

Town of Monroe, NY
Wednesday, February 24, 2016

Chapter 4. ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Monroe 3-5-1990 by L.L. No. 2, 1990. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 8.

Article I. Intent of Town Board

§ 4-1. Title.

This chapter shall be known as the "Code of Ethics of the Town of Monroe."

§ 4-2. Declaration of policy.

The Town Board of the Town of Monroe recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be continued and if public confidence is to be maintained in our unit of local government. The proper operation of the Town government requires that its officers and employees be independent, impartial, objective, unbiased and responsible to the people of the Town of Monroe; that public office not be used for personal gain; that public officers and employees maintain the highest standards of integrity and discharge faithfully the duties of their office, regardless of personal considerations; and that the public have confidence in the officers and employees thereof. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Monroe. These rules shall serve as a guide for official conduct of the officers, and conduct of this chapter, as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Article II. Rules of Conduct

§ 4-3. Definitions; conflicts with other

standards.

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

FAMILY MEMBERS

Grandparents, parents, spouse, in-laws, children, grandchildren, brothers and sisters of a Town officer, Town Board member, Town employee or Town consultant.

INTEREST

Any claim, account or demand against or in agreement with the Town, express or implied, including designation of a depository of public funds and the designation of an official newspaper, and direct or indirect pecuniary or material benefit accruing to an officer or employee as the result of a business or professional transaction with the Town. For the purposes of this chapter, an officer or employee shall be deemed to have a direct interest in the affairs of:

- (1) His or her spouse, minor children, dependents and family members;
- (2) A business concern, partnership, trust or association of which such officer or employee and family member is a member, partner, owner, director or employee;
- (3) A corporation of which such officer or employee is an officer, director or employee; and
- (4) A corporation, any stock of which is owned or controlled, directly or indirectly, by such officer or employee or any such corporation in which such officer or employee or family member owns more than 5% of said stock.

Town

The Town of Monroe or any of its boards, commissions or agencies, whether operated or funded solely by the Town of Monroe or jointly with one or more other municipalities.

Town BOARD MEMBER or Town EMPLOYEE

Any elected or appointed official or any employee of the Town, whether paid or not, including members of any administrative advisory board, commission or other agency thereof, including but not limited to Planning Board and Zoning Board of Appeals. For the purpose of this chapter, no person shall be deemed a Town officer or Town employee solely by reason of being a volunteer in any service organization, including but not limited to volunteer firemen or employed by the Town as the result of a contractual agreement.

Town CONSULTANT

Any individual, group or firm which renders services on behalf of

the Town to any Town officer, Town Board, Planning Board, Zoning Board of Appeals or any other Town agency, board or commission.

- B. Should any Town officer, Town Board member or Town employee be subject to another Code of Ethics or Professional Conduct (i.e., Town Justice), the Town officer, Town Board member or Town employee shall be subject to the conditions of both codes and the more stringent standards will apply.

§ 4-4. Standards of conduct.

- A. Employment.
- (1) No Town officer, Town Board member, Town employee or Town consultant shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in conflict with or might reasonably tend to conflict with the proper discharge of his/her duties in the public interest.
 - (2) No Town Board member, Town officer, Town employee or Town consultant shall accept other employment which will impair his/her independence of judgment in the exercise of his/her official Town duties.
 - (3) No Town officer, Town Board member or Town employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
- B. Disclosure of confidential information.
- (1) No Town Board member, Town officer, Town employee or Town consultant shall accept employment or engage in a business or professional activity which will require him/her to disclose confidential information gained by reason of official position or authority.
 - (2) No Town officer, Town Board member or Town employee of the Town shall disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interests or the private interests of others.
- C. Misuse of authority. No Town Board member, Town officer, Town employee or Town consultant shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.
- D. Misuse of privilege. No Town Board member, including supervisor, Town officer, Town employee or Town consultant shall by his/her conduct give reasonable basis for the impression that another can

improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties or that he/she is affected by kinship, rank, position or influence of any party or person.

- E. Compensation. No Town officer, Town Board member or Town employee or family member thereof or Town consultant of the Town, as defined in this chapter, shall receive compensation or enter into any agreement to receive compensation, express or implied, with respect to any matter which is, was or will be before the Town for determination in the official capacity of any Town officer, Town Board member or Town employee of the Town of Monroe. In addition, no Town officer, Town Board member or Town employee or family member thereof or Town consultant of the Town of Monroe shall receive compensation or enter into any agreement, express or implied, to receive compensation in relation to any matter before any municipal agency, department, board or commission, except as a part of the official responsibilities of the members of the agency, department, board or commission, or as a function of the official position of the Town officer, Town Board member or Town employee or Town consultant.
- F. Gifts. No Town Board member, Town officer, Town employee or Town consultant shall accept any gifts or gratuities, in excess of \$75 in value, in any way relating to his/her official duties. The recipient of any such gift or gratuity shall immediately return the same to the giver and shall notify the Town of Monroe Board of Ethics, in writing, of this incident.
- G. Investments.
- (1) The supervisor, Town Board members, Town officers, Town employees and Town consultants shall abstain from enterprises which he/she has reason to believe may be directly involved in decisions to be made or advice to be given by him/her or which will otherwise create substantial conflict between his/her duty in the public interest and his/her private interest.
 - (2) No Town officer, Town Board member or Town employee or Town consultants of the Town of Monroe shall invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict with his/her official duties.
- H. Business transactions. No Town Board member, Town officer, Town employee or Town consultant shall engage in any transaction as a representative of the Town of Monroe or a Town of Monroe agency or department or other office with any business entity in which he/she or any family member has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties.
- I. Future employment.
- (1) No Town Board member, Town officer, Town employee or Town consultant shall, within two years after the termination of his/her service, accept employment which will require appearances before any board, agency or commission of the Town of Monroe

or conduct any official Town business, transactions or professional activity with any Town officer, Town Board member, Town employee or Town consultant where special advantages by virtue of prior contact and relationship with the Town may be realized.

- (2) No Town Board member, Town officer, Town employee or Town consultant shall appear before any board, agency or commission of the Town of Monroe in relation to any case proceeding or application in which he/she was directly concerned and personally participated or which was under his/her active consideration during the period of his/her service or employment.
- J. Discrimination. No Town officer, Town Board member or Town employee of the Town or of any service or other organization chartered by or directly or indirectly sponsored or supported by the Town shall:
- (1) Discriminate or cause voluntary segregation, directly or indirectly, based upon creed, color, national origin, sex, sexual preference or disability or allow the preceding to be factors affecting the recruitment, selection, placement, assignment compensation or promotion of any Town officer, Town employee or Town Board member of such service or other organization.
 - (2) Permit, directly or indirectly, the use of any Town property, equipment or services by any person or persons, organizations, corporations or any other group which directly or indirectly discriminates as set forth in Subsection **J(1)** above.
 - (3) Allow the Town to knowingly have any financial or business dealings with any organization which discriminates as set forth in Subsection **J(1)** above.
- K. Representation by consultant. No Town consultant shall appear in behalf of private interests before the Town Board or any commission or agency thereof while actively employed by the Town.

§ 4-5. Disclosure of interest.

- A. Any Town officer, Town Board member or Town employee or Town consultant who has a direct or indirect financial or other private interest in any matter before the Town Board or any other board or commission of the Town, or any officer or employee who has a direct or indirect financial or other private interest in any matter before the Town Board or any other board or commission of the Town and who participates in the discussion before, makes a recommendation to or gives an opinion to any board or commission on that matter, shall publicly disclose on the official record of the Town Board the nature and extent of such interest.
- B. All elected and appointed officials, department heads and their assistants and Planning Board and Zoning Board of Appeals members

and all Town consultants are required, within 30 days of taking office or within 30 days of the effective date of this chapter, to file a disclosure statement, in writing, to the Town Clerk, disclosing all land holdings in the unincorporated area of the Town of Monroe, and all land holdings in the incorporated area of any villages within the Town of Monroe, whether held personally, by a spouse, by a dependent, jointly with a spouse or other family members, as defined in this chapter, jointly in partnership with others, as a corporation or trust and the name of any partnership with others or as a corporation or trust and the name of any partnership, corporation or trust of which he or she or a family member is an officer, director or employee or of which he or she or a family member or spouse, legally or beneficially, owns or controls more than 5% of the outstanding stock or interest, and his or her position, and his or her or family members' position, if any, with the partnership, corporation or trust.

- C. In the event that a change occurs with respect to any of the information required on the aforesaid confidential disclosure statement, the party required to file such a statement shall file an amended statement reflecting any such change in circumstances within 60 days from the date thereof, unless requested by the Board of Ethics to do so sooner, in which case such amended statement shall be filed within 10 days of the request for the same.

§ 4-6. Disclosure of conflict of interest.

If any Town Board member, Town officer, Town employee or Town consultant has a potential or actual conflict of interest in any matter which he/she encounters in the performance of his/her official Town duties, he/she shall make known to all concerned parties the nature of such conflict and shall refrain from any participation whatsoever in the matter so as to avoid true conflict. In all cases of potential or actual conflict, the Town Board shall be made aware of the situation by the person in conflict along with any other concerned parties, including the Town of Monroe Board of Ethics.

Article III. Board of Ethics

§ 4-7. Establishment.

- A. The Town Board shall establish the Town Board of Ethics, consisting of five members, one of whom shall be a Town officer or employee and shall appropriate adequate funds for the Board's maintenance and operation; provided, however, that effective June 1, 2010, the Town Board of Ethics shall consist of nine members, one of whom shall be a Town officer or employee.
[Amended 3-15-2010 by L.L. No. 5-2010]
- B. Residency; terms.
[Amended 3-15-2010 by L.L. No. 5-2010]

- TOWN OF MIDDLETOWN, N.Y.
- (1) All members of the Board of Ethics shall reside within the Town. Of the initial appointed members, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Subsequently, members shall be appointed for five-year terms. Each appointment shall be made by a 3/5 vote of the Town Board.
 - (2) Effective June 1, 2010, the Board of Ethics shall consist of nine members and of the four members appointed effective June 1, 2010, the first and second shall serve a term of four years and the third and fourth members appointed effective June 1, 2010 shall serve a term of five years; provided, however, that the initial terms of such first and second person shall be deemed to expire December 31, 2013 and the initial terms of such third and fourth appointees who are appointed effective June 1, 2010 shall be deemed to expire December 31, 2014.
- C. The Town Attorney shall provide such legal and advisory services to the Board of Ethics as it may require in the performance of its duties.
- D. Qualifications of Board of Ethics members.
- (1) No Board member shall hold office in any political party or be employed as a lobbyist. A member may contribute money to, but not otherwise participate in, any Town election campaign.
 - (2) The members of the Town Board of Ethics shall not receive compensation for the performance of their official duties but shall be reimbursed for reasonable and necessary expenses.
- E. Removal by Town Board of Ethics members. A Town Ethics Board member may be removed by a 4/5 majority vote of the Town Board for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this code, after receipt of written notice and a reasonable opportunity for reply.
- F. Town Board of Ethics meetings and quorum.
[Amended 3-15-2010 by L.L. No. 5-2010]
- (1) At its first meeting each year, which shall be a public meeting, the Town Board of Ethics shall elect a Chairman from among its membership. Four members of the Board shall constitute a quorum. A vote of at least four members shall be required for the Board to take any action. The Board shall hold at least one meeting per year. The Chairman or any four members may call a meeting of the Board.
 - (2) Effective June 1, 2010, a vote of at least six members shall be required for the Board to take any action. The Board shall, effective June 1, 2010, meet at least once per calendar year, except that in the year 2010, it shall meet at least once after June 1, 2010. Further, effective June 1, 2010, the Chairman of the Board of Ethics, or any five members, may call a meeting of the Board. If five members other than the Chairman call such meeting, those five members shall give written notice to the Chairman of the

meeting date, which shall be on a Monday through Thursday, and the time and location of such meeting. Any meeting called by the five members other than the Chairman shall be called at least seven days after notice of such meeting is mailed to the Chairman and also received by the Town Clerk.

- G. Powers and duties of the Town Board of Ethics. The Board of Ethics shall have the following powers and duties:
- (1) To prescribe and promulgate rules and regulations governing its own organization and procedures in a manner consistent with this code.
 - (2) To cause to be filed with the State Ethics Commission a copy of the form for any disclosure statements required to be filed in § 4-5 of this code.
 - (3) To review disclosure statements pursuant to § 4-5 of this code.
 - (4) To conduct investigations pursuant to § 4-8 of this code.
 - (5) To recommend disciplinary action and initiate appropriate actions and proceedings pursuant to § 4-9 of this code.
 - (6) To issue advisory opinions pursuant to § 4-10 of this code.
 - (7) To provide training and education to Town officers and employees on the provisions of this Ethics Code.
 - (8) To prepare an annual report to the Town Board, summarizing the activities of the Ethics Board, and recommend changes to this code, as necessary.
- H. The Town Board of Ethics may act only with respect to officers, consultants and employees of the Town.
- I. The Town Board of Ethics may refer any matter within its jurisdiction to the County or State Ethics Board.

§ 4-8. Investigation of alleged violations.

- A. Any Town resident may transmit a written notification of an alleged violation of the code to the Town Board of Ethics. Upon receipt by any Town officer, Town Board member or Town employee of the Town of Monroe, of a written notification of an alleged violation of this code, the same shall be transmitted to the Board of Ethics within 15 days. Pursuant to the application of law and this code, the Board of Ethics shall render an advisory opinion with due diligence to the Town Board after conducting an investigation of the matter. In conducting any such investigation, the Board may request from the Town Board any information and assistance necessary to properly conduct the investigation.
- B. The Town Board of Ethics is not permitted to conduct an investigation of any of its members. Should the Town Ethics Board receive

notification alleging that the Board or any of its members has violated any provision of this code or any other law, the Board shall promptly refer the matter to the County or State Ethics Board.

- C. The Town Board of Ethics shall state, in writing, its advisory opinion of every notification it receives and of every investigation it conducts and shall set forth reasons for the opinion. All such statements and all notifications shall be public records, unless excepted by other statute, and shall be indexed and maintained on file by the Ethics Board.
- D. The Board of Ethics shall, with its advisory opinion to the Town Board after conducting its investigation into any such complaint or incident, recommend an appropriate sanction; however, such recommendation shall not be binding on the Town Board.

§ 4-9. Disciplinary action.

- A. After receiving the advisory opinion from the Board of Ethics, the Town Board may conduct a hearing on the matter in accordance with the applicable laws. Upon completion of such hearing, the Town Board may, in the appropriate case, impose sanctions.
- B. Any Town officer, Town Board member, Town consultant or Town employee who engages in any action that violates any provision of this code may be warned or reprimanded or suspended or removed from office or employment by the Town Board, pursuant to the provisions of this code, applicable law or by the person or body authorized by law to impose such sanctions.
- C. If a hearing is held, the Town Board shall conduct and complete the hearing within 30 days after receiving the advisory opinion.

§ 4-10. Advisory opinions.

- A. Upon written request of any board, department or individual Town officer, Town Board member, Town consultant or Town employee, the Town Board of Ethics may render written advisory opinions with respect to the interpretation or application of any provision of this code in a generic sense.
- B. Opinions and requests for opinions shall be public records and shall be indexed and maintained on file in an appropriate manner by the Town Board of Ethics.

Article IV. Administration

§ 4-11. Severability.

If any clause, sentence, paragraph, word or section or part of this Town Code of Ethics shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 4-12. Distribution of copies.

The Town Clerk shall cause a copy of Article 18 of the General Municipal Law and this Code of Ethics to be distributed to every Town officer, Town Board member, Town employee and Town consultant, via certified mail, return receipt requested, within 15 days of the effective date of this chapter. In addition, every such Town employee, Town Board member, Town officer or Town consultant shall receive a copy of the same upon being engaged in or taking office in the Town of Monroe. Failure to distribute any such copy or failure of any Town Board member, Town official, Town employee or Town consultant to receive such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof.

§ 4-13. Repealer.

Chapter 4 of the Code of the Town of Monroe entitled "Ethics, Code of" is hereby repealed to be replaced by the adoption of this chapter as of the effective date of this chapter.

§ 4-14. When effective.

This chapter shall become effective immediately upon filing in the office of the Secretary of State.