

SECTION IX. CODE OF ETHICS.

From the Code of the Town of Beekman

Chapter 19

ETHICS, CODE OF THE TOWN OF BEEKMAN

- § 19-1. Purpose.
- § 19-2. Construal of provisions.
- § 19-3. Definitions.
- § 19-4. Standards of conduct.
- § 19-5. Certain claims and suits excepted.
- § 19-6. Distribution of code.
- § 19-7. Penalties for offenses.
- § 19-8. Town Board of Ethics.
- § 19-9. Required disclosure of interest.
- Appendix A Annual Disclosure of Interest Statement

[HISTORY: Adopted by the Town Board of the Town of Beekman 11-4-1970 by resolution. Amendments noted where applicable.]

GENERAL REFERENCES

Defense and Indemnification - See Ch. 11

Employment Practices Compliance Manual – See Ch. A163.

Compensation and Benefits Manual -See Ch. A160.

§ 19-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Beekman 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 Town of Beekman. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Beekman.

§ 19-2. **Construal of provisions.**

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 or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 19-3. **Definitions.**

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

EMPLOYEE - An officer or employee of the Town of Beekman, 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 fireman or civil defense volunteer, except a Chief Engineer or Assistant Chief Engineer.

INTEREST - A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

§ 19-4. **Standards of conduct.**

Every officer or employee of the Town of Beekman 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 \$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 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. **[Amended 7-10-1990 by L.L. No. 5-1990]**
- 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 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 knows thereof, a member of the Town Board and any officer or employee of the Town of Beekman, whether paid or unpaid, who participates in the discussion or gives 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 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 Beekman 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.

§ 19-5. Certain claims and suits excepted.

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 Beekman 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.

§ 19-6. Distribution of code.

- A. The Supervisor of the Town of Beekman shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Beekman within 10 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 office or employment.
- B. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with this code nor the enforcement provisions hereof. [Added 7-10-1990 by L.L. No. 5-1990]

§ 19-7. 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, in the manner provided by law.

§ 19-8. Town Board of Ethics. [Added 6-19-2000 by L.L. No. 4-2000]

- A. A local Board of Ethics, to be known as the "Beekman Board of Ethics," is hereby established pursuant to § 808 of the General Municipal Law.
- B. The Board of Ethics shall consist of five members appointed by the Town Board of the Town of Beekman to serve without compensation for terms of five years, except the initial terms, upon adoption of this code, shall be for one year, two years, three years, four years and five years. All members shall reside in the town, and at least one member shall be a Town officer or employee. The Board of Ethics shall elect its own Chairperson and act by a majority vote of its total members. The Town's attorney shall serve as counsel to the Board of Ethics, except in any matter where a conflict of interest may exist. Any member of the Board of Ethics may be removed by the Town Board for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of his or her office or violation of this Code of Ethics, after written notice and an opportunity to reply. . [Amended 4-21-2010 by L.L. No. 1-2010; 7-2-2014 by L.L. No. 201014]
- C. Advisory opinions. The Board of Ethics shall render advisory opinions to town officers, employees, professional consultants and agencies with respect to this Code of Ethics and the provisions of Article 18 of the General Municipal Law. Such advisory opinions shall be rendered pursuant to written request under such rules and regulations as the Board of Ethics may deem advisable and with the advice of the town's attorney. The Board of Ethics shall be bound by any such opinion, until amended or revoked, in any subsequent proceeding concerning the person who requested the opinion, where such person in good faith relied on the opinion, unless material facts were omitted or misstated in the request.
- D. Investigations. In addition to all powers provided for in Article 18 of the General Municipal Law, the Board of Ethics shall have the power and duty to conduct investigations upon the receipt of a sworn complaint by any citizen alleging a violation of this Code of Ethics or of Article 18 of the General Municipal Law, or upon its own determination that such a violation may exist, under such rules and regulations as the Board of Ethics may deem advisable. Pursuant to this power and duty, the Board of Ethics may administer oaths or affirmations and subpoena witnesses and documents. Upon the completion of any investigation, the Board of Ethics shall render to the Town Board a written confidential report of its findings, opinions and recommendations, which report shall be provided to the subject to the investigation. Any penalties or other subsequent action taken shall be by

authorized bodies in accordance with applicable procedures. If the Board of Ethics determines, pursuant to this provision, that any action, including any approval or transaction, by any town officer, employee, professional consultant or agency was undertaken in violation of any of the provisions of this Code of Ethics or in violation of Article 18 of the General Municipal Law, such action shall be voidable.

- E. Confidentiality. With respect to all complaints and investigations and all related deliberations and findings, the Board of Ethics shall hold all such matters in confidence and meet in closed executive session to the fullest extent allowable by applicable law.
- F. The Board of Ethics shall adopt, amend and rescind such rules and regulations to govern its procedure as it deems appropriate, subject to the approval of the Town Board.
- G. Voidable transactions. If the Town Board of Ethics concludes in a written opinion rendered pursuant to § 19-8D that any action, including any approval or transaction, by any town officer, employee or agency was undertaken in violation of any of the provisions of this Code of Ethics, such action shall be subject to nullification by resolution of the Town Board. **[Added 2-12-2001 by L.L. No. 2-2001]**
- H. Maintenance and review of disclosure statements. The Board of Ethics shall make available the forms related to the disclosure of interest requirements of this Code of Ethics. which forms are set forth as "Appendix A." The Board of Ethics shall act as the repository for completed disclosure forms and shall determine whether all persons subject to the reporting requirements of this Code of Ethics have duly filed such forms. In the event that an officer or employee has failed to file, has filed a deficient statement, or has filed a statement revealing a possible violation of this Code of Ethics, the Board of Ethics shall notify such person in writing, state the failure to file or detail the deficiency, and provide the person with a fifteen-day period to cure the deficiency. Upon a failure to cure the deficiency, the Board of Ethics shall notify the Town Board for appropriate disciplinary action. **[Added 2-12-2001 by L.L. No. 2-2001]**

§ 19-9. Required disclosure of interest. [Added 2-12-2001 by L.L. No. 2-2001]

- A. All town officers and employees, including members of advisory and ad hoc boards and committees and excepting seasonal and emergency temporary employees, shall file a annual disclosure of interest statement with the Town Board of Ethics on the prescribed form as set forth in Appendix A **[Amended 2-7-2005 by L.L. No. 1-2005; 4-21-2010 by L.L. No. 1-2010]**

below. Such statement shall be filed within 30 days of the effective date of this Code of Ethics, and by the first day of June in each year thereafter. Any newly appointed officer or employee shall file the statement within 30 days of his or her appointment. An officer or employee having a change in the information contained in his or her most recently filed annual disclosure statement shall file an amended statement indicating the change within 30 days after its occurrence.

- B. Transactional disclosure. Whenever any town officer or employee is required to recuse himself or herself under this Code of Ethics, he or she shall promptly:
- (1) Notify his or her supervisor or, if a member of a board, shall make such notification upon the public record of the board;
 - (2) File with the Board of Ethics a signed statement disclosing the nature and extent of the prohibited action; and
 - (3) Refrain from any further participation in the matter.
- C. Applicant disclosure. Any party who submits any application to any town officer, employee, or agency, or otherwise requests the Town of Beekman to take any action, shall at the time of making such application or request disclose the names of all town officers or employees and any of their family members, outside employers, business associates, clients, or campaign contributors who have contributed \$250 or more in cash or goods or services in the aggregate during the preceding 24 months who, to his or her knowledge, have or are likely to have a personal interest in the outcome of any such application or request.

§ 19-10. Nepotism [Added 11-28-2018 by L.L. No. 3-2018]

SECTION 1: Chapter 19 of the Town Code of the Town of Beekman is hereby amended by the following addition:

- A. No Town officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the Town of Beekman or a board of the Town.
- B. No Town officer or employee may supervise a relative in performance of the relative's official powers or duties

SETION 2. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, for,, partnership, entity or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.