

# TOWN OF WEST SENECA REVISED CODE OF ETHICS

## EFFECTIVE DATE: 12-07-2009

### Section 13-1 Legislative Intent

Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board of the Town of West Seneca (hereinafter "TOWN") recognizes that there are rules of ethical conduct for public officials, 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 local government. It is the purpose of this local law to promulgate these rules of ethical conduct for the officials, officers and employees of the Town of West Seneca. These rules shall serve as a guide for the official conduct of the officials, officers and employees of the Town. The rules of ethical conduct of this local law as adopted shall not conflict with, but shall be in addition to, any prohibition to Article 18 of the General Municipal Law or any other general or specific law relating to ethical conduct and interest in contracts of municipal officials, officers and employees. In the event of any conflict between the provisions of this Code and the provisions or Article 18 of the General Municipal Law, the latter shall control.

### Section 13-2 Definitions and Usage

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

**AGENCY:** Any Town department, division, board, committee, or bureau, including the Town Board or any successor thereto;

**APPEAR AND APPEAR BEFORE:** Communicating in any form, including without limitation, personally, by letter, electronic communication, telephone or by any other device;

**CONFIDENTIAL INFORMATION:** Shall have the same meaning as defined in the New York State Public Officer's Law as well as any information discussed and/or revealed at an Executive Session of a Town Board Meeting.

**CUSTOMER OR CLIENT:** Any entity or person to whom an official, officer or employee of the Town of West Seneca or his or her outside employer or business which has supplied goods or services during the previous calendar year having, in the aggregate, a value greater than \$2000.00.

**FINANCIAL BENEFIT:** Any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity or other compensation of anything of value, or any promise thereof.

HOUSEHOLD: All persons living in a single residence whether related or not.

INTEREST: Shall be deemed to include the affairs of the official, officer, or employee or their spouse, minor children and dependents, firm, partnership or association in which such official, officer or employee is a member or employee; a corporation in which such official, officer or employee is an officer, director, or employee; and a corporation of which any stock is owned or controlled directly by the official, officer or employee.

OFFICIAL, OFFICER OR EMPLOYEE: Includes every elected official of the town, every town "officer" elected or appointed as defined in the Town Law or any other law referring to "officers" acting on behalf of the Town Board or Town Supervisor including members of any advisory committees, whether such persons mentioned in this definition are paid or unpaid. An employee shall mean any person directly employed by and compensated by the Town of West Seneca.

RELATIVE: A spouse, child, step-child, step-parent or any other person who is a direct descendent of the grandparents of the reporting individual or the reporting individual's spouse, and the spouses of the aforementioned persons.

The use of the masculine gender shall include the feminine where applicable.

#### Section 13-3 Standards of Conduct:

Every official, officer and employee of the Town of West Seneca shall be subject to and abide by the following standards of conduct:

A. General Prohibition: A Town official, officer or employee shall not use his or her official position or office to take or fail to take any action in a manner which he or she knows or has reason to know may result in a financial benefit or interest for any of the following persons or entities:

1. The Town official, officer or employee;
2. His or her outside employer or business;
3. A member of his household;
4. A customer or client; or
5. A relative.

B. Recusal: A Town Board Member, official, officer or employee shall promptly recuse

himself or herself from acting on a matter before the Town, when acting on the matter or failing to act on the matter may provide a financial benefit to the persons or entities listed in 13-3A above. A Town Board Member shall promptly recuse himself or herself from voting on the appointment, hiring, or other matter involving a person or entity described in Section 13-3A above.

C. Conflict of Interest: No Town official, officer or employee shall have any interest or engage or invest in any business, transaction, professional activity or incur any obligation of any nature, which is in conflict with the proper discharge of his or her duties in the public interest. To this end, no Town official, officer or employee shall:

1. Be or become interested directly or indirectly in any manner whatsoever in any business or professional dealings with the Town of West Seneca or any agency thereof;
2. Act as attorney, agent, broker, employee, or representative in business or professional dealings with the Town of West Seneca or any agency thereof.
3. Accept other employment or engage in any business transaction which will impair his independence of judgment in the exercise of his or her official duties.

D. Gifts: A Town official, officer or employee, whether paid or unpaid, shall not directly or indirectly solicit, accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, material goods, things, or promise or any other form, under circumstances in which it could reasonably be inferred or could reasonably be expected that the gift was intended to influence such official, officer or employee in the performance of his or her official duties or which was intended to reward official action or inaction. Under no circumstances shall an official, officer or employee accept any gift valued in excess of \$75.00.

E. Representation: A Town officer, official or employee shall not represent any other person in any matter that person has before the Town nor represent any other person in any matter against the interest of the Town. This prohibition shall not apply to representation of individuals and/or entities scheduled to appear in the Town of West Seneca Justice Court in which the Town is not a party.

F. Appearances: A Town officer, official or employee shall not appear before any agency of the Town in which the Town has an interest except on his or her own behalf or on behalf of the Town.

G. Confidential Information: Town officers, officials and employees shall not disclose any

confidential information or use said information to further their personal interest, unless required to do so by law or court order.

H. Political Solicitation: A Town official, officer or employee shall not require or authorize anyone else to require any subordinate of the official, officer or employee to participate in an election campaign or contribute to a political committee.

I. Future Employment: A Town official, officer or employee shall not, within one year after the termination of his duties and/or employment with the Town, appear before any board or agency of the Town in relation to any case, issue, proceeding or application in which he or she personally participated in during the period of his or her service or employment or which was under his or her active consideration.

J. Avoidance of conflicts: Town officials, officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would put them in violation of this chapter.

K. Inducement of others: A Town officer, official or employee shall not induce or aid other officials, officers or employees of the Town to violate any provisions of this chapter.

L. Disclosure or interest in legislation: To the extent that he or she knows thereof, a member of the Town Board and any other officer, official or employee, whether paid or unpaid, who participates in the discussion or gives an official opinion to the Town Board on any legislation before the Board, shall publicly disclose on the official record the nature and extent of any direct or indirect financial benefit or interest that he or she has in such legislation.

M. Investment and conflict with official duties: A Town official, officer or employee shall not invest or hold any investment directly or indirectly, any financial, business, commercial or other private transaction which creates a conflict with his or her official duties.

#### Section 13-4 Penalties

A. In addition to any penalty contained in any other provision of law, a violation of this Code may result as follows:

1. Forfeiture of pay, suspension or removal from office. Any violation of the provisions of this Code shall constitute cause for suspension or removal from office or employment or such other disciplinary action as the Town Board may consider advisable, after an executive session, pursuant to the law currently in effect.

2. Avoidance of contracts. Any contract knowingly entered into by and/or with the Town or any agency thereof in which there is an interest or financial benefit prohibited by this chapter shall be null, void, and wholly unenforceable.

B. Actions not constituting violations: No action expressly or impliedly permitted under Article 18 of the General Municipal Law shall constitute a violation of this code.

#### Section 13-5 Amendment of Code:

This code may be amended from time to time by the Town Board by the adoption of further rules and standards designed to improve the administration of the Town and protect the public, or by supplementing the coverage of this Code, to the extent permitted by law.

#### Section 13-6 Severability:

If any portion of this code shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such portion thereof shall be deemed inoperative and the balance of the code deemed to be in full force and effect.

#### Section 13-7 Permissible Claims:

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Town official, officer or employee of any claim, account, demand or suit against the Town or any agency thereof on behalf of himself or any relative or household member arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

#### Section 13-8 Compliance required - - Distribution of copies:

Compliance with this Code of Ethics shall be deemed a condition of employment for all Town officials, officers and employees and every official, officer or employee shall, subsequent to the date of enactment of this Code, be given a copy of this Code by the Supervisor, together with all amendments hereto, and a receipt of the same shall be signed by such official, officer or employee. Such receipts shall be filed with the Town Clerk, who shall supply the necessary forms. The completed receipts shall be retained by the Town Clerk for inspection.

#### Section 13-9 Board of Ethics, Creation of Board, Conditions of Membership

A. A Board of Ethics is hereby established, pursuant to Article 18, Section 808, Subdivision 3 of the General Municipal Law. The Board shall be composed of seven members, two members to be appointed by each member of the Town Board. A member of the Town Board shall not appoint himself or herself, nor any other current Town Board then serving the the Board of Ethics. The seventh member of the Board of Ethics shall be the \_\_\_\_\_.

The members of the Board of Ethics shall be residents of the Town of West Seneca and only one member shall be a current Town official, officer or employee. The Town Attorney, representing the Town, shall be an ex officio member of the Board of Ethics without the power to vote.

B. Advisory Opinions: Upon written request of any Town official, officer or employee, the Board of Ethics established herein shall render advisory opinions regarding this Code of Ethics or the provisions contained in Article 18 of the New York State General Municipal Law. The Board of Ethics shall also make recommendations as to any amendments to this Chapter upon the request and majority vote of the Town Board. The opinions of the Board of Ethics shall be advisory and under no circumstances shall the identity of the Town officer, official or employee be disclosed except to authorized persons and agencies or pursuant to a Court order.

C. Rules and Regulations: The Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

D. All recommendations, advisory opinions, and rules and regulations of the Board of Ethics shall be kept in the Town Clerk's Office.

Section 13-10 Effective Date:

This code shall become effective immediately upon its enactment by the Town Board after proper filing, including filing with the office of the State Comptroller and the office of the Secretary of State.

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Name

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Date