

Town of Butternuts, NY

Ethics Policy

Adopted as amended Oct. 11, 2023

Purpose:

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

Definitions:

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

INTEREST: A pecuniary or material benefit accruing to a municipal officer, or to said officer's spouse or domestic partner, parents, children, siblings, grandchildren, grandparents, employer, customers, or clients.

CONFLICT of INTEREST: An action taken by an official which may provide a financial or other personal benefit to the official, or the official's spouse or domestic partner, parents, children, siblings, grandchildren, grandparents, employer, customers, or clients.

RECUSAL: The official may not deliberate, vote, or participate in any way in the matter under question. The official must disclose his conflict of interest and remove himself from the board during discussion, deliberation, and action regarding the matter. The official shall not provide input concerning the matter from the audience in his capacity as a member of the public.

MUNICIPAL OFFICER OR EMPLOYEE: A municipal officer or employee shall be defined as an officer of the Town of Butternuts, whether paid or unpaid, including members of any administrative board, commission or other board or commission thereof. **COMMITTEE**

MEMBER/ No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer.

STANDARDS OF CONDUCT:

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

A. Disclosure of interest in legislation. To the extent that such person knows thereof, a member of the Town Board and any officer or employee of the Town of Butternuts, 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 interest such person has in relation to such legislation, whether they be direct interests or indirect interests, as well as any interests of said person's spouse or domestic partner, parents, children, siblings, grandchildren, grandparents, employer, customers, or clients. When faced with such conflicts of interest, the official shall recuse himself/herself from any discussion, deliberation, and action relating to the matter.

B. Appearance of impropriety. An official must avoid circumstances that compromises his ability to make decisions solely in the public interest or create an appearance of impropriety. When such an appearance exists, the official must recuse himself/herself.

C. Confidential information: Such person shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his/her personal interest.

D. Representation before one's own board or commission: Such person 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 board or commission of which such a person is an officer, member, or employee, or of any municipal board or commission over which such person has jurisdiction or to which such person has the power to appoint any member, officer or employee.

E. Representation before any board or commission for a contingent fee: Such person 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 board or commission of his municipality, whereby his/her compensation is to be dependent or contingent upon any action by such board or commission with respect to such matter.

F. Gifts. No person shall, directly or indirectly, solicit any gift or 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 such person, or could reasonably be expected to influence such person, in the performance his/her official duties or was intended as a reward for any official action on such a person's part.

G. Investments in conflict with official duties. Such person shall not invest or hold any investment, directly or indirectly, in a financial, business, commercial, or other private transaction which creates a conflict with his official duties.

H. Private employment. An official 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 that person's official duties. An official shall not solicit, negotiate for, or commit to accepting private employment from any person doing business with, or has any matter pending with the Town.

I. Revolving Door. Such person shall not, after termination of service or employment with the Town of Butternuts, appear before any board or commission of the Town in relation to any case, proceeding or application in which such person personally participated during the period of his/her service or employment or which was under his/her active consideration.

J. Town Property and Resources: No employee or official may use town-owned property, assets, or any resources for personal purposes or profit, or to benefit any person. Use of these resources is restricted to the conduct of official business, for the benefit of all residents and to further an authorized public purpose.

K. Nepotism: Spouses and other family members of the municipal official may not serve in positions whose duties conflict, or appear to conflict, with the duties of the official. They may not serve on a commission, board, or body of which the official is a member.

L. Representation. An official shall not appear on behalf of, or represent in person, any matter before a **municipal agency** except on his own behalf.

M. Incompatible positions. An official is prohibited from holding more than one position with the town when one is subordinate to the other or when the duties of the positions conflict.

Personal Claims: Nothing in this provision 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, or any board or commission thereof, on behalf of such person or any member of such person's family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Distribution of the Town's Code of Ethics: The Town Supervisor shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town within 30 days after the effective date of policy. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of such person's office or employment.

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, suspended or removed from office or employment, as the case may be, upon recommendation by the Board of Ethics in the manner provided by law.

Establishment of a Board of Ethics for the Town of Butternuts: There is hereby established a Board of Ethics consisting of five members to be appointed by the Town Board and who shall serve without compensations 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 Butternuts, but shall

include at least one member who is an elected official or appointed officer or employee of the Town.

Powers and Duties of the Board of Ethics: 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 Butternuts with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant to such article, under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon request of the Town Board.