

## Chapter 23, ETHICS, CODE OF

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 8-7-1975 as L.L. No. 2-1975. Amendments noted where applicable.]

### GENERAL REFERENCES

Officers and employees -- See Ch. 40.

#### § 23-1. Purpose; construal of provisions.

The Board of Trustees of the Village of Horseheads 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 chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of Horseheads and to provide standards for disclosure of interest in legislation before the village, for holding of investments in conflict with official duties, for private employment in conflict with official duties and for future employment in conflict with official duties. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Horseheads. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law as now enacted or hereafter amended or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

#### § 23-2. Definitions.

For purposes of this chapter, the following terms shall have the meanings indicated:

INTEREST -- A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as a result of a contract with the municipality which such officer or employee serves. A municipal officer or employee shall be deemed to have an "interest" in the contract of:

- A. His or her spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.
- 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.
- D. A corporation any stock of which is owned or controlled directly or indirectly by such officer

or employee.

**MUNICIPAL OFFICER OR EMPLOYEE** -- An officer or employee of the Village of Horseheads, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fire fighter or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.<sup>EN(1)</sup>

**§ 23-3. Standards of conduct.**

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

- A. Gifts. They shall not directly or indirectly solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$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 them or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward for any official action on their part.<sup>EN(2)</sup>
- B. Confidential information. They shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.
- C. Representation. They shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any municipal agency, board or department of which they are an officer, member or employee or of any jurisdiction or to which they have the power to appoint any member, officer or employee.
- D. Representation for a contingent fee. They shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency, board or department with respect to such matter, provided that this section 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 they know thereof, members of the Board of Trustees and any officers or employees of the Village of Horseheads, whether paid or unpaid, who participate in the discussion or give official opinion to the Board of Trustees on any legislation before the Board of Trustees shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation.
- F. Investments in conflict with official duties. They shall not invest or hold any investment,

directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with their official duties.

- G. Private employment. They 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 their official duties.
- H. Future employment. They shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Horseheads in relation to any case, proceeding or application in which they personally participated during the period of their service or employment or which was under their active consideration.

**§ 23-4. Claims by officers or employees.**

Nothing herein shall be deemed to bar or prevent the timely filing by present or former municipal officers or employees of any claim, account, demand or suit against the Village of Horseheads or any agency or board thereof on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**§ 23-5. Distribution and posting of copies.**

- A. The Village Manager of the Village of Horseheads shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the village. Each officer and employee elected or appointed thereafter shall be furnished with a copy before entering upon the duties of his or her office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall not have any effect on his or her duty of compliance with such code nor its enforcement.
- B. The Village Manager shall post a copy of the code in each public building under his or her jurisdiction in the village in a conspicuous place. Failure to post shall have no effect on the duty of compliance with nor enforcement of this code.

**§ 23-6. Board of Ethics.**

- A. Establishment; purposes. A Board of Ethics for the Village of Horseheads is hereby established. The Board of Ethics shall investigate all charges of unethical conduct against Village of Horseheads officers and employees and render a written advisory opinion with respect to the charged violation of this Code of Ethics. All charged violations shall be

referred to the Board of Ethics.

- B. Membership. The Board of Ethics shall consist of three (3) members, the majority of whom are not to be otherwise officers or employees of the village. Such Board of Ethics shall include at least one (1) member who is a village officer or employee. All members shall be appointed by the Board of Trustees and shall serve at its pleasure. The Board of Ethics shall appoint a Chairperson, a Deputy Chairperson and a Secretary from its members. The Secretary shall be responsible for keeping the records of the Board of Ethics.
- C. Meetings; procedures. Meetings shall be held at the call of the Chairperson of the Board of Ethics. The Chairperson, or Deputy Chairperson in the chairperson's absence, may administer oaths, request attendance of witnesses and take testimony. The Board of Ethics shall keep written records of its deliberations and meetings, showing the subject matter under consideration, the testimony it hears and the opinions of each member and shall record all absences. All opinions of the members of the Board of Ethics shall be compiled and reported to the Board of Trustees within sixty (60) days of referral of the charged violation. A record of the Board of Ethics' advisory opinions and its written records shall be kept on file with the Village Clerk.
- D. Village Attorney. The Village Attorney shall, the the request of the Board of Ethics, assist the Board in its deliberations, provided that the Village Attorney is not charged with violating the Code of Ethics, in which case the Board of Ethics may retain other counsel for assistance in its work.

**§ 23-7. Penalties for offenses.**

In addition to any penalties contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code of Ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

## **Endnotes**

### **1 (Popup - Popup)**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

### **2 (Popup - Popup)**

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