

Town of Stuyvesant Code of Ethics

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- § 48-1. Purpose.

A. The purpose of this Article is to promulgate the rules of ethical conduct as set forth herein, to be observed by all officers and employees of the Town of Stuyvesant. Said rules shall serve as a guide for official conduct of the officers and employees of the Town of Stuyvesant. Said rules of ethical conduct, as set forth herein, shall not conflict with but shall be interpreted to 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 interests in contracts of municipal officers and employees.

B. Any board, commission, agency or other organization governed by General Municipal Law §806, which receives funding from the Town of Stuyvesant, shall have a duly adopted Code of Ethics in compliance with the mandates of General Municipal Law §806.

§ 48-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

TOWN- Any board, commission, district, council or other agency, department or unit of the government of the Town of Stuyvesant.

TOWN EMPLOYEE - Any officer or employee of the Town of Stuyvesant, whether paid or unpaid, serving in a fulltime, part-time or advisory capacity.

INTEREST - A pecuniary or material benefit accruing to a municipal officer or employee or any pecuniary or material benefit accruing to:

- A. The municipal officer's or employee's spouse, minor children and dependents;
- B. A firm, partnership or association of which such officer or employee is a member or employee;
- C. A corporation of which such officer or employee is an officer, director or employee; or
- D. A corporation, any stock of which is controlled, directly or indirectly, by such officer or employee.

§ 48-3. Conflicts of interest.

No town employee shall 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 substantial conflict with the proper discharge of his duties in the public interest.

§48-4. Recusal and Abstention. 3

A. No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

B. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

- (1) If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
- (2) If the power or duty that is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by his deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
- (3) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

§48-5. Prohibition inapplicable; Disclosure, Recusal and Abstention not Required.

A. This code's prohibition relating to a conflict of interest (§48-3), the requirements relating to recusal and abstention (§48-4), and the standards of conduct applicable to every officer and employee of the Town of Stuyvesant (§48-8), shall not apply with respect to the following matters:

(1) Adoption of the municipality's annual budget;

(2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality; or

(iii) the general public;

B. This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

(1) real property located within the municipality and used as his or her personal residence;

(2) less than five (5%) percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

§ 48-6. Nepotism in hiring and contracting.

A. No individual covered by this policy may take part in any hiring or employment decision relating to a family member. If a hiring or employment matter arises relating to a family member, then the employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter.

B. No individual covered by this policy may take part in any contracting decision, relating to a family member; or relating to any entity in which a family member is an officer, director or partner.

§ 48-7. Use of municipal resources.

A. Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

B. No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) any use of municipal resources authorized by law or municipal policy:

(2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

C. No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§ 48-.8. Standards of conduct.

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

A. Gifts. He or she shall not directly or indirectly solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75.00) 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 or could reasonably be expected 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.

B. Confidential information. He or she shall not disclose confidential information acquired by him or her in the course of his official duties or use such information to further his or her personal interest.

C. 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 of which he or she is an officer, member or employee or 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.

D. Representation before any agency for a 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 matter before any agency of his 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 the services rendered.

E. Disclosure of interest in legislation. To the extent that he or she knows thereof, a member of the Town Board and any officer or employee of the Town of Stuyvesant, whether paid or unpaid, who participates in the discussion or gives an 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 or she has in such legislation.

F. Investments in conflict with official duties. He or she 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 or her official duties.

G. 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 substantial conflict with or impairs the proper discharge of his or her official duties.

H. Future employment. He or she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Stuyvesant 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.

§ 48-9. Employee Bill of Rights.

A. Consideration of politics in employment and contracting. No individual covered in this policy who is involved in recruiting, interviewing or hiring applicants for Town employment, or making appointments to Town boards or commissions or making promotional, disciplinary or other employment decisions relating to Town employees, may ask any such applicant or employee to reveal the party affiliation of the applicant; whether the applicant has made campaign contribution to any party, elected official or candidate for elective office; or whether the candidate voted for any elected official or candidate for elective office. The provisions of this paragraph shall not apply to circumstances where such inquiry is necessary for the proper application of State law or approved County agency or public authority rules, policies or practices. (e.g. inquiring about party affiliation where State law limits the number of members of a County board who can be from the same party.)

No individual covered by this policy who is involved in awarding of town contracts or making decisions relating to Town contracts, may ask any officer or director of such current or prospective contractor to reveal the party affiliation of the individual; or whether the individual or entity has made campaign contributions to any party, elected official or candidate for elective office.

B. Campaign contribution and political volunteerism. No individual covered by this policy while on Town property, real or personal, may require or demand any other person to volunteer for a political affiliated event or activity as an incidence of or as a condition of their employment.

No individual covered by this policy while on Town property, real or personal, may require or demand that any other person make or offer to make any monetary contribution to any political campaign or committee as an incidence of or as a condition of their employment.

No Town official or employee, whether elected or appointed, shall threaten the dismissal from any Town position as a reward or punishment for any political activity unless otherwise authorized by law.

§ 48-10. Claims against Town

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 Stuyvesant or any agency thereof on behalf of himself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 48-11. Distribution of Code of Ethics.

The Supervisor of the Town of Stuyvesant shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the town within forty-five (45) days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

§ 48-12. Penalties for offenses.

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 an amount not to exceed One Thousand dollars (\$1,000), suspended or removed from office or employment, as the case may be, in the manner provided by law.

Board of Ethics

The Town of Stuyvesant hereby adopts the Columbia County Board of Ethics as its Board of Ethics and further adopts each of the jurisdictional, procedural, powers and other requirements, etc. as they relate to the said Columbia County Board of Ethics. Below is a copy thereof.

§ 48-24. Establishment; membership; terms.

Pursuant to General Municipal Law § 808, the County of Columbia does hereby establish a Board of Ethics of the County of Columbia. The members of such Board of Ethics shall be nominated by the Chairman of the Board of Supervisors and appointed by the Board of Supervisors. The Board of Supervisors shall make an effort at bipartisan cooperation and participation in appointing the board of ethics. Such Board of Ethics shall consist of five (5) members, a majority of whom shall not be officers or employees of the County of Columbia or of municipalities wholly or partially located within the County of Columbia and at least one (1) of whom shall be an elected or appointed officer or employee of the County of Columbia or of a municipality located within the County of Columbia. The members of the Board of Ethics shall receive no salary or compensation for their services as members of such Board and shall serve at the pleasure of the Board of Supervisors. Members of the board shall serve at the pleasure of the Board of Supervisors. The Board shall be appointed at the appropriate organizational meeting. Commencing on January 1, 2011, the six (6) members of the Board of Ethics shall serve staggered terms, with three members being appointed for an initial one (1) year term, and three (3) members being appointed for an initial two (2) year term. Thereafter, all members of the Board of Ethics shall be appointed to serve for a term of two (2) years.

§ 48-25. Jurisdiction.

The jurisdiction of the Board of Ethics shall be limited to matters of the Columbia County Ethics policy and the ethics provisions contained in Article 18 of the General Municipal Law.

§ 48-26. Powers of Board of Ethics.

The Board of Ethics of the County of Columbia shall have the authority to enforce the filing requirements with respect to annual statements of financial disclosure imposed by this Article, and said Board of Ethics shall also have authority to promulgate rules and regulations governing procedures of the said Board, said rules and regulations to have the same import as is enjoyed by the rules and regulations of the Temporary State Commission on Local Government Ethics, the scope of which rules and regulations shall include, but not be limited to, the establishment of:

- A. The procedure whereby a person who is required to file an annual statement of financial disclosure may request additional periods of time within which to file such statement, due to justifiable cause or undue hardship; and
- B. A limitation upon the granting of such additional periods.

§ 48-27. Advisory opinions.

The Board of Ethics of the County of Columbia shall render advisory opinions to officers and employees of the County of Columbia and of municipalities wholly or partly within the County of Columbia with respect to Article 18 of the General Municipal Law. The Board of Ethics shall render advisory opinions to officers and employees of the County of Columbia with respect to the Code of Ethics of the County of Columbia adopted pursuant to Article 18 of the General Municipal Law and with respect to the filing of the annual statement of financial disclosure promulgated by the County of Columbia pursuant to Article 18 of the General Municipal Law. 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 of Ethics may prescribe, and the said Board of Ethics is hereby authorized and empowered to adopt such rules and regulations. The Board of Ethics shall have the advice of counsel employed by the Board of Ethics or, if none, the County Attorney. In addition, the Board of Ethics of Columbia County may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto by the governing body of any municipality in the county, upon the request of any such governing body.

§ 48-28. Relationship to municipal Board of Ethics.

The Board of Ethics of the County of Columbia shall not act with respect to the officers and employees of any municipality located within such county or an agency thereof where such municipality has established its own Board of Ethics, except that the local Board of Ethics may, at its option, refer matters to the Board of Ethics of the County of Columbia.

§ 48-29. Duties with respect to financial disclosure statements.

- A. A Board of Ethics for the County of Columbia shall be and hereby is designated to be the repository for completed forms of annual statement of financial disclosure and shall notify the.

Temporary State Commission on Local Government Ethics that the Board of Ethics of the County of Columbia is the authorized repository for completed forms of annual statement of financial disclosure, and that on account thereof, such completed statements will be filed with it and not with the Commission. Members of the Board of Ethics of the County of Columbia be and hereby are determined to be policy making officials, who are thus required to annually file a completed form of annual statement of financial disclosure.

§ 48-30. Authority to decline requests.

The Board of Ethics of Columbia County may, in its discretion, limit its advisory opinions to opinions concerning the circumstances of the requester, and thus, the Board of Ethics may decline to entertain a request for an advisory opinion when:

- A. The request inquires about the propriety of conduct of a person other than the requester;
- B. The subject of the request is a person other than the requester; or
- C. The request raises an abstract or hypothetical question.

§ 48-31. Confidentiality of advisory opinions.

The advisory opinions of the Board of Ethics of the County of Columbia shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law Article 6) or required for use in a disciplinary proceeding or an appeal of the designation of a policy making position pursuant to this Article and involving the officer, employee or other appointed official who requested the advisory opinion. Whenever a request for access to an advisory opinion is received, the officer, employee or appointed official who requested the rendering of the advisory opinion shall be notified of the access request by written notice to be mailed within seventy-two (72) hours of the receipt by the Board of Ethics of the request for access.

§ 48-32. Appeals.

When an appointing authority determines that a position under its authority is a policy making position thus requiring the holder of the position to file an annual statement of financial disclosure, an appeal of said determination may be taken by an aggrieved party by the filing of a written petition in opposition to such designation within thirty (30) days from the date that the designation was filed with the Board of Ethics of the County of Columbia, and upon receipt of said petition, the Board of Ethics shall make a determination upon the merits of the petition within thirty (30) days.