed;
- B. The job must be unrelated to the employee's duties as a board or committee member.

§ 28-7. Distribution.

The Town of Kingston Ethics Code will be included in the Town of Kingston Employee Handbook and given to all elected officials, employees, and members of boards and committees.