

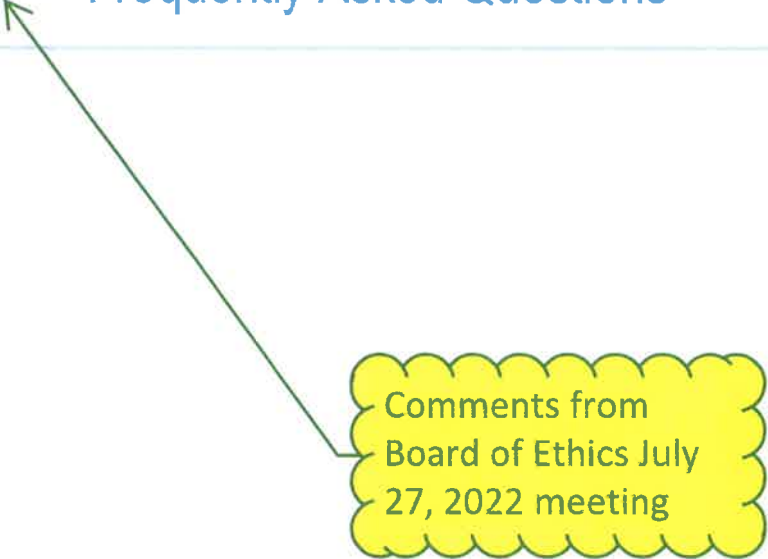


Office of the NEW YORK STATE

COMPTROLLER

Model Code of Ethics for Local Governments

Frequently Asked Questions



Comments from
Board of Ethics July
27, 2022 meeting

New York State Comptroller

THOMAS P. DiNAPOLI

APRIL 2021

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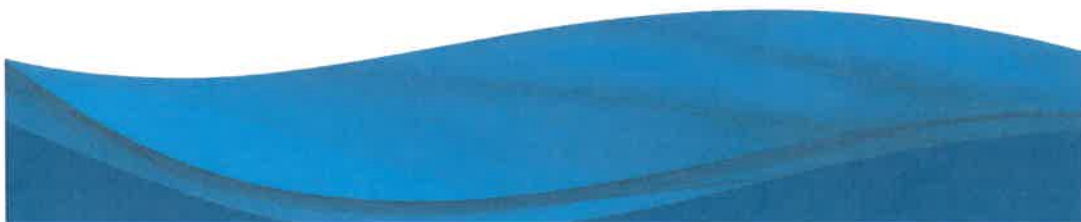
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Updated April 2021



No Recommended Changes

Must all provisions of the Model Code of Ethics for Local Governments (“Model Code”) be adopted by municipalities within New York State?

No. The Model Code is intended to be a guide for a municipality to develop a code of ethics to meet its own circumstances. However, pursuant to General Municipal Law Section 806(1)(a), counties, cities, towns, villages, school districts, and fire districts must adopt a code of ethics which, at a minimum, contains provisions with respect to: disclosure of interest in legislation before a local governing body; holding of investments in conflict with official duties; private employment in conflict with official duties; and future employment. The Model Code contains suggested provisions with respect to these subjects, as well as others.

Is a county’s code of ethics applicable to municipalities within its borders?

Reference in Code

No. Cities, towns, villages, school districts, and fire districts are distinct municipalities separate from a county and must, pursuant to Section 806 of the General Municipal Law, adopt their own code of ethics. Any other “municipality” as defined by the General Municipal Law is authorized, but not required, to adopt a code of ethics.

The Model Code defines “relative” to include a specified list of persons having a family relationship with a municipal officer or employee. Can a municipality expand or reduce those persons included as a “relative” in its own code of ethics?

Yes. Although this Model Code includes a specified list of individuals defined as “relatives,” each municipality may amend the definition of “relative” as it sees fit. The definition of “relative” should, however, at a minimum, include parents, siblings, children, and members of the municipal officer’s or employee’s household.

Recommend to keep current list. It is a consideration to add Grandparent and Step Grandparent.

No Recommended Changes

The Model Code refers to matters requiring or not requiring the “exercise of discretion” (Section 5 [disclosure requirements], Section 6 [recusal and abstention], Section 10 [future employment], and Section 17 [gifts]). What is an example of a function that does not require the “exercise of discretion?”

An example of a function that does not require the exercise of discretion is the issuance of a hunting or fishing license. In contrast, a discretionary function requires the exercise of judgment. Examples of discretionary functions include: awarding professional service contracts, approving claims for payment, and many hiring and disciplinary decisions.

Must each municipality’s code of ethics provide standards regarding the disclosure of interest in legislation?

Yes. General Municipal Law Section 806 requires a code of ethics to provide, among other things, standards for officers and employees with respect to disclosure of interest in legislation before the local governing body. The Model Code expands on this requirement (Section 5).

What is recusal and abstention, and when must a municipal officer or employee recuse himself or herself and abstain from a matter when acting within his or her official capacity?

Recusal and abstention occur when a municipal officer or employee *does not participate in any decision or official action*. Participating in a decision or official action includes, but is not limited to, any form of pre-decisional communications (including e-mails), informal or formal discussions, and voting on the matter. The Model Code (Sections 6 and 7) generally requires recusal and abstention on any matter requiring the exercise of discretion when the municipal officer or employee knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private individual in which he or she is deemed to have an interest.

Recommend leaving the room

Does the Model Code require a municipal officer or employee to divest himself or herself of any assets?

No. The Model Code (Section 8) only prohibits acquisition of certain assets *after* the individual becomes a municipal officer or employee. The

Model Code does not require divestiture of any investments acquired *prior* to becoming a municipal officer or employee in order not to unduly discourage individuals from serving in a municipal capacity. In some instances, however, a municipal officer or employee will be required to disclose an investment (Section 5), and recuse and abstain from any discussion or vote involving that investment which comes before him or her (Section 6). A municipality could include a stricter provision in its code of ethics that would require divestiture of assets or investments which were acquired before an individual began his or her municipal service.

Not recommended

Does the Model Code limit the investments that may be made by a municipal officer's or employee's spouse?

No. The Model Code prohibits only municipal officers and employees from acquiring certain investments (Section 8). However, if a municipal officer or employee has knowledge that his or her spouse or other relative has an interest in a matter coming before him or her which requires the exercise of discretion, the municipal officer or employee must disclose the interest (Section 5), and recuse and abstain (Section 6).

Does the Model Code prohibit municipal officers and employees from representing a non-profit or other community organization before the municipality?

It depends. Under Section 9(c), municipal officers and employees are prohibited from engaging in private employment that violates Section 805-a(1)(c) or (d) of the General Municipal Law.

General Municipal Law Section 805-a(1)(c) states:

No municipal officer or employee shall... 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.

In addition, General Municipal Law Section 805-a(1)(d) states:

No municipal officer or employee shall...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.

Thus, for example, the Model Code would prohibit a town board member from representing clients before the town's planning board when he or she is paid to do so.

Can an officer of a non-profit who is also a town board member vote on the use of public lands for a fundraiser benefiting the non-profit?

No. The Model Code (Section 6) prohibits municipal officers and employees from participating in any decision or taking any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on any private organization in which he or she is deemed to have an interest. The Model Code deems a municipal officer or employee to have an "interest" in any private organization when, among other circumstances, he or she is an officer of the organization (Section 2[c]). In this case, as an officer of the non-profit, the town board member would have an "interest" in the non-profit and would be required to disclose this interest (Section 5) and recuse and abstain (Section 6).

Does the Model Code allow a former municipal officer or employee to appear or render services in connection with a particular subdivision plan that he or she approved while serving as a municipal officer or employee?

No. The Model Code (Section 10[c]) imposes a lifetime bar on a municipal officer or employee representing or rendering services to a private person or organization in connection with any particular transaction in



Don Benjamin Issue

which he or she personally and substantially participated while serving as a municipal officer or employee.

Does the Model Code permit a municipal officer or employee to informally explore post-municipal employment opportunities?

It depends. The Model Code (Section 10[a]) prohibits a municipal officer or employee from exploring post-municipal employment opportunities with any person or organization which has a matter requiring the exercise of discretion pending before him or her within the 30 days following final disposition of the matter. This provision applies to both verbal and written communications.

Does the Model Code prohibit a municipal officer or employee from representing himself or herself before the municipality?

No. The Model Code (Section 11[a]) does not prohibit a municipal officer or employee from representing himself or herself before the municipality. An example of representation before the municipality includes a municipal officer's or employee's application to the zoning board of appeals (ZBA) for a variance to add a room onto his or her personal residence. In this instance, however, if the municipal officer or employee was a member of the ZBA and the variance came before him or her, he or she would then be required to disclose his or her interest (Section 5) and recuse and abstain (Section 6).

Does the Model Code prohibit a municipal officer or employee from asserting a claim on behalf of his or her spouse against the municipality?

No. The Model Code (Section 11[b]) does not prohibit a municipal officer or employee from asserting a claim against the municipality on behalf of his or her spouse or minor children. For example, a municipal officer or employee could assert a claim with regard to his or her spouse's involvement in an accident with a municipal vehicle. Depending on the circumstances, he or she may then be required to disclose his or her interest (Section 5) and recuse and abstain (Section 6).

Does the Model Code prohibit a municipal officer or employee from using a municipal phone to call his or her child's school when there is a health issue?

No. The Model Code (Section 12) recognizes the need for occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule. Examples of such matters can include: changes in day care or school schedules, doctor appointments, and other similar personal matters. Municipal officers and employees should also consult their municipality's policies and procedures which may contain more specific provisions with regard to the use of municipal resources.

Does the prohibition on use of municipal resources for private purposes mean that a school district may not allow a soccer club to use its fields?

Not necessarily. The Model Code (Section 12) recognizes that, in certain circumstances, use of school property by a private organization, such as a soccer club, may be permitted by law.

Does the Model Code address expenses incurred in connection with official travel?

Yes. The Model Code (Section 12[c]) states that, "no municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals, or lodging in connection with official travel." Consideration as to whether a travel expense is "reasonably necessary" should be determined on a case-by-case basis, and in view of any municipal travel policy.

For example, a municipal officer or employee authorized to attend a conference in Florida decides to drive to the conference. The cost of gas, meals, and lodging would likely far exceed the cost of a plane ticket. The cost of driving would ordinarily exceed the amount "reasonably necessary" to travel to the conference.

Does the Model Code prohibit a municipal officer or employee from doing business with his or her municipality?

Under certain circumstances, yes. The Model Code (Section 13[a]) incorporates the provisions of Section 801 of the General Municipal Law. Section 801 prohibits a municipal officer or employee from having interests in contracts with his or her municipality, but only under certain circumstances. In order for a municipal officer or employee to have a prohibited interest in a contract, four conditions must be met: (1) there must be a “contract;” (2) the individual must have an “interest” in the contract; (3) the individual, in his or her public capacity, must have certain powers or duties with respect to the contract; and (4) the situation must not fit within any of the statutory exceptions.

Does the Model Code require a municipal officer or employee to disclose interests in contracts?

In most circumstances, yes. The Model Code (Section 13[b]) incorporates the provisions of Section 803 of the General Municipal Law. With certain limited exceptions, if a municipal officer or employee, or his or her spouse, has, will have, or later acquires interest in a contract, purchase agreement, lease agreement, or other agreement with the municipality, Section 803 requires written disclosure of the nature and extent of the interest. The disclosure must be made publicly to the individual’s immediate supervisor, and to the governing body of the municipality, which must include the disclosure in the official record of its proceedings.

Does the Model Code prohibit a municipal officer or employee from hiring a relative?

Yes. As a rule, the Model Code (Section 14) prohibits a municipal officer or employee from participating in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any municipal position, or from supervising a relative. If the municipal officer or employee does not participate in the hiring decision and would not supervise the relative, then the Model Code would not prohibit the municipality from hiring the relative.

I am an elected highway superintendent. Can I ask my employees to attend a fundraising dinner for my reelection campaign?

No. The Model Code (Section 15) prohibits a municipal officer or employee from directly or indirectly compelling or inducing a subordinate to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value. The Model Code would also prohibit a municipal officer or employee from having a third person ask subordinates to attend.

On the other hand, the Model Code does not prohibit voluntary attendance at a political fundraiser or voluntary political contributions to a candidate.

Does the Model Code prohibit municipal officers and employees from accepting certain gifts?

Yes. The Model Code (Section 17[a]) prohibits a municipal officer or employee from soliciting, accepting, or receiving gifts in violation of Section 805-a(1)(a) of the General Municipal Law. General Municipal Law Section 805-a(1)(a) states:

No municipal officer or employee shall...directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, 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 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.

The Model Code provides guidance as to what a gift is, the fair market value of a gift, multiple gifts, and certain permissible gifts.

Does the Model Code require municipalities to establish a board of ethics?

No. The General Municipal Law (Section 808) authorizes, but does not require, municipalities to establish a board of ethics. The Model Code (Section 18) is intended to provide guidance to those municipalities that wish to adopt a board of ethics in conformance with the General Municipal Law. If a county has established a board of ethics, and a

municipality within the county has not, the county's board may act in relation to the officers and employees of the municipality.

If my municipality decides to establish a board of ethics, must the board hold regular, formal meetings?

While the Model Code's provisions do not specifically require the board to hold formal, regular meetings, the local enactment establishing the board may require periodic meetings. Also, the members of the municipality's board of ethics may adopt rules and regulations that establish procedures for the board of ethics, including but not limited to, the frequency and formality of its meetings.

My municipality runs a nursing home. Must the municipality's code of ethics be posted in the nursing home?

Yes. The Model Code (Section 19[a]) requires a municipal CEO to post a copy of the municipality's code of ethics in any building under the municipality's control.

Can the code of ethics be distributed to employees in electronic format? Can they acknowledge the same electronically?

Yes. The Model Code (Section 19[b] and [c]) does not specify how the code of ethics must be distributed or how receipt of the Code must be acknowledged.

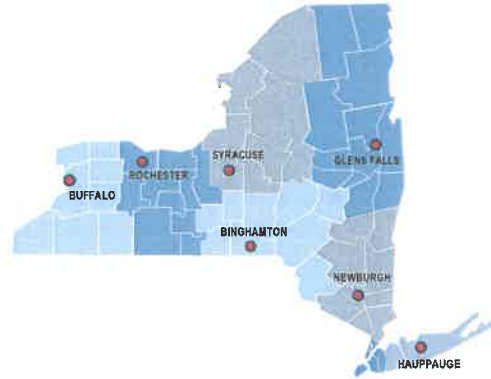


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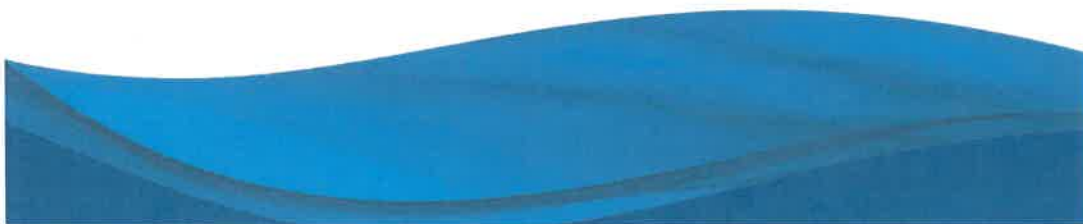
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OFFICE OF THE NEW YORK STATE COMPTROLLER
DIVISION OF LOCAL GOVERNMENT AND SCHOOL ACCOUNTABILITY

**Conflicts of Interest
of Municipal Officers
and Employees**



Thomas P. DiNapoli
State Comptroller

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April 2010

AS A MUNICIPAL OFFICER OR EMPLOYEE, your job by its very nature places you in a position of public trust. You are responsible for ensuring that public resources are used in the best interests of the public. You also have a duty to use the limited public resources available to you as effectively and efficiently as possible. When serving in your public capacity, the interests of your municipality must come before your own. In fact and appearance, your actions and interests must be above reproach. This brochure is intended to help you better understand New York State law as it pertains to conflicts of interest, and your responsibilities when your public and private interests conflict.

What is a conflict of interest?

You may have heard of the phrase “conflict of interest.” The phrase can apply in a variety of situations which all have one thing in common: an individual with divided loyalties, such as when a person has to act on behalf of the public in connection with a matter that affects his or her personal interests. Not all conflicts of interest, however, are prohibited by law.

What State laws govern conflicts of interest on the part of municipal officers and employees?

In general, conflicts of interest on the part of municipal officers and employees are governed by Article 18 of the General Municipal Law. Among other things, Article 18 regulates your business dealings with your municipality. However, not all of your contracts or relationships with your municipality are prohibited.

Who does the law apply to?

If you are an officer or employee of a municipality, the law applies to you, whether you are paid or unpaid, or a member of a municipal board, commission or agency. The term municipality encompasses almost every type of local government entity, including counties, cities (other than New York City), towns, villages, school districts, BOCES, fire districts, public libraries, town and county improvement districts, urban renewal agencies and industrial development agencies.

What makes a conflict of interest under Article 18?

Article 18 prohibits municipal officers and employees from having interests in contracts with the municipality for which they serve, but only under

certain circumstances. In order for a municipal officer or employee to have a prohibited interest in a contract (one that violates the law), four conditions must be met: (1) there must be a contract; (2) the individual must have an interest in the contract; (3) the individual, in his or her public capacity, must have certain powers or duties with respect to the contract; and (4) the situation must not fit within any of the exceptions listed in law.

If you have an interest in a contract, and you do not have any of the powers or duties that could cause the interest to be prohibited, or if one of the statutory exceptions applies, then the interest is permitted. However, in most cases you will have to disclose your interest.

What is a contract?

A contract includes any claim, account, demand against or agreement with a municipality – verbal or written, express or implied. Almost any business dealing you have with your municipality will involve a contract. Examples of contracts include purchase or sale agreements, construction agreements and service contracts, as well as vouchers for payment submitted to a municipality. A contract also includes the naming of a depository of public funds or the naming of an official newspaper of a municipality.

What is an interest in a contract?

You have an interest in a contract when you receive a direct or indirect financial or material benefit as a result of a contract with your municipality. This is a factual determination. You are also deemed to have an interest in the contracts of certain individuals and business entities with which you have relationships.

With one exception, you are deemed to have an interest in the contracts of your spouse, your minor children and your dependents. The one exception is for contracts of employment which these individuals have with your municipality. Thus, if your spouse, minor child or dependent is hired as an employee by your municipality, you are not deemed to have an interest in that contract as a result of his/her employment.

You are also deemed to have an interest in the contracts of any firm, partnership or association of which you are a member or employee. Similarly, you are deemed to have an interest in the contracts of any corporation of which you are an officer, director or employee, as well as in the contracts of any corporation of which you directly or indirectly own or control any stock.

Just because you have an interest in a municipal contract does not necessarily mean that your interest is prohibited. In order for the interest to be prohibited, you must have one or more of the powers or duties described below, and the situation must not fit within one of the statutory exceptions also described below.

What powers and duties can cause an interest in a contract to be prohibited?

If you have an interest in a contract with your municipality, the interest may be prohibited, but only if you have certain official powers or duties with respect to that contract. To have a prohibited interest in a contract, you must have the power or duty, either individually or as a member of a board, to:

- a. Negotiate, prepare, authorize or approve the contract, or authorize or approve payment under the contract;
- b. Audit bills or claims under the contract; or
- c. Appoint an officer or employee who has any of the powers or duties set forth in “a” or “b” above.

Ordinarily, members of the governing board of a municipality will have one or more of these powers or duties. In any situation, what is relevant to determining whether there is a prohibited interest is the *existence* of any of these powers and duties, not whether you choose to exercise them. In other words, merely refraining from acting in connection with a contract will not prevent you from having a prohibited interest in that contract. Thus, if you have an interest in a contract, and have at least one of the powers and duties listed above, the interest is prohibited unless one of the statutory exceptions discussed below is applicable.

There is also an additional rule applicable only to chief fiscal officers, treasurers and their deputies and employees. Unless an exception applies, none of these officers or employees shall have an interest in a bank or trust company designated as a depository, a paying agent or for the investment of funds of the municipality of which he/she is an officer or employee.

What are the statutory exceptions that prevent an interest in a contract from being prohibited?

If you have an interest in a contract with your municipality, and have any of the powers and duties discussed above, the interest is prohibited unless a

statutory exception is applicable. There are 17 statutory exceptions. Ordinarily, if one of these exceptions applies, an interest in a contract is permissible, even though you may have one or more of the powers and duties discussed in the preceding section. The seven most common exceptions are:

1. Payments of salary or other lawful compensation and necessary expenses to an officer or employee in one or more positions of public employment.
2. Interests in contracts prohibited solely by reason of being employed as an officer or employee of a private business if (a) the individual's private compensation is not directly affected as a result of the contract, and (b) the duties of the private employment do not directly involve the procurement, preparation or performance of the contract.
3. Contracts entered into prior to the time that a municipal officer or employee is elected or appointed, but not renewals of those contracts.
4. Contracts with membership corporations or other voluntary not-for-profit corporations or associations.
5. Purchases or public work by a municipality (other than a county), located within a county having a population of 200,000 or less, in which a member of the governing board or body has a prohibited interest. This exception applies only when:
 - a. The member of the governing body or board is elected and serves without salary;
 - b. The purchases total less than \$5,000 in any fiscal year, the governing body or board has followed its procurement policies and procedures (see General Municipal Law, section 104-b) and the procurement process indicates that the contract is with the vendor making the lowest dollar offer; and
 - c. The purchase or public work contract is approved by unanimous vote of the governing board or body, except the interested member who must abstain.
6. Contracts with a corporation if the municipal officer or employee directly or indirectly owns or controls less than 5 percent of outstanding stock.
7. Total consideration payable under all contracts in which a municipal officer or employee has an interest do not exceed \$750 during a fiscal year.

There are *no* exceptions for contracts that are competitively bid or contracts let in emergency situations. There are also *no* exceptions for when an individual discloses his or her interest, recuses him or herself or abstains from the discussion or vote on a matter.

What interests must be disclosed?

With certain limited exceptions, if you or your spouse has, will have, or later acquires an interest in a contract with your municipality, you must disclose the nature and extent of that interest in writing. You must make the disclosure as soon as you become aware of the actual or prospective interest. The disclosure must be made publicly, to your immediate supervisor and to the governing body of the municipality, which must include the disclosure in the official record of its proceedings.

What are the consequences of prohibited interests in contracts?

If you willfully enter into a contract in which you have a prohibited interest, the contract is null, void and unenforceable. If you willfully and knowingly violate the law by entering into a contract in which you have a prohibited interest, or by failing, when required, to disclose an interest in a contract, you may be guilty of a misdemeanor.

Besides being prohibited from having certain contractual interests, what other conduct of municipal officers and employees is restricted?

In addition to defining the circumstances when municipal officers and employees may not have interests in contracts, Article 18 prohibits certain other conduct on the part of municipal officers and employees:

1. You are prohibited from soliciting a gift. You are also prohibited from accepting a gift having a value of \$75 or more under circumstances where it can be reasonably inferred or expected that the gift was intended to influence you in the performance of your official duties or was intended as a reward for any official action.
2. You are prohibited from disclosing or using confidential information acquired in the course of your official duties to further your personal interests.
3. You are prohibited from performing services for compensation involving matters before any municipal agency (a) of which you are an officer, member or employee, (b) over which you have jurisdiction,

or (c) to which you have the power to appoint any member, officer or employee.

4. You are prohibited from performing services for compensation involving matters before any agency of your municipality when the compensation is dependent or contingent on any action by the agency with respect to these matters. Fees based upon the reasonable value of the services rendered, however, are not prohibited.

Can municipalities establish their own standards of conduct?

Yes, and some municipalities are required to do so. Article 18 requires the governing body of each county, city, town, village, school district and fire district to adopt a code of ethics setting forth standards of conduct reasonably expected of their officers and employees. Other municipalities are authorized, but not required, to have codes of ethics.

What is a code of ethics?

A code of ethics is a document which sets forth standards of conduct for the guidance of a municipality's officers and employees.¹ A code of ethics must address disclosure of interests in local legislation, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and other relevant standards relating to the conduct of municipal officers and employees. A code of ethics may regulate or prescribe conduct which is not expressly prohibited by Article 18, but it may not authorize conduct that is prohibited by Article 18. Such codes may also provide for the prohibition of conduct or disclosure of information and the classification of employees or officers. You should review your municipality's code of ethics to become familiar with the standards of your municipality.

What else does a municipal officer or employee need to know?

You also need to be aware that the courts of New York State have held public officials to a high standard of conduct. On occasion, the courts have negated certain actions which were not in violation of the literal provisions of Article 18 or a municipality's code of ethics, but which were in violation of the spirit and intent of the statute, were inconsistent with public policy or suggested self-interest, partiality or economic impropriety. Therefore, if

¹ A model code of ethics for fire districts is available on the State Comptroller's website at www.osc.state.ny.us/localgov/firedist/code-of-ethics-fire-districts.docx.

a situation involves conduct that does not technically violate either Article 18 or your municipality's code of ethics but still raises potential questions of conflict of interest, your inquiry should not end there. Depending on the facts, it still may be advisable for you to recuse yourself or to abstain from participating in the discussion or vote on a particular matter.

Where can a municipal officer or employee get a advice about potential conflicts of interest?

Article 18 authorizes counties to establish boards of ethics to provide advisory opinions with respect to Article 18 and codes of ethics to the officers and employees of municipalities within the county. Similarly, the municipalities within a county are also authorized to establish their own boards of ethics. If your municipality has established its own board of ethics, requests for advisory opinions should be directed to the municipal board. Aside from contacting the appropriate board of ethics, you should also consider requesting advice from your municipality's legal adviser. The Office of the State Comptroller's Division of Legal Services is also available as a resource in connection with Article 18 and can be reached at (518) 474-5586. You can also contact the Division of Local Government and School Accountability at localgov@osc.ny.gov. Please provide us with a daytime telephone number in your messages.

According to General Municipal Law, the chief municipal officer of each municipality must conspicuously post Sections 800-809 of Article 18 in each public building. The Office of the State Comptroller offers a [two-page, tabloid-sized poster of the Law](#) for your convenience. To request a copy or copies, contact the Division of Local Government and School Accountability at localgov@osc.ny.gov, or by phone at (518) 474-4037.

Division of Local Government and School Accountability

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email: localgov@osc.ny.gov

www.osc.state.ny.us

Office of the New York State Comptroller

Division of Local Government and School Accountability

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New York State General Municipal Law, Sections 800-809: Conflicts of Interest of Municipal Officers and Employees (part 1)

§ 800. Definitions. When used in this article and unless otherwise expressly stated or unless the context otherwise requires: 1. "Chief fiscal officer" means a comptroller, commissioner of finance, director of finance or other officer possessing similar powers and duties, except that in a school district the term shall not mean a member of the board of education or a trustee thereof. 2.

"Contract" means any claim, account or demand against or agreement with a municipality, express or implied, and shall include the designation of a depositor of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law. 3. "Interrer" means a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves.

For the purposes of this article a municipal officer or employee shall be deemed to have an interest in the contract of (a) his 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 and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee. 4. "Municipality" means a county, city, town, village, school district, consolidated health district, county vocational education and extension board, public library, board of cooperative educational services, urban renewal agency, a joint water works system established pursuant to chapter six, hundred fifty-four of the laws of nineteen hundred twenty-seven, or a town or county improvement district, district corporation, or other district or a joint service established for the purpose of carrying on, performing or financing one or more improvements or services intended to benefit the health, welfare, safety or convenience of the inhabitants of such governmental units or to benefit the real property within such units, an industrial development agency but shall have no application to a city having a population of one million or more or to a county, school district, or other public agency or facility therein. 5.

"Municipal officer or employee" means an officer or employee of a municipality, whether paid or unpaid, including members of any administrative board, commission or other agency thereof and in the case of a county, shall be deemed to also include any officer or employee paid from county funds. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer, except a fire chief or assistant fire chief. 6. "Treasurer" means a county treasurer, city treasurer, town supervisor, village treasurer, school district treasurer, fire district treasurer, improvement district treasurer, president of a board of health of a consolidated health district, county vocational educational and extension board treasurer, treasurer of a board of cooperative educational services, public general hospital treasurer, or other officer possessing similar powers and duties.

§ 801. Conflicts of interest prohibited. Except as provided in section eight hundred two of this chapter, (1) no municipal officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has any of the powers or duties set forth above and (2) no chief fiscal officer, treasurer, or his deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which he is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

§ 802. Exceptions. The provisions of section eight hundred one of this chapter shall not apply to: 1. a. The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of funds of a municipality except when the chief fiscal officer, treasurer, or his deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company

outside the municipality would be required because of the foregoing restriction, a bank or trust company within the municipality may nevertheless be so designated. b. A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract; c. The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law; d. The purchase by a municipality of real property or an interest therein, provided the purchase and the consideration therefor is approved by order of the supreme court upon petition of the governing board; e. The acquisition of real property or an interest therein, through condemnation proceedings according to law; f. A contract with a membership corporation or other voluntary non-profit corporation or association including, but not limited to, rural electric cooperatives. For purposes of this paragraph, the term "rural electric cooperative" shall have the same meaning as the term "cooperative" as defined in subdivision (a) of section two of the rural electric cooperative law; g.

The sale of bonds and notes pursuant to section 60.10 of the local finance law; h. A contract in which a municipal officer or employee has an interest if such contract was entered into prior to the time he was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract; i. Employment of a duly licensed physician as school physician for a school district upon authorization by a two-thirds vote of the board of education of such school district, notwithstanding the fact that such physician shall have an interest, as defined in section eight hundred one of this chapter, in such employment; j. Purchases or public work by a municipality, other than a county, located wholly or partly within a county with a population of two hundred thousand or less pursuant to a contract in which a member of the governing body or board has a prohibited interest, where: (1) the member of the governing body or board is elected and serves without salary; (2) the purchases, in the

aggregate, are less than five thousand dollars in one fiscal year and the governing body or board has followed its procurement policies and procedures adopted in accordance with the provisions of section one hundred four-b of this chapter and the procurement process indicates that the contract is with the lowest dollar offer; (3) the contract for the purchases or public work is approved by resolution of the body or board by the affirmative vote of each member of the body or board except the interested member who shall abstain. 2. a. A contract with a corporation in which a municipal officer or employee has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee; b. A contract for the furnishing of public utility services when the rates or charges therefor are fixed or regulated by the public service commission; c. A contract for the payment of a reasonable rental of a room or rooms owned or leased by an officer or employee when the same are used in the performance of his official duties and are so designated as an office or chamber; d. A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the officer; e. A contract in which a municipal officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars. f. A contract with a member of a private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract.

§ 803. Disclosure of interest. 1. Any municipal officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the municipality of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the

governing body thereof, as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body. 2. Notwithstanding the provisions of subdivision one of this section, disclosure shall not be required in the case of an interest in a contract described in subdivision two of section eight hundred two hereof.

§ 804. Contracts void. Any contract willfully entered into by or with a municipality in which there is an interest prohibited by this article shall be null, void and wholly unenforceable.

§ 804-a. Certain interests prohibited. No member of the governing board, of a municipality shall have any interest in the development or operation of any real property located within Nassau County and developed or operated by any membership corporation originally formed for purposes among which are the following: 1. to plan, advise, recommend, promote and in all ways encourage, alone or in concert with public officials and bodies and interested local associations, the development and establishment of any lands in Nassau County publically owned with particular emphasis on industrial, business, commercial, residential and public uses, the augmentation of public revenues and furtherance of the public interest of the citizens of Nassau County; 2. to conduct studies to ascertain the needs of Nassau County as pertains to such publically owned lands and supporting facilities and in Nassau County generally for the purpose of aiding the County of Nassau in attracting new business, commerce and industry to it and in encouraging the development and retention of business, commerce and industry; 3. to relieve and reduce unemployment, promote and provide additional and maximum employment, better and maintain job opportunities and instruct or train individuals to improve or develop their capabilities for such jobs; 4. to implement and engage itself in plans of development of such publically owned lands and other areas in connection with private companies and citizens and with public bodies and officials, and to participate in such operations, leaseholds, loans, ownerships with respect to land, buildings or public facilities or interest therein as may be lawful and desirable to effectuate its corporate purposes and the best interests of the people of Nassau County.



Thomas P. DiNapoli

State Comptroller

This information is required to be posted in a conspicuous place for the benefit of municipal officers and employees. Questions can be directed to your municipal attorney, or to the State Comptroller's Division of Legal Services at (518) 474-5586.

Presented by:
New York State Office of the State Comptroller
Division of Local Government and School Accountability
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110 State Street
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New York State General Municipal Law, Sections 800-809: Conflicts of Interest of Municipal Officers and Employees (part 2)

§ 805. Violations. Any municipal officer or employee who willfully and knowingly violates the foregoing provisions of this article shall be guilty of a misdemeanor.

§ 805-a. Certain action prohibited. 1. No municipal officer or employee shall: a. directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, 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 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. disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests; c. 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; or d. 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. 2. In addition to any penalty contained in any other provision of law any person who shall knowingly and intentionally violate this section may be fined, suspended or removed from office or employment in the manner provided by law.

§ 805-b. Solemnization of marriages. Notwithstanding any statute, law or rule to the contrary, no public officer listed in section eleven of the domestic relations law shall be prohibited from accepting any fee or compensation having a value of one hundred dollars or less, whether in the form of money, property, services or entertainment, for the solemnization of a marriage by such public officer at a time and place other than the public officer's normal public place of

business, during normal hours of business. For the purpose of this section, a town or village judge's normal hours of business shall mean those hours only which are officially scheduled by the court for the performing of the judicial function.

§ 806. Code of ethics. 1. (a) The governing body of each county, city, town, village, school district and fire district shall and the governing body of any other municipality may by local law, ordinance or resolution adopt a code of ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them. Notwithstanding any other provision of this article to the contrary, a fire district code of ethics shall also apply to the volunteer members of the fire district fire department. Codes of ethics shall provide standards for officers and employees with respect to disclosure of interest in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and such other standards relating to the conduct of officers and employees as may be deemed advisable. Such codes may regulate or prescribe conduct which is not expressly prohibited by this article but may not authorize conduct otherwise prohibited. Such codes may provide for the prohibition of conduct or disclosure of information and the classification of employees or officers. (b) Effective on and after January first, nineteen hundred ninety-one, such codes of political subdivisions, as defined in section eight hundred ten of this article, may contain provisions which require the filing of completed annual statements of financial disclosure with the appropriate body, as defined in section eight hundred ten of this article. Nothing herein shall be construed to restrict any political subdivision or any other municipality from requiring such a filing prior to January first, nineteen hundred ninety-one. Other than as required by subdivision two of section eight hundred eleven of this article, the governing body of any such political subdivision or other municipality may at any time subsequent to the effective date of this paragraph, adopt a local law, ordinance or resolution pursuant to subdivision one of section eight hundred eleven of this article and any such political subdivision or municipality, acting by its governing body, may

take such other action as is authorized in such subdivision. Any political subdivision or other municipality to which all of the provisions of section eight hundred twelve of this article apply may elect to remove itself from the ambit of all (but not some) provisions of such section in the manner authorized in subdivision three of such section eight hundred twelve. In such event any such political subdivision or municipality shall be subject to certain conditions and limitations set forth in paragraphs (a), (b) and (c) of such subdivision three which shall include, but not be limited to, the promulgation of a form of an annual statement of financial disclosure described in subdivision one of such section eight hundred eleven. 2. The chief executive officer of a municipality adopting a code of ethics shall cause a copy thereof to be distributed to every officer and employee of his municipality. The fire district commissioners shall cause a copy of the fire district's code of ethics to be posted publicly and conspicuously in each building under such district's control. 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 such code, nor the enforcement of provisions thereof.

§ 807. Posting of statute. The chief executive officer of each municipality shall cause a copy of sections eight hundred through eight hundred nine of this article to be kept posted in each public building under the jurisdiction of his or her municipality in a place conspicuous to its officers and employees. Failure to post any such copy shall have no effect on the duty of compliance with this article, nor with the enforcement of the provisions thereof.

§ 808. Boards of ethics. 1. The governing body of any county may establish a county board of ethics and appropriate moneys for maintenance and personal services in connection therewith. The members of such board of ethics shall be appointed by such governing body except in the case of a county operating under an optional or alternative form of county government or county charter, in which case the members shall be appointed by the county executive or county manager, as the case may be, subject to confirmation by such governing body. Such board

of ethics shall consist of at least three members, a majority of whom shall not be officers or employees of such county or municipalities wholly or partially located in such county and at least one of whom shall be an elected or appointed officer or employee of the county or a municipality located within such county. The members of such board shall receive no salary or compensation for their services as members of such board and shall serve at the pleasure of the appointing authority.

2. The board shall render advisory opinions to officers and employees of municipalities wholly or partly within the county with respect to this article and any code of ethics adopted pursuant hereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board may prescribe and shall have the advice of counsel employed by the board, or if none, the county attorney. In addition, it may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon the request of the governing body of any municipality in the county. 3. The governing body of any municipality other than a county may establish a local board of ethics and, where such governing body is so authorized, appropriate moneys for maintenance and personal services in connection therewith. A local board shall have all the powers and duties of and shall be governed by the same conditions as a county board of ethics, except that it shall act only with respect to officers and employees of the municipality that has established such board or of its agencies. The members of a local board shall be appointed by such person or body as may be designated by the governing body of the municipality to serve the pleasure of the appointing authority and such board shall consist of at least three members, a majority of whom are not otherwise officers or employees of such municipality. Such board shall include at least one member who is an elected or appointed municipal officer or employee. 4. The county board of ethics shall not act with respect to the officers and employees of any municipality located within such county or agency thereof, where such municipality has established its own board of ethics, except that the local board may at its option refer matters to the county board. 5. A board of ethics of a political subdivision (as defined in section eight hundred ten of this article)

and of any other municipality, which is required by local law, ordinance or resolution to be, or which pursuant to legal authority, in practice is, the repository for completed annual statements of financial disclosure shall file a statement with the clerk of its municipality, that it is the authorized repository for completed annual statements of financial disclosure.

§ 809. Disclosure in certain applications. 1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant. 2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them (a) is the applicant, or (b) is an officer, director, partner or employee of the applicant, or (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request. 3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four of section two of the election law. 4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section. 5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.



Thomas P. DiNapoli
State Comptroller

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Presented by:
New York State Office of the State Comptroller
Division of Local Government and School Accountability
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 Boylan Code

Exploring Ethics and Conflicts of Interest for Town Officials

Presented on Behalf of the NY Association of Towns
2014 Annual Conference

By:
Donald A. Young, Esq.
Boylan Code LLP

ATTORNEYS AT LAW

Exploring Article 18 of the GML

Town of Chenango

Applies to - “Municipal Officers and Employees,” including both paid and unpaid employees and officers of a municipality.

i.e., Town Staff (CEOs); Elected non-board officials (Town Clerk); Public officials serving on boards (Town Board, Planning Board, Zoning Board)



Potential Complexities

“This prohibition, which contains fifteen exceptions, including exceptions to the exceptions, is sufficiently complicated to puzzle experienced municipal attorneys; to a lay person, it is virtually unintelligible. In addition, this prohibition often seems senseless when applied to smaller communities. Furthermore, only limited case law exists to provide guidance in the area . . .”

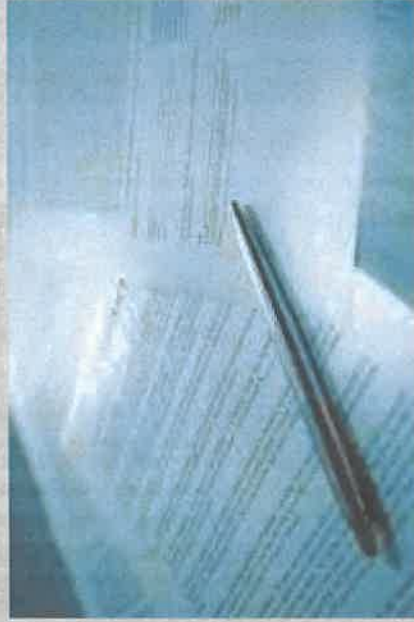
Mark Davies, *Legal Developments: Article 18 of New York's General Municipal Law: The State Conflicts of Interest Law for Municipal Officials*, 59 Alb. L. Rev. 1321, 1323 (1996). [Page 3 of 22](#)

Issues Addressed by GML 18:

- Conflicts related to Contracts;
- Other Miscellaneous COIs (i.e., Gifts)
- Authority to create Ethics Board and Ethics Code
- Disclosure by an Applicant
- Annual Financial Disclosure

GML Article 18 – Prohibited Interests in **Contracts**

A primary focus of Article 18 is regarding conflicts that arise out of an interest, typically financial, in a contract with a municipality.



GML 18 COI in a Contract:

- Contract for approval;
- Interest that would yield a financial or other Benefit to a Town Official/Employee (“Town Official”)
- Said Town Official has some Control over the contract; and
- No Exception applies.

Contract → Interest/Benefit → Official with Control → **No Exceptions**

Contract: Broadly defined as “any claim, account, or demand against or agreement with a municipality.”

i.e., Typical, long-term written contracts, as well as purchases of goods or the provision and subsequent billing for one-time services, etc.

GML Article 18 – Prohibited Interests in ^{Town of Chenango} Contracts

Contract → Interest/Benefit → Official with Control → No Exceptions

Interest - Direct Benefit (typically financial) to the municipal official or an Indirect Benefit, such as to the official's business, family or employer.

i.e., direct benefit – Town to hire an Engineering Firm owned by TB member;

Third Element = Beneficiary has Control.



Types of Control:

- 1. Authorize or Approve the Contract, or to Approve Payment;
- 2. Audit Bills or Claims;
- 3. Appoint an officer or employee who has any of the powers or duties set forth in "1" or "2" above.

GML Article 18 – Prohibited Interests in Contracts

Contract → Interest/Benefit → Official with Control → No Exceptions

An Exception may allow a Benefit which might otherwise cause an impermissible conflict of interest.

Exception #1 – Benefit arises out of compensation of an officer or Employee employed by your Town.

Exception #2 – Benefit arises out of allowable Private Employment.

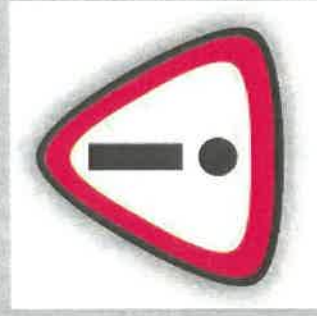
Only Where:

- 1. Official's compensation from the Business not directly affected by the subject contract; and
- 2. Official's duties not directly related to the contract.

Exceptions!

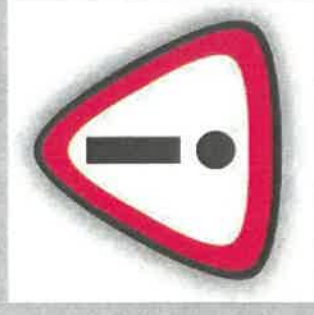
GML Article 18 – Recusal Requirements and Penalties

Contract → Interest/Benefit → Official with Control → No Exceptions



If Conflict of Interest, then:

1. Publically Disclose; and
2. Recuse



A Note on the Scope of Recusal:

Recusal is not limited to simply refraining from a vote.

→ Town officer should remove himself from deliberation on the matter in addition to removal from the actual vote.

Consequences:

Contract → null, void and unenforceable.

Possible misdemeanor!

GML Article 18 – Other Prohibitions and Disclosures

Town of Sebang

Additional Prohibitions:

- Solicitation of a Gift,
- Acceptance of a Gift having a value of \$75 or more,
- Disclosure of Confidential Information, and
- Accepting Bribes.

Annual Disclosure Requirements:

Population of 50k+ → Must establish an annual financial disclosure system.

Smaller municipalities = Optional.

Land Use Disclosure:

- Land Use Applications include:

Each application, petition, or request for a variance, amendment, change of zoning, approval of a plat, etc. . . .

• Applicant to Disclose :

- Name, Residence, Interest of any Official of the Municipality in Applicant.
- Interest where Official or Relative:
 - Is the Applicant;
 - Is an officer, director, partner, or employee of the Applicant;
 - Is a member of a partnership or association of Applicant, or owns at least 5% of Applicant;
 - Is party to an agreement with Applicant which is beneficial and dependent on approval.

Violation could result in misdemeanor.



Exploring NY Common Law with Regard to Municipal Ethics

NY Common Law Can be said to be more strict in than GML Article 18.

NY Courts → There need not be an actual violation of Article 18 in order to trigger an impermissible conflict of interest requiring recusal.

Rather, a conflict of interest may arise via the “appearance of impropriety.”



GML 18 vs. Common Law

- GML requires a contract and an actual interest in that contract ;
- In contrast, the Common Law requires only the appearance of an interest, financial or otherwise, in any form of municipal approval, not

GML 18 Common Law

Contract	Any Matter (i.e., Site Plan, Subdivision)
Actual Interest	Mere Appearance of an Interest

NY Common Law – Examining Significance of an **Interest**

Despite **apparent broad scope of COIs in common law** (i.e., *appearance*) . . .

- Courts → Each matter to be addressed on a case-by-case basis where the particular facts of the matter are closely examined.
- Must Examine the significance of any potential interest.
- No Bright Line Rule to determine “appearance of impropriety – case-by-case.

Example # 1 [De Paolo v. Town of Ithaca, 258 A.D.2d 68 (3d Dept. 1999).]

- TB grants a rezone to Cornell in connection with campus-wide cooling facility;
- Lawsuit filed → COI requires annulment;
- Four of the TB members had various relationships with Cornell:
 - Current employee of Cornell;
 - Spouse of an employee @ Cornell.
 - Retiree receiving pension benefits;

Conflict?

The Court held:

NY Common Law— Examining Significance of an ^{own of}Interest

Example # 2 [Tuxedo Conservation & Taxpayers Assoc. v. Town Bd. of Tuxedo, 69 A.D.2d 320 (2d Dept. 1979).]

- Application to Town of Tuxedo to build a 3,900 residential Planned Unit Development;
- 1500 Acres;
- \$200 Million;
- Application denied in 1975 and in 1976;
- In 1977, Town Board grants preliminary approval of the project in a 3 to 2 vote;
- Deciding Vote was in the affirmative by a Town Board member who was:

The Vice-President of an Advertising Agency which represented the Parent Company of the Applicant.



Conflict?

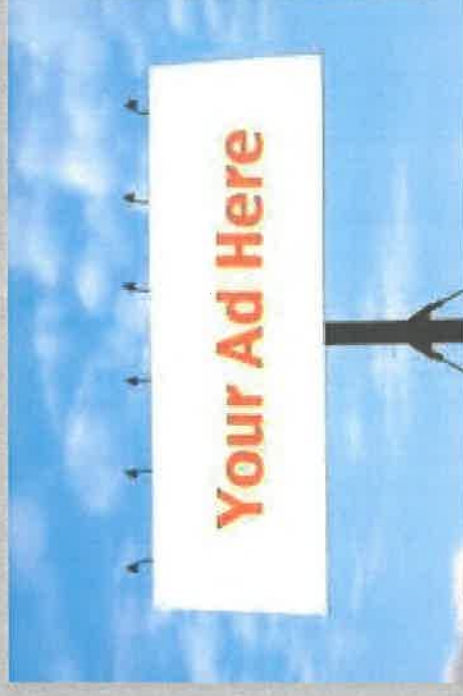
The Court held:

NY Common Law— Examining Significance of an Interest

Town of Chenango

Why Significant Appearance? Court:

“It requires no feat of mental gymnastics to infer that if the application is approved, the agency (of which the TB member is the VP) will be a strong contender to obtain all the advertising contracts in the 200 million dollar project.”



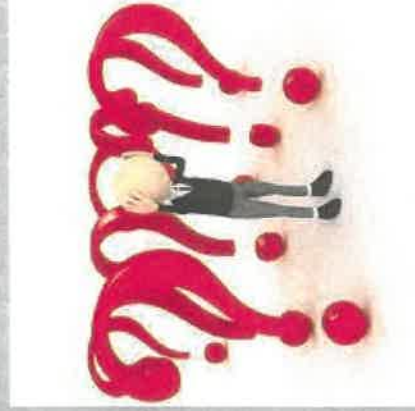
Additional Facts (which make this case more interesting):

- TB member affirmatively refused to disqualify himself – he knew there was a possible conflict involved;
- He submitted his question of conflict to the Ethics Board;
- Made approval vote before Ethics Board rendered its opinion . . .

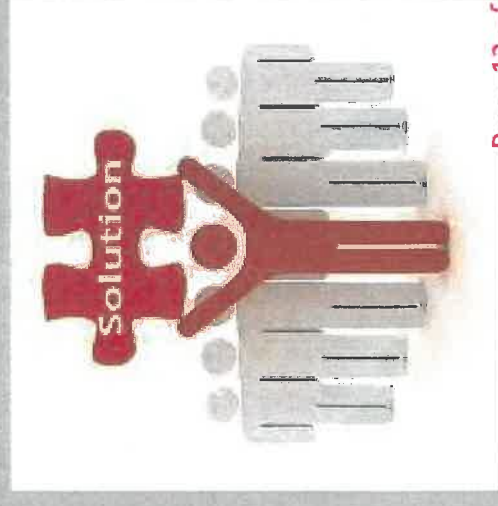
New York State Common Law Ethics – Final Thoughts

Town of Chenango

- The Common Law builds upon and extends beyond Article 18:
- COI may arise even beyond an **actual financial interest** in a contract;
 - May arise out of interests not related to a Contract (i.e., an approval of a Site Plan application);
 - May arise out of an interest whether actual or perceived;
 - Determination on Appearance of Impropriety requires that facts of each matter be examined on a case-by-case basis;
 - As a result, it is difficult to comfortably predict how a Court will rule.
 - Question often becomes whether interest is “Significant.”



If no definitive rules –
how to decide? →
Refer to Ethics Board!



The Board of Ethics and the Code of Ethics from Chenango

Each Town *may* establish a Board of Ethics:

Duty - To render advisory opinions;
At the request of municipal officers;
Scope → 1) Article 18, 2) the Town Code of Ethics, or 3) other ethical issues that are within the scope of Article 18 (i.e., those that may arise under the Common Law).

Each Town *must* adopt a Code of Ethics;

Must set forth “the standards of conduct reasonably expected” of Town’s officials and employees;

Cannot be less restrictive than

Topics for a Code of Ethics include (underline = required):

- Acting in the Public Interest
- Avoiding the Appearance of Impropriety
- Avoiding the Use of the Position for Personal or Private Gain
- Disclosure
- Recusal and Abstention
- Investments
- Private Employment
- Future Employment
- Interest in Contracts
- Nepotism
- Political Solicitations
- Confidential Information
- Gifts
- Posting and Distributing the Code of Ethics

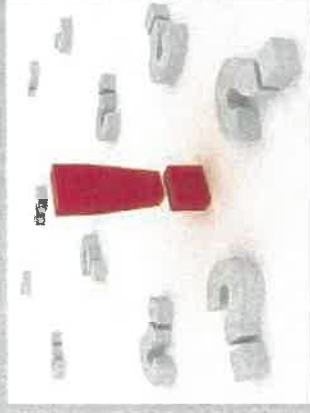
Model Code of Ethics @ Comptroller -

<http://www.osc.state.ny.us/localgov/pubs/codeofethics.pdf> Page 14 of 22

The Board of Ethics and the Code of Ethics

Primary Function of the Board of Ethics is to render Advisory Opinions at the request of Town Officials/Employees.

Problem: Courts → Cannot form definitive rules b/c each matter must be examined on a case-by-case basis.



Solution: The local Board of Ethics!



Courts on the Board of Ethics:

- Consistently hold that the most appropriate forum to examine the relevant facts and circumstances of a given ethics matter is the local Board of Ethics.
- *Courts often defer to the opinions rendered by local Boards of Ethics.*
- The opinion of the Board of Ethics is entitled to “Great Weight.”

The Board of Ethics and the Code of Ethics – CaseStudy

In re Parker, 184 AD2d 937 (3d Dept. 1992).

- Facts:
- Chairperson of the Town PB is also the President of a local steel company.
- Subdivision app. made wherein a principal of the applicant (the “Principal”) had previously purchased steel from the Chairperson’s company on a number of occasions.
- The PB, including the Chairperson, voted to approve the subdivision, and a challenge to that approval soon ensued.



- Allegations:

- Chairperson has COI because the Principal of the applicant had previously purchased steel from the Chairperson’s company.
- An approval of the project might result in additional business to the Chairperson’s company.
- Additional Facts:
- **NY Attorney General found a COI.**
- *Local Board of Ethics had rendered the opposite opinion, holding no COI because the purchases by the Principal were so minuscule.*

Conflict?

The Board of Ethics and the Code of Ethics – Case Study

The Court ultimately agreed with the decision of the Ethics Board, holding that “the determination of the Town Board of Ethics is rational and entitled to considerable weight by this Court.”

Putting “In re Parker” into Perspective:

- Previous contractual financial relationship existed;
- Attorney General issued a decision finding COI on this very matter;
- Court nevertheless agrees with Town Ethics Board.

Lesson Learned and Conclusion:

A prudent municipal officer will seek the opinion of his Ethics Board before acting on a matter where there is any question of conflict of interest.



AG recently agreed → “In that many of these matters are questions of judgment, a body of individuals, namely the board of ethics, is the appropriate fact finder and provider of guidance.”



Case Studies - Competitors

- Case law on the issue of dealing with matters related to a Competitor of a Town Official is sparse;
- Where a Town Official is the Principal of company that is a direct Competitor of an Applicant, there could be a strong argument for the Appearance of Impropriety – thus, prudent action may be Recusal;
- However, where Town Official is something less than the Principal of a Direct Competitor, the answer is less clear;
- Example – AG has held that Principals of Local contracting companies may not serve as CEOs because CEO may be compelled to inspect the work of his Competitor’s Company;
- Example 2 – AG has suggested that a Town Engineer should avoid doing private (non-Town) work in Town (Engineer could be tempted to disapprove work of Competitor in Town);

Conclusion – Since case law on this issue is sparse, most prudent course of action is to request opinion from Board of Ethics;

Case Studies – Adoption of Local Legislation

Issue: Town Board approves Local Legislation which has some direct effect on a Town Board member.



Example – Town of Poestenkill

- TB of Poestenkill approves LL which allows R property owners to mine gravel on property;
- Legal challenge ensues – TB member owns R property suitable for mining → COI;
- Court →
 - “Since every owner of property in a residentially owned district is affected by Local Law No. 2, petitioners’ argument would make all but a handful of property owners in the [Town] ineligible to sit on the board in such matters.”
- Disqualifying interest must be a personal or private one, not one shared in common with a significant portion of similarly situated citizens.

Rule: Where Town Official votes to approve a LL that benefits not only him, but also a significant portion of similarly situated citizens, and where no other personal benefit would accrue, generally no COI.

Conclusion – Summary Ethics Analysis

Town of Chenango

1. Examine **GML 18** to ensure no COI arising out of **Contract** . . .
Contract → Interest/Benefit → Official With Control → No Exceptions;
2. Examine **Additional Provisions of GML 18** to ensure no other miscellaneous COIs
(such as the acceptance of a gift);
3. Analysis as to whether COI arises out of local **Code of Ethics**;
4. **Common Law analysis** to determine whether there may be an **Actual Non-Contractual Interest** that raises an impermissible conflict (i.e., a personal benefit to the municipal official arising out of a subdivision approval);
5. Consider whether there is an **Appearance of Impropriety, as addressed in Common Law**;
6. Where potential COI is identified per Common Law, analysis as to whether it is **Substantial/Significant**;
7. Where there is any question or uncertainty as to the answers to any of the above, the most prudent course of action would be **referral of the conflict of**

interest issue to the Ethics Board for an Advisory Opinion on the matter.

Thank You.



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14620

585 232 5300

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Donald A. Young, Esq. is an Attorney practicing in Boylan Code, LLP's Public Law, Litigation, and Real Estate groups, concentrating his practice on municipal and land use law, general litigation, and real estate matters. A graduate from the University of Rochester (B.A., 2004, double major in Economics and Honors Psychology), Mr. Young earned his law degree from the State University of Buffalo Law School (J.D., *cum laude*, 2007), where he was an Editor of the *Buffalo Law Review*.

Mr. Young has excelled early in his career, developing expertise in municipal law and zoning and land use law through his daily experiences in working through complex municipal and land use issues, often in concert with public officials, staff and consultants such as engineers. For example, Mr. Young has drafted, revised and implemented a wide range of legislation, including refuse regulations, wind turbine regulations, hydrofracking-related regulations, and moratoria. Furthermore, he has developed expertise in a wide variety of other areas dealing with governmental entities, for example, by advising the local legislative body with respect to rezoning applications, Freedom of Information Law and Open Meetings Law, advising and acting as Planning Board attorney on a number of site plan and subdivision issues, advising and acting on behalf of the Zoning Board of Appeals with regard to various zoning and variance issues, providing guidance to municipalities on complex SEQR issues, and by working with Code Enforcement to implement and enforce local ordinances.

Mr. Young has shared his knowledge and experience in articles published in the *Daily Record*, the *Rochester Business Journal* and the Association of Towns *Talk of the Towns* on a range of topics. Additionally, Mr. Young has presented on the Marcellus Shale, Planning and Zoning and additional topics related to municipal law.

Donald can be reached by phone at 585-232-5300 and by email at dyoung@boylancode.com.

Model Code of Ethics for Fire Districts

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a fire district from having certain conflicts of interest;

WHEREAS, section 806 of the General Municipal Law, as amended by chapter 238 of the Laws of 2006, requires the governing body of each fire district to adopt a code of ethics that applies to the officers and employees of the fire district, and to the volunteer members of the fire district fire department;

WHEREAS, a code of ethics adopted by the board of fire commissioners of a fire district must set forth standards of conduct for the guidance of the officers and employees of the fire district, and the volunteer members of the fire district fire department, with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable,

NOW, THEREFORE, be it resolved that the board of fire commissioners of the [insert name] fire district hereby adopts a code of ethics to read as follows:

Code of Ethics of the [Insert Name] Fire District

Section 1. Purpose.

Officers and employees of the [Insert Name] fire district, and the members of the fire district fire department, hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The board of fire commissioners recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Section 2. Definitions.

- (a) “Employee” means a paid employee of the fire district including, but not limited to, paid firefighters.
- (b) “Family member” means a parent, sibling, spouse, child, uncle, aunt, first cousin, or household member.
- (c) “Fire district” means the [insert name] Fire District.
- (d) “Interest” means a direct or indirect monetary, financial or other material benefit, but does not include any benefit arising from the provision or receipt of fire protection or other emergency services generally available to the residents of the fire district. A person is deemed to have an interest in the contracts of any firm, partnership or corporation of which he or she is an owner, partner, director, officer, employee or stockholder.
- (e) “Member of the fire district fire department” or “fire department member” means a volunteer member of the fire district fire department. The official powers and duties of a fire department member refers to the individual’s powers and duties under laws, under rules or regulations adopted by the board of fire commissioners, or under policies or procedures of the board of fire commissioners or the chief of the fire district fire department.
- (f) “Officer” means a person serving as a paid or volunteer officer of the fire district including, but not limited to, the members of the board of fire commissioners, treasurer, deputy treasurer, secretary, director of purchasing, and the chief and assistant chiefs of the fire district fire department.

Section 3. Applicability.

This code of ethics applies to the officers and employees of the fire district, and to the members of the fire district fire department. The provisions of this code of ethics shall apply in addition to all laws, including article 18 of the General Municipal Law, all rules or regulations of the board of fire commissioners, and all policies and procedures of the board of fire commissioners and the chief of the fire district fire department.

Section 4. Appearance of impropriety.

No officer or employee of the fire district, and no member of the fire district fire department shall create an appearance of impropriety, by giving the impression that he or she will exercise or perform his or her official duties on the basis of family, private business or social relationships, or any consideration other than the welfare of the fire district.

Section 5. Use of position for personal or private gain.

(a) No officer or employee of the fire district, and no member of the fire district fire department, may use his or her position to secure unwarranted personal or private gain for himself or herself, or for any other person or any organization. Unwarranted personal or private gain does not include any payment, benefit or opportunity that is available to any of the following groups of people:

(1) all of the officers, employees or members of the fire district fire department;

(2) all of the members of a fire district fire company;

(3) all of the eligible residents of the fire district or a duly established zone of the fire district; or

(4) the general public.

(b) No officer or employee of the fire district, and no member of the fire district fire department, may use or permit the use of fire district resources for personal or private purposes. Fire district resources include, but are not limited to, use of fire district personnel, or use of the fire district's money, vehicles, equipment, materials, supplies or other property.

(c) No officer or employee of the fire district, and no member of the fire district fire department, shall cause the fire district to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

(d) This section does not prohibit an officer, employee or fire department member from:

(1) responding to a fire or other emergency;

(2) voting to approve the fire district's annual budget;

(3) authorizing or receiving lawful compensation for services as an officer or employee of the fire district;

(4) authorizing or receiving lawful payment or reimbursement for actual and reasonably necessary expenses incurred by an officer, employee or fire department member in the performance of his or her official duty;

(5) authorizing or receiving lawful benefits as a fire department member including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law;

- (6) authorizing or receiving payments under a lawful fire district contract;
- (7) using fire district personnel, vehicles, equipment, materials, supplies or property for any purpose pursuant to law; or
- (8) performing a mandatory function that does not require the exercise of discretion.

Section 6. Disclosure of interest in legislation.

(a) Every officer and employee of the fire district, and every member of the fire district fire department, must disclose the nature of any interest, in any matter coming before the board of fire commissioners for action, which any of the following people have:

- (1) the officer, employee or fire department member;
- (2) a family member of the officer, employee or fire department member; or
- (3) a family member of the spouse of the officer, employee or fire department member.

(b) For purposes of this section, a “matter coming before the board of fire commissioners for action” means a motion, resolution or any other issue or question requiring a vote of the board.

(c) The disclosure required by this section must be in writing and must be made publicly to the board of fire commissioners. The board of fire commissioners must cause the disclosure to be included in the minutes of the meeting at which the disclosure is made.

(d) Disclosure is not required with respect to interests in the following actions by the board of fire commissioners:

- (1) adoption of the fire district’s annual budget;
- (2) authorization of lawful compensation for services as an officer or employee of the fire district;
- (3) authorization of lawful payment or reimbursement for actual and necessary expenses incurred by an officer, employee or fire department member in the performance of his or her official duty; or

(4) authorization of lawful benefits to the members of the fire department including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law.

Section 7. Recusal and abstention.

(a) Except as otherwise required by law, no officer or employee of the fire district, and no member of the fire district fire department, may participate in the discussion or vote on any matter, or exercise or perform any other official powers or duties in connection with, any matter, when any of the following people have an interest in the matter:

- (1) the officer, employee or fire department member;
- (2) a family member of the officer, employee or fire department member; or
- (3) a family member of the spouse of the officer, employee or fire department member.

(b) In the event that subdivision (a) of this section prohibits an officer, employee or fire department member from exercising or performing his or her official powers or duties:

- (1) if the officer has a deputy who is not prohibited by subdivision (a) from exercising or performing the power or duty, the deputy shall exercise or perform the power or duty; or
- (2) in all other cases, the officer, employee or fire department member must refer the matter to his or her immediate supervisor or, if the person does not have an immediate supervisor, the officer, employee or fire department member must refer the matter to the board of fire commissioners.
- (c) When a matter is referred to a person's immediate supervisor or to the board of fire commissioners pursuant to subdivision (b) of this section, the power or duty shall be exercised or performed by the immediate supervisor or the board of fire commissioners, or the immediate supervisor or board of fire commissioners may delegate the power or duty to one or more persons who are authorized to perform the function and not prohibited from doing so by subdivision (a) of this section.
- (d) This section does not prohibit an officer, employee or fire department member from performing a mandatory function that does not require the exercise of discretion.

Section 8. Holding of investments in conflict with official duties.

(a) No officer or employee of the fire district, and no member of the fire district fire department, may hold the following investments:

- (1) personal investments that will be directly affected by the exercise or performance of the person's official powers and duties; or

(2) personal investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit an officer, employee or fire department member from owning any of the following assets:

(1) real property located within the fire district or any other area served by the fire district fire department and used as his or her personal residence;

(2) less than five percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the fire district and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private employment in conflict with official duties.

(a) No officer or employee of the fire district, and no member of the fire district fire department, may accept employment or engage in any business or professional activity which:

(1) impairs the person's independence of judgment in the exercise or performance of his or her official powers and duties;

(2) is likely to require disclosure of confidential information gained by reason of serving as an officer, employee or fire department member; or

(3) requires representation of a person or organization other than the fire district in connection with litigation, negotiations or any other matter to which the fire district is a party.

(b) No officer or employee of the fire district, and no member of the fire district fire department, may:

(1) represent another person or organization before the board of fire commissioners or any other body or officer of the fire district;

(2) render services to another person or organization in relation to any matter which must come before the board of fire commissioners or any other body or officer of the fire district; or

(3) render services to another person or organization in relation to any matter which is pending before the board of fire commissioners or any other body or officer of the fire district.

(c) This section does not prohibit an officer, employee or fire department member from:

- (1) representing him or herself, or his or her spouse or minor children before the board of fire commissioners or any other body or officer of the fire district;
- (2) asserting a claim against the fire district on his or her own behalf, or on behalf of his or her spouse or minor children; or
- (3) performing services pursuant to a lawful and duly authorized contract with the fire district, provided, that if the consideration payable under the contract exceeds \$1,000, the contract was awarded through competitive bidding or some other competitive process.

Section 10. Future employment.

- (a) No officer or employee of the fire district, and no member of the fire district fire department, for the two-year period after serving as such officer, employee or department member, may:
 - (1) represent another person or organization before the board of fire commissioners or any other body or officer of the fire district;
 - (2) render services to another person or organization in connection with any matter which must come before the board of fire commissioners or any other body or officer of the fire district; or
 - (3) render services to another person or organization in connection with any matter which is pending before the board of fire commissioners or any other body or officer of the fire district.
- (b) No officer or employee of the fire district, and no member of the fire district fire department, at any time after serving as such officer, employee or fire department member, may appear, practice or render services to another person or organization in connection with any particular matter in which he or she personally participated while serving as an officer, employee or fire department member.
- (c) This section does not prohibit an officer, employee or fire department member from:
 - (1) representing him or herself, or his or her spouse or minor children before the board of fire commissioners or any other body or officer of the fire district;
 - (2) asserting a claim against the fire district on his or her own behalf, or on behalf of his or her spouse or minor children; or

(3) performing services pursuant to a lawful and duly authorized contract with the fire district, provided, that if the consideration payable under the contract exceeds \$1,000, the contract was awarded through competitive bidding or some other competitive process.

Section 11. Confidential Information.

No officer or employee of the fire district, and no member of the fire district fire department, who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose such information unless the disclosure is required in the course of exercising or performing his or her official powers and duties.

Section 12. Gifts.

(a) No officer or employee of the fire district, and no member of the fire district fire department, may directly or indirectly solicit any gift.

(b) No officer or employee of the fire district, and no member of the fire district fire department, may accept or receive any gift, or multiple gifts from the same donor, having an aggregate value of seventy-five dollars or more when:

(1) it appears that the gift is intended to influence the officer, employee or fire department member in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the officer, employee or fire department member in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the officer, employee or fire department member.

(c) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer, employee or member during the twelve-month period preceding the receipt of the most recent gift.

(d) (1) A gift from a person or organization that seeks to contract with the fire district is presumed to be a gift that is intended to influence an officer, employee or fire department member in the exercise or performance of his or her official powers or duties.

(2) A gift from a person or organization that has a contract with the fire district, or has had a contract with the fire district during the preceding twelve months, is presumed to be a gift intended as a reward for official action.

(e) This section does not prohibit:

(1) gifts made to the fire district;

(2) fund raising activities authorized by and pursuant to section 204-a of the General Municipal Law;

(3) gifts from a person with a family or personal relationship with the officer, employee or fire department member when the circumstances make it clear that it is that personal relationship, rather than the recipient's status as an officer, employee or fire department member, that is the primary motivating factor for the gift;

(4) gifts which are modest, reasonable and customary, given on special occasions, such as marriage, illness, or retirement;

(5) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(6) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as an officer, employee or fire department member, or other service to the community; or

(7) payments of rewards authorized by law.

Section 13. Board of Ethics.

(a) There is hereby established a board of ethics for the fire district. The board of ethics shall consist of [insert three, five ...] members, a majority of whom shall not be officers or employees of the fire district, or members of the fire district fire department, but at least one of whom must be an officer, employee or fire department member. The members of such board of ethics shall be appointed by the board of fire commissioners, serve at the pleasure of the board of fire commissioners, and receive no salary or compensation for their services as members of the board of ethics.

(b) The board of ethics shall render advisory opinions to officers, employees and fire department members with respect to article 18 of the General Municipal Law and this code of ethics. Such advisory opinions must be rendered pursuant to the written request of any such officer, employee or fire department member under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the fire district's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the board of fire commissioners.

Section 14. Posting and distribution.

(a) The board of fire commissioners must promptly cause a copy of this code of ethics, and a copy of any amendment to this code of ethics, to be posted publicly and conspicuously in each building under the fire district's control. The code of ethics must be posted within ten days following the date on which the code takes effect. An amendment to the code of ethics must be posted within ten days following the date on which the amendment takes effect.

(b) The chairman of the board of fire commissioners must promptly cause a copy of this code of ethics, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the fire district, or a member of the fire district fire department.

(c) Every officer, employee and fire department member who receives a copy of this code of ethics or an amendment to the code must acknowledge such receipt in writing. Such receipts must be filed with the secretary of the fire district who must maintain such receipts as a public record.

(d) The failure to post this code of ethics or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of an officer, employee or fire department member to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 15. Enforcement.

Any officer, employee or member who violates this code of ethics may be fined, suspended or removed from office, employment or membership in the fire department in the manner provided by law. A violation of this code is deemed "misconduct" within the meaning of section 209-1 of the General Municipal Law.

Section 16. Effective date.

This code of ethics takes effect on the first day of June, two thousand seven.

| April 2021

Amy MacLeod

From: Bonnie Becker <bbecker@nytowns.org>
Sent: Wednesday, November 23, 2022 3:07 PM
To: Amy MacLeod
Subject: RE: Training for Elected Officials

We do not have one this coming year. Our Newly Elected Training Schools are held every other year. Enjoy your thanksgiving.

Bonnie Becker
Director of Office Operations
Association of Towns of the State of New York
150 State St
Albany, NY 12207
518-465-7933
518-465-0724 FAX
www.nytowns.org

We are on Facebook: <https://www.facebook.com/nytowns/> and Twitter: <https://twitter.com/nytowns>

From: Amy MacLeod <amy.macleod@townofchenangony.gov>
Sent: Wednesday, November 23, 2022 1:57 PM
To: Bonnie Becker <bbecker@nytowns.org>
Subject: Training for Elected Officials
Importance: High

Good afternoon Bonnie –

Do you have any dates in January or February for newly elected officials training? I looked on the website and didn't see anything. Thank you in advance for your help. Happy Thanksgiving!

Amy MacLeod
Administrative Assistant
Town of Chenango – Supervisor's Office
(607) 648-4809 Option 8
<mailto:payroll@townofchenango.com>

“Life's most persistent and urgent question is, 'What are you doing for others?'" – Martin Luther King Jr.

UPDATED AS OF NOVEMBER 21, 2022		
	12.07.22	12.21.22
	12.14.22	12.28.22
PROJECT / DISCUSSION	POTENTIAL AGENDA DATE	ACTION / RESOLUTION
Broome County Projects		
*North Otsinengo Dog Park	Spring 2023	
*Northgate Plaza	TBD	
Building & Fire Safety		
*Records Retention	TBD	
Business/Supervisor/Bookkeeper		
*CF Fire Co - replacement contract/Budget increase		
a.) Public Hearing for 2023 Budget Increase	12/21/2022	
Castle Creek U.S.P.O.		
a.) Resolution for Ground Lease	TBD	Authorize use of property
Dept. Head Evaluations	12/14/2022	
DPW - Greg Burden		
*Drinking Water Study - Applewood / Maplewood	TBD	
*Wolfe Park Project - \$75,000 Grant Awarded to TOCI		
a.) Value of Bridge & Remaining Grant Money	12/14/2022	
*Parking Lot Lights	TBD	
*Purchase Generators for WWTP	TBD	
*I-81N Exit 6 Front Street Water Main Replacement	TBD	
*Proposed Local Law Regarding Water Meter Fees		
a.) Public Hearing for LL Water Meter Fees	12/14/2022	
* Acquisition of 50 Woodland Rd.	12/21/2022	
Ethics Code Policy Update	12/7/2022	

Flood Mitigation			
*HMPG Grant		Submitted 5/31/22	
*Smith Hill Drainage Project 2023		TBD	
a.) NYS DOT		TBD	
b.) Broome County		TBD	
c.) Urda Engineering - Alex Urda		TBD	
*Frederick Rd Study		TBD	
*Wallace Rd Study		TBD	
Highway Dept.			
*Resolution to Purchase DPW Crane		TBD	
*Request to Abandon portion of Mill Rd.		12/21/2022	
Historian for Town			
*Town Museum Updates / Activities		TBD	Written Report Only
Resolutions for 2023			
*Abstract Schedule for 2023		12/21/2022 & 12/28/2022	
*Annual Audit		TBD	
*Appointing Officers & Salary Schedule		TBD	
*Attendance at Association of Towns		12/21/2022	
*Attendance at Training Sessions		12/21/2022	
*Burial/Cemetery Rates		12/28/2022	
*Community Room Contract		12/28/2022	
*Coughlin & Gerhart Contract		TBD	
*Dept. Head Meeting Schedule		TBD	
*Highway Law 284		TBD	
*Highway Superintendent Expenditures		TBD	
*Highway Superintendent to Purchase Equipment		TBD	
*Resolution to Approve Procurement Policy for 2023		12/28/2022	
*Urda Engineering Contract for 2023		TBD	

*Work Rules		TBD	
Ordinance Dept.			
*Zoning - CB Properties - Local Law 6-2022		TBD	
a.) Urda Engineering Zoning Map		12/7/2022	
b.) Nadine Bell		TBD	
c.) Resolution to Approve LL 6-2022		TBD	
d.) Hidden Hollow Campground		TBD	
*3rd Party Inspections		TBD	
*Zoning for Self-Storage Facilities		TBD	
*Premises Identification Program		TBD	
*Solar Farms - Review Legislation		TBD	
*Ordinance Software		12/21/2022	Gavin will provide update
Safety Committee			
*Building Security		TBD	
a.) Broome County Security Review		TBD	
*Evacuation Plan		TBD	
*ADA Accessibility		TBD	
Staff			
*Expansion of Boundaries for Hiring			
a.) Public Hearing for Expansion of Hiring Boundaries		12/7/2022	7:00pm TB Meeting
a.) Resolution Expansion of Boundaries		12/7/2022	
*Resolution for Auto Mechanic Helper Position (Union)		TBD	*Negotiate w/ Union*
*Comp Time Policy		TBD	
*DPW Staff Vacancies			
*Highway Dept. Staff Vacancies			
*Holiday/Birthday Celebrations for Employees		TBD	
Technology			
*Agenda Software Demonstration		12/14/2022?	4:00pm - 5:00pm
*Computer Training w/ Agenda Software		TBD	

*Issue laptops to Board members		TBD	
Town Board Functionality			
* AOT Rules of Order		12/14/2022	Gene sending info
*Complaint Policy/Procedure		12/14/2022	
*Town Board Procedure Manual		TBD	
Town Clerk Reporting Procedures			
*Resolutions vs. Motions		TBD	
Town of Chenango Safety Manual			
*New Committee Members		TBD	
Town of Chenango Vehicles			
*GPS in vehicles		TBD	J. DiMascio
*Town safety features for vehicles			
a.) Back-Up Alarm Sound / Safety Glass / Warning Light		1/25/2023	
*Town decals on vehicles		TBD	
WWTP Project			
*WQP Grant Application		Submitted 7/29/2022	
*Benefit Assessment Model Discussion		Jan. 2023	Wyatt, Endress, Burden
*EDU's Model Discussion		Jan. 2023	Wyatt, Endress, Burden
*Engineer - Peer Review Update		12/7/2022	
*Trophy Point		12/14/2022	
*Projected Timeline		TBD	
*Project Modifications - B & L Amendment Discussion		TBD	
a.) Resolution for B&L Final Amendment		TBD	
*Construction Schedule Discussion		TBD	