

ETHICS, CODE OF

**Chapter 11**

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ARTICLE I

**Standards of Conduct**

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**Board of Ethics**

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**[HISTORY: Adopted by the Town Board of the Town of Plattekill: Art. I, 10-6-1970 as L.L. No. 2-1970; Art. II, 10-6-1970 as L.L. No. 3-1970. Amendments noted where applicable.]**

ARTICLE I  
**Standards of Conduct**  
**[Adopted 10-6-1970 as L.L. No. 2-1970]**

**§ 11-1. Purpose.**

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Plattekill 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 Article to promulgate these rules of ethical conduct for the officers and employees of the Town of Plattekill. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Plattekill. The rules of ethical conduct of this Article, 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.

**§ 11-2. Definitions.**

As used in this Article, 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 officer or employee of the Town of Plattekill, whether paid or unpaid, including members of any administration 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. Without limiting the foregoing, any person regularly employed as a Town Attorney, attorney for the

town, Town Engineer or engineer for the town shall be deemed, for purposes of this Article, to be a “municipal officer or employee.” [Amended 2-17-1993 by L.L. No. 2-1993]

**§ 11-3. Enumeration of standards.**

Every officer or employee of the Town of Plattekill 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 twenty-five dollars (\$25.) 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.
- 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 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 Plattekill, 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 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 Plattekill 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. Any board or agency of the Town of Plattekill shall refuse to hear or act on any case, proceeding or application while a former municipal officer or employee is actively appearing before the board in contravention of this standard. **[Amended 2-17-1993 by L.L. No. 2-1993]**

**§ 11-4. 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 Plattekill or any agency thereof on behalf of himself or any members of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**§ 11-5. Distribution of copies.**

The Supervisor of the Town of Plattekill shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Plattekill within 30 days after the effective date of this article. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

**§ 11-6. Penalties for offenses.**

- A. 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 article may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.
- B. In addition to the foregoing, the Town of Plattekill may recover a civil penalty in any court of competent jurisdiction for violations of the standards set forth herein. Such civil penalties shall not be less than \$250 per violation nor greater than three times the pecuniary benefit derived by the officer or employee as a result of the violation. In addition, the town shall be entitled to recover reasonable attorney's fees for prosecuting the action to collect such civil penalties. **[Added 2-17-1993 by L.L. No. 2-1993]**

## ARTICLE II

**Board of Ethics****[Adopted 10-6-1970 by L.L. No. 3-1970]****§ 11-7. Establishment; membership. [Amended 2-3-1999 by L.L. No. 1-1999]**

There is hereby established a Board of Ethics consisting of five members to be appointed by the Town Board of the Town of Plattekill and who shall serve without compensation and at the pleasure of the Town Board. A majority of such members shall be persons other than officers or employees of the Town of Plattekill, but it shall include at least one member who is an elected or appointed officer or employee of the Town of Plattekill.

**§ 11-8. Powers and duties. [Amended 2-17-1993 by L.L. No. 2-1993]**

The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Town of Plattekill with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon request of the Town Board. The Board shall render advisory opinions to former officers and employees regarding the applicability of § 11-3H.