

RESOLUTION NO. 4

CODE OF ETHICS

A resolution establishing standard of conduct for officers and employees of the Town of Smithville.

Be it enacted by the Smithville Town Board of the Town of Smithville as follows:

Section 1. Pursuant to the provisions of section eight hundred six of the General Municipal Law, the Smithville Town Board of the Town of Smithville 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 resolution to promulgate these rules of ethical conduct for the officers and employees of the Town of Smithville. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Smithville. These rules of ethical conduct of this resolution as adopted, shall not conflict with, but shall be in addition to any prohibition of article eighteen 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.

Section 2. (a) DEFINITIONS. As used in this resolution, the term Town shall mean any board, commission, district, council or other agency, department of unit or government of the Town of Smithville.

The term "Town Employee" shall mean any officer or employee of the Town of Smithville whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

(b) RULES WITH RESPECT TO 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.

Section 3. STANDARDS OF CONDUCT. Every officer or employee of the Town of Smithville 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 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances 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 paragraph 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 knows thereof, a member of the Smithville Town Board and any officer or employee of the Town of Smithville whether paid or unpaid, who participates in the discussion or gives official opinion to the Smithville Town Board on any legislation before the Smithville 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 Smithville 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.

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, accountant, demand or suit against the Town of Smithville 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 Smithville shall cause a copy of this code of ethics to be distributed to every officer and employee of the Town within (45) days after the effective date of this resolution. Each officer and employee elected or appointed 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 by law.

Section 7. EFFECTIVE DATE. This resolution shall take effect immediately.

Resolution #4-91

motion made by Councilman Kofira, 2nd by Councilman Parks

Passed Unanimously

Dated: March 12, 1991