

Town Of Mount Pleasant Code of Ethics

Adopted by the Library Board of Trustees - July 2017

Resolution #201707-05

CODE OF ETHICS

Chapter 22

Town

of

MOUNT PLEASANT

**GENERAL
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Chapter 22

ETHICS, CODE OF

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[HISTORY: Adopted by the Town Board of the Town of Mount Pleasant 10-11-1977. Amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification — See Ch. 19.

§ 22-1. Declaration of policy.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Mount Pleasant recognizes that there are rules of ethical conduct for municipal officers, employees and agency members which must be observed to continue a high degree of moral conduct, thereby maintaining public confidence in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers, employees and agency members of the Town of Mount Pleasant. The rules of ethical conduct of this chapter as adopted, shall be in addition to any provisions of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct now or hereafter in effect. In recognition of these goals, there is hereby established a Code of Ethics for municipal officers, employees and agency members of the Town of Mount Pleasant and a Board of Ethics to render advisory opinions with respect thereto, to investigate alleged violations thereof and to facilitate compliance therewith.

§ 22-2. Definitions.

Unless the context clearly demonstrates otherwise, the following terms, as used in this chapter shall have the following meanings:

AGENCY MEMBER — A member of any town authority, agency, board, commission, committee, bureau or district within the town created by law or appointed by the Town Board or the Supervisor.

COMPENSATION — Any money, thing of value or financial benefit conferred, granted, given, awarded or contracted for services rendered or to be rendered.

EMPLOYEE — Any person directly employed on a full- or part-time basis by the town, whether compensated or not. No person shall be deemed to be either an officer or

employee solely by reason of being a volunteer fireman, civil defense volunteer, ambulance corps volunteer or auxiliary policeman.

INTEREST — A pecuniary or material benefit accruing to a person, and the word "person," for the purposes hereof, shall mean not only the officer, employee or agency member, but also his spouse; minor children; dependents; any firm, partnership or commercial association in which he is an officer, director, member, sole or part proprietor, owner, general or limited partner or employee; or any corporation of which he is an officer, director, stockholder of more than 5% of the outstanding equity stock of any class or employee thereof.

MUNICIPAL OFFICER — Every elected or appointed official of the town, as defined in the Town Law or any other state law referring to officers acting on behalf of the town, or any agency thereof, and shall also include those persons employed by the town on a full-time basis as department heads or deputy department heads or whose job categories are classified as exempt for civil service classification purposes, whether any of the foregoing shall be compensated or not.

TOWN — The Town of Mount Pleasant and any agency, authority, board, commission or other subdivision thereof or any improvement or other district whose members are appointed by the Town Board.

§ 22-3. Standards of conduct.

Every municipal officer, employee or agency member of the Town of Mount Pleasant shall be subject to and abide by the following standards of conduct:

- A. **Gifts and solicitations.** No municipal officer, employee or agency member shall, directly or indirectly, solicit or accept or receive any gift or item of personal or real property or any interest therein, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift or item of personal or real property or interest therein was intended to influence him in the performance of his official duties; 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. Nothing herein contained shall prohibit the receipt by candidates for public office of otherwise lawful political contributions so long as such contributions are not solicited during normal business hours or on town property.
- B. **Use of information.** No municipal officer, employee or agency member shall use information acquired by him in the course of his official duties, which shall not be publicly disclosed, for the purpose of furthering his or other financial interests either during or after his term of office or period of service.
- C. **Interest in town contracts.** No municipal officer, employee or agency member shall receive compensation or enter into any agreement, express or implied, in connection with, or have an interest in, directly or indirectly, any contract or agreement with the town or any of its authorities, agencies, boards, commissions or districts unless such compensation or interest is first fully disclosed to and approved by the Town Board at a regular public meeting thereof.

- D. Representation before town agencies. No municipal officer or employee shall represent any third party in any matter before the town, either directly or indirectly. No agency member shall receive compensation in connection with, have an interest in or enter into, directly or indirectly, any contract or agreement, express or implied, to render or furnish any services in connection with any matter before the authority, agency, board, commission or district on which he serves or which might reasonably be expected to come before the same.
- E. Disclosure of interest in legislation, contracts and official action. To the extent that he knows thereof, any officer and/or employee of the town, and any agency member with respect to matters in which he participates or in which his agency is involved in the decision-making process, shall specifically and fully disclose to the Town Board and the authority, agency, board, commission or district involved, either in writing or at a public meeting, the nature and extent of any direct or indirect interest in legislation, contracts or official action pending before the town.
- F. Private employment. No municipal officer, employee or agency member shall engage in, solicit, negotiate for, promise to accept, accept or perform private employment, furnish goods or render services for private interests when such employment or service creates, or may reasonably create, a conflict with or impairs, or may reasonably impair, the proper and impartial discharge of his official duties.
- G. Future employment. No municipal officer, employee or agency member shall, after the termination of service or employment with the town, appear before the town on behalf of any person, firm, corporation or other interest for compensation in relation to any case, proceeding or application in which he participated in any way during his tenure of office or employment.
- H. Interests in conflict with official duties. No municipal officer, employee or agency member shall, directly or indirectly, have any interest which directly or indirectly creates a conflict with his official duties or impairs the proper discharge of his official duties.
- I. Use of public property or personnel. No municipal officer, employee or agency member shall use or permit the use of town property (including land, vehicles, equipment, materials and other property) or personnel for personal convenience or profit, except when such use is available to town citizens generally or is provided as a matter of town policy.
- J. Personal rights preserved. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer, employee or agency member of any claim, account, demand or suit against the Town of Mount Pleasant, or 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.

§ 22-4. Distribution of copies of code and disclosure statement.

- A. The Town Clerk shall cause a copy of the Code of Ethics to be distributed to every municipal officer, employee or agency member of the town within 30 days after the effective date of this chapter. Each municipal officer, employee and agency member elected or appointed thereafter or nominated by the Supervisor for office shall be furnished with a copy thereof before entering upon the duties of his office or employment or within

10 days after nomination. Each municipal officer, employee and agency member shall acknowledge in writing by a statement, in form as may be approved from time to time by the Board of Ethics, that he has received and read a copy of this code. Such statement shall be filed of public record with the Town Clerk.

- B. It shall be the duty of the Town Clerk to distribute a copy of the Code of Ethics, as well as a copy of the disclosure statement, to every municipal officer, employee and agency member in accordance with the provisions of Subsection A hereof. The Town Clerk shall also have custody of all disclosure statements filed by an officer, employee and agency member and shall, at least once each year, review the file to ensure that all municipal officers, employees and agency members shall have duly filed such a statement.
- C. In the event that subsequent to the filing of any such disclosure statement there shall be a change of circumstances which shall make any statement contained therein either untrue, misleading or inaccurate, it shall be the duty of the municipal officer, employee and agency member to forthwith notify the Town Supervisor in writing of the nature and extent of any such change and simultaneously file with the Town Clerk a new disclosure statement.
- D. Any revision or amendment to this code shall be similarly distributed to every municipal officer, employee or agency member within 30 days after its adoption. In the event that any such revision or amendment shall result in making a disclosure statement previously filed either untrue or misleading, then it shall be the duty of the municipal officer, employee or agency member to notify the Town Supervisor in writing of the nature and extent of any such change and file with the Town Clerk a new disclosure statement.

§ 22-5. Board of Ethics.

- A. A Board of Ethics is hereby established, to be composed of five members appointed by the Town Board, all of whom shall reside in the town. The Town Attorney, or Deputy Town Attorney designated by him, shall be a member ex officio of such Board of Ethics, without the power to vote. In accordance with § 808 of the General Municipal Law, one member of such Board shall be an elected or appointed municipal officer or employee of the town. The members of such Board shall serve for terms of three years each, with the initial appointments being one member for a term of one year, two members for terms of two years and two members for terms of three years.
- B. Such Board of Ethics shall contain not more than three persons who shall be enrolled members of the same political party. The Board of Ethics each year shall elect from its membership its Chairman and shall make suitable provisions from time to time for the proper recording of its opinions and proceedings.
- C. The Board of Ethics shall render advisory opinions at the request of the Town Board and to actual and prospective municipal officers, employees and agency members with respect to Article 18 of the General Municipal Law and this Code of Ethics. The opinion of the Board of Ethics shall be presented to the Town Board in writing and be a matter of public record and filed in the office of the Town Clerk.
- D. Powers and functions.
 - (1) The Board of Ethics shall have the following powers and functions:

- (a) Subject to the approval of the Town Board, to make, amend and rescind rules and regulations governing its internal organization and the conduct of its affairs.
 - (b) To request and receive from the town or any town officer, employee or agency member such assistance and data as will enable the Board of Ethics to properly carry out its functions and powers.
 - (c) To render in writing advisory opinions with respect to the interpretation and application of this code.
- (2) Such opinions may be requested of the Board of Ethics, in writing, by the Town Attorney on any matter (with written notice to the Town Board) or by the town municipal officer, employee or agency member with respect to his own conduct. Any other request for any advisory opinion can only be forwarded to the Board of Ethics by the Town Board, or any member thereof, with written notice to the Town Board. All such requests shall be considered by the Board of Ethics, and, where it shall deem appropriate, it shall render an opinion with reasonable promptness and shall furnish a copy of such opinion to the Town Board, the Town Attorney and the municipal officer, employee or agency member whose conduct is in question. Advisory opinions of the Board of Ethics shall be solely for the guidance of the municipal officer, employee or agency member whose conduct is in question, the Town Board and the Town Attorney, but shall not be binding on any of them. The Board of Ethics shall keep a record of its proceedings and opinions.
- E. All operating expenses of the Board of Ethics shall be provided to the Town Board.
- F. No amendment or revision of the Code of Ethics which shall be initiated by the Town Board and not by the Board of Ethics pursuant to Subsection D(1)(a) hereof shall be adopted by the Town Board without affording the Board of Ethics at least 30 days to consider the proposed amendment or revision and advise the Town Board with respect thereto.

§ 22-6. Penalties for offenses.

A violation of any of the provisions of this chapter may constitute cause for forfeiture of pay, suspension, demotion or removal from office or employment pursuant to the procedures set forth in Article 7 of the Civil Service Law and Article 3 of the Public Officers Law.

§ 22-7. Statement of legislative intent.

At the Town Board meeting of October 11, 1977, before adopting the Code of Ethics, the Town Board declared its legislative intent by a statement which is part of the Town Board minutes and is as follows:

- A. With respect to the appearance before boards, agencies or commissions which is prohibited by § 22-3D, some persons made suggestions that this provision be amended. It is the Town Board's intent and meaning that no one who receives a salary or compensation, whether full or part time, appear before any town authority, agency, etc., regardless of whether or not he is a member of the other agency. This would prohibit, for example, a Zoning or

Planning Board member from appearing before and authority, agency, etc. There are many other boards, commissions, agencies, etc., which are purely volunteer and some of which serve a limited and temporary purpose. Some of these at present are:

- (1) Fire Inspectors.
 - (2) Citizens' Advisory Commission on Cable TV.
 - (3) Advisory Board on Architecture and Community Appearance.
 - (4) Recreation Commission.
 - (5) Advisory Commission on Conservation.
 - (6) Mount Pleasant Library Board.
 - (7) Mount Pleasant Board of Ethics.
 - (8) Disaster and Emergency Service Committee.
 - (9) Advisory Board for Approved Methods of Solid Waste Disposal.
 - (10) Sanitation Board.
- B. This Code of Ethics would not prohibit the appearance of members of such boards, etc., except before their own board. However, it is the intent of the Town Board that the members of these volunteer boards, as well as employees and town officers, conduct themselves and affairs so that the spirit as well as the letter of the code is observed and that the Ethics Code serves as a guide and standard of conduct for all.

DISCLOSURE STATEMENT

Town Board
c/o Town Clerk
Town of Mount Pleasant
1 Town Hall Plaza
Valhalla, New York 10595

Gentlemen:

I have read and understand the Code of Ethics dated _____, and effective

_____.

() I do not have any interest and I have not engaged in any activity which might be interpreted as a violation of said Code of Ethics.

() I wish to disclose the following information:

I understand that if a change of circumstances should make any statement herein contained untrue or misleading, I shall forthwith notify the Town Supervisor in writing of the nature and extent of any such change, and file with the Town Clerk a new Disclosure Statement.

I certify that the information given above is true to the best of my knowledge and belief.

(Signature)

Print Name: _____

Home Address: _____

Home Telephone: _____

Date: _____