

ETHICS, CODE OF

Chapter 55

ETHICS, CODE OF

ARTICLE I

Standards

- § 55-1. Declaration of policy.
- § 55-2. Definitions.
- § 55-3. Conflicts of interest.
- § 55-4. Representation of private interests.
- § 55-5. Disclosure of interest in pending legislation.
- § 55-6. Acceptance of gifts and favors.
- § 55-7. Interests in conflict with official duties.
- § 55-8. Disclosure of confidential information.
- § 55-9. Incompatible employment.
- § 55-10. Unwarranted privilege or influence.
- § 55-11. Use of town employees' services or public property; political contributions; political leadership.
- § 55-12. Future employment.
- § 55-13. Multiple offices.
- § 55-14. Elective office.
- § 55-15. Distribution of Code of Ethics.
- § 55-16. Penalties for offenses.

ARTICLE II

Board of Ethics

- § 55-17. Establishment; membership; compensation; terms of office; officers.

§ 55-1

HARRISON CODE

§ 55-2

§ 55-18. Advisory opinions.

§ 55-19. Rules and regulations.

[HISTORY: Adopted by the Town Board of the Town of Harrison 9-21-1966 as L.L. No. 1-1966. Section 55-11C and D added at time of adoption of Code; see Ch. 43, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Village Code of Ethics — See Ch. 5.

ARTICLE I
Standards

§ 55-1. Declaration of policy.

The proper operation of the town government requires that its officers and employees be independent, impartial and responsible to the people of Harrison; that public office not be used for personal gain; that public officers and employees maintain the highest standards of morality and discharge faithfully the duties of their office, regardless of personal consideration; and that the public has confidence in the integrity of its government and the officers and employees thereof. In recognition of these goals, there is hereby established a Code of Ethics for all officers and employees of the Town of Harrison. In the event of any conflict between the provisions of this chapter and the provisions of Article 18 of the General Municipal Law, the latter shall control.

§ 55-2. Definitions. [Amended 6-20-1990 by L.L. No. 6-1990]

When used in this chapter and unless otherwise expressly stated or unless the context otherwise requires, the following terms shall have the meanings indicated:

CONTRACT — Any claim, account or demand against or agreement with the Town of Harrison, express or implied, and shall include the designation of a depository of public funds and the designation of an official newspaper.

INTEREST — A pecuniary or material benefit accruing to an officer or employee as the result of a business or professional transaction with the Town of Harrison. For the purposes of this chapter, an officer or employee shall be deemed to have an "interest" in the affairs of his spouse, minor children and dependents; a firm, partnership or association of which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation any stock of which is owned or controlled, directly or indirectly, by such officer or employee.

OFFICER or EMPLOYEE — Any officer or employee of the Town of Harrison, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed an "officer" or "employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a Chief Engineer of Assistant Chief Engineer.

TOWN OF HARRISON — The Town of Harrison, a municipal corporation, and the geographical environs thereof where the context warrants, and said corporation shall include any agency, authority, board, bureau, commission, department, office, entity or other subdivision of local municipal government and any fire protection district, park, parking, recreation, sewer, sidewalk, street, water or other improvement district of the Town of Harrison created by law or having any personnel or governing body appointed by the Supervisor or Town Board. However, the "Town of Harrison" shall not include the Westchester Joint Water Works, except any member of the Board of the Westchester Joint Water Works appointed by the Supervisor or Town Board of the Town of Harrison.

§ 55-3. Conflicts of interest. [Amended 6-20-1990 by L.L. No. 6-1990]

No officer or employee of the Town of Harrison, New York, shall:

- A. Knowingly have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in conflict with or might reasonably tend to conflict with the proper discharge of his duties in the public interest.
- B. Act as attorney, director, broker, agent, representative or employee for any person, firm or corporation interested, directly or indirectly, in any manner whatsoever, in business or professional dealings with the town unless full disclosure is made as to such interest to the Town Board, in writing, and such officer or employee disqualifies himself from acting in his official capacity in matters affecting such person, firm or corporation.
- C. Accept other employment or engage in any business transactions or have any interest, directly or indirectly, which conflicts with the proper discharge of public duties.

§ 55-4. Representation of private interests. [Amended 6-20-1990 by L.L. No. 6-1990]

No officer or employee of the town shall, directly or indirectly, represent private or public interests before any department, office or agency of the town nor represent private interests, directly or indirectly, in any action or proceeding against the interests of the town or any litigation to which the town is a party. This shall not, however, preclude any officer or employee from appearing in the performance of public or civic obligations.

§ 55-5. Disclosure of interest in pending legislation.

Any member of the Town Board who has a direct or indirect financial or other private interest in any matter before the Town Board, or any officer or employee who has a direct or indirect finan-

cial or other private interest in any matter before the Town Board and who participates in the discussion before, makes a recommendation to or gives an opinion to the Board on that matter, shall publicly disclose on the official record of the Town Board the nature and extent of such interest.

§ 55-6. Acceptance of gifts and favors.

No officer or employee of the Town of Harrison, whether paid or unpaid, shall accept any valuable gift, whether in the form of service, loan, thing or promise or any other form, from any person, firm or corporation which, to his or her knowledge, is interested, directly or indirectly, in any matter whatsoever in business dealings with the Town of Harrison; nor shall any such officer or employee accept any gift, favor or thing of value that may tend to influence him or her in the discharge of his or her duties or grant, in the discharge of his or her duties, any improper favor, service or thing of value.

§ 55-7. Interests in conflict with official duties.

An officer or employee of the town shall abstain from making personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create conflict between his or her public duty and his or her private interest and shall refrain from passing upon any questions in which he or she or any member of his or her immediate family has an interest which might reasonably be deemed to create such a conflict.

§ 55-8. Disclosure of confidential information.

- A. No officer or employee of the Town of Harrison, whether paid or unpaid, shall accept employment or engage in any business or professional activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or authority.

- B. No officer or employee of the town shall 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 or the private interests of others.

§ 55-9. Incompatible employment.

No officer or employee of the Town of Harrison shall accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.

§ 55-10. Unwarranted privilege or influence.

- A. No officer or employee of the Town of Harrison shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others or grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen.
- B. No officer or employee of the Town of Harrison shall, by his or her conduct, give reasonable basis for the impression that any person can unduly influence him or her improperly or enjoy his or her favor in the performance of his or her official duties or that he or she is affected by kinship, rank, position or influence by any party or person.

§ 55-11. Use of town employees' services or public property; political contributions; political leadership.

- A. No officer or employee of the Town of Harrison shall direct or cause any officer or employee of the town to do or perform any service or work outside of public work or employment or accept any such service or work, nor shall any officer or employee of the Town of Harrison offer to perform any such service or work for such officer or employee.

- B. No officer or employee of the Town of Harrison shall request or permit the use of town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as town policy for the use of such officer or employee in the conduct of official business.
- C. No officer or employee of the Town of Harrison shall solicit or be solicited, directly¹ or indirectly, to contribute, donate, give or grant any moneys or property to any Town of Harrison political party, political campaign or political office. [Added 2-19-1986 by L.L. No. 2-1986]
- D. No officer or employee of the Town of Harrison shall, while holding such office or so employed, be an officer or district leader of any political party or an officer of any political club in the Town of Harrison. [Added 2-19-1986 by L.L. No. 2-1986; amended 6-20-1990 by L.L. No. 6-1990]

§ 55-12. Future employment.

No officer or employee of the Town of Harrison shall solicit, negotiate for or promise to accept employment by any person, firm or corporation with which he or she or his or her department, office or agency is engaged, on behalf of the Town of Harrison, in the transaction of business which is or may be affected by his or her official action.

§ 55-13. Multiple offices. [Added 6-20-1990 by L.L. No. 6-1990¹]

No person may serve as Supervisor, as a member of the Town Board or as a member of the Board of Ethics and, during the same time period, also serve as a member of either the Architectural Review Board, the Planning Board, the Board of Assessment Review or the Zoning Board of Appeals. Furthermore, no person may serve, during the same time period, as a member of more than one (1) of the following:

¹ Editor's Note: This local law also provided for the renumbering of former §§ 55-13 through 55-17 to become §§ 55-15 through 55-19, respectively.

- A. The Planning Board.
- B. The Zoning Board of Appeals.
- C. The Architectural Review Board.
- D. The Board of Assessment Review.

§ 55-14. Elective office. [Added 6-20-1990 by L.L. No. 6-1990]

If a person is a member of the Architectural Review Board, the Planning Board, the Zoning Board of Appeals or the Board of Assessment Review and a designating petition is filed pursuant to Article 6 of the Election Law, designating such person as a candidate for a position on the Town Board or as Supervisor, or he or she is nominated by a political party to seek election to a position on the Town Board or as Supervisor or any written or verbal notice of his or her candidacy for such position is published, such filing, nomination or publication shall be cause for his or her removal from membership on such Board.

§ 55-15. Distribution of Code of Ethics.

The Town Clerk shall cause a copy of Article 18 of the General Municipal Law and this chapter to be distributed to every officer and employee of the Town of Harrison.

§ 55-16. Penalties for offenses.

- A. Any violation of the provisions of this chapter shall constitute cause for removal from office or employment or other disciplinary action as provided by law.
- B. Any person who shall knowingly and intentionally violate any of the foregoing provisions of this chapter shall, upon conviction thereof, forfeit his office and be punished for and as a misdemeanor.

ARTICLE II
Board of Ethics

§ 55-17. Establishment; membership; compensation; terms of office; officers.

- A. In accordance with § 808 of the General Municipal Law of the State of New York, there is hereby created and established a Board of Ethics consisting of five (5) members, one (1) of whom shall be the Supervisor, and the remaining four (4) members shall be appointed by the Supervisor of the Town of Harrison with the consent and approval of the Town Board of the Town of Harrison.
- B. Except for the Supervisor, the remaining members shall not hold any other town office and shall serve without compensation for terms of five (5) years.
- C. The Board of Ethics shall elect a Chairman from among its members.
- D. The attorney representing the municipality shall be a member ex officio of the Board of Ethics.

§ 55-18. Advisory opinions.

The Board of Ethics shall render advisory opinions of specific situations to officers and employees of the town with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant thereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board may deem advisable and shall have the approval of the Town Board of the Town of Harrison, New York; and the opinions of the Board shall be confidential, and in no event shall the identity of the officer or employee be disclosed except to the Town Board of the Town of Harrison.

§ 55-19. Rules and regulations.

The Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures and shall, at all times, maintain appropriate records of its opinions and proceedings.