

RESOLUTION 2-1 (89)

TOWN OF BUTLER

CODE OF ETHICS

D. Spickerman presented the following;

Resolution establishing standards of conduct: for officers and employees of the Town of Butler.

BE IT ENACTED by the Butler Town Board of the Town of Butler as follows:

Section 1. 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 Butler, one of the Towns of the State of New York, a municipal corporation, having its principal office for transaction of business at the Town Hall in the Town of Butler, Wolcott, New York, 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 local government. It is the purpose of this Resolution to publicly promulgate these rules of ethical conduct for the officers and employees of the Town of Butler. These rules shall serve as a guide for conduct of the officers and employees of the Town of Butler. The rules of ethical conduct of this Resolution 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 of the State of New York 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 Butler whether paid or unpaid, including members of any administrative board, commission, committee or other department, unit agency thereof.

b. INTEREST means a pecuniary or material benefit directly or indirectly intended to accrue to a municipal officer or employee.

Section 3. STANDARDS OF CONDUCT

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

a. GIFTS. He shall not directly or indirectly, solicit any gift or knowingly accept or receive any gift having a value of twenty-five (\$25.00) dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form given to him or his immediate family, under circumstances in which it 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 of which he has jurisdiction or to which he has the power to appoint any member, officer or employee or of any municipal agency over

which he has the power to directly influence the policy or decision thereof.

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. Agency herein shall not be interpreted to include the judicial court system of the Town.

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 Butler, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board or other official policy making Town agency on any matter before said Town Board or Town agency shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other personal interest he has in such legislation.

f. DISCLOSURE IN CERTAIN APPLICATIONS. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemptions from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer, or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request to the extent known to such applicant. Further reference is made to Section 809 of the General Municipal Law of the State of New York.

g. INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES. He shall not invest or hold any investment directly or indirectly in a financial, business, commercial or other private transaction, which creates a conflict with its official duties.

h. 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.

i. SPECIAL CONSIDERATION OR PRIVILEGE. He shall not use his official municipal position to intentionally secure special consideration or privileges for himself or others by interceding directly in the function of any municipal agency.

j. 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 Butler 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 direct consideration., for two years.

Section 4. 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 Butler, 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 Butler shall cause a copy of this code of ethics to be distributed to every officer and employee of the Town of Butler within thirty (30) days after the effective date of this Resolution. Each officer and employee thereafter shall be furnished a copy before entering upon the duties of his office or employment.

Section 6. 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 7. EFFECTIVE DATE.

This Resolution shall take effect immediately upon passage and proper filing as provided in Section 27 of the Municipal Home Rule of the State of New York.

STATE OF NEW YORK)
COUNTY OF WAYNE)
TOWN OF BUTLER) ss:

I, Donna Warrick, Town Clerk of the Town of Butler, Wayne County, New York, DO HEREBY CERTIFY that I have compared the preceding resolution with the original thereof filed in my office at 3928 Montana Road, Butler, Wayne County, New York, on the 10th day of April, and that the same is a true and correct copy of said original and of the whole thereof.

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the said Town of Butler this 10th day of April, 1989.

Donna Warrick
Donna Warrick
Town Clerk of the Town of Butler
Wayne County, New York