

## CODE OF ETHICS

### TOWN OF HORICON COUNTY OF WARREN STATE OF NEW YORK

**SECTION 1.** Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board of the Town of Horicon, County of Warren, recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this Code of Ethics to promulgate these rules of ethical conduct for the officers and employees of the Town of Horicon. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Horicon. The rules of ethical conduct of this Code of Ethics 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 specific law relating to ethical conduct and interest in contracts of municipal officers and employees.

#### **SECTION 2. Definitions**

(a) "Municipal officer or employee" means any officer or employee of the Town of Horicon, whether paid or unpaid, including elected officials, members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

(b) "Interest" means a pecuniary or material benefit accruing to an officer or employee of the Town of Horicon including a pecuniary or material benefit accruing to the officer's or employee's (1) spouse, minor children and dependents; (2) a firm, partnership or association of which such officer or employee is a member.

**SECTION 3. Standards of Conduct.** Every officer or employee of the Town of Horicon shall be subject to and abide by the following standards of conduct:

(a) Gifts. He/she shall not directly or indirectly solicit any gift or accept or receive any gift whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action of his/her part. He/she shall not use public equipment or funds for private gain under any circumstances.

(b) Consumption of Alcohol. No officer or employee of the Town of Horicon shall consume alcoholic beverages during his/her normal workday and in the performance of his/her official duties.

(c) Confidential Information. He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

(d) Representation Before One's Own Agency. He/she shall not receive, or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any board or agency of which he/she is an officer, member or employee or of any board or agency over which he/she has jurisdiction to which he/she has the power to appoint any member, officer or employee.

(e) Representation Before Any Board or Agency for a Contingent Fee. He/she shall not receive, or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any board or agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such board or 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.

(f) Disclosure of Interest in Legislation. To the extent that he/she knows thereof, a member of the Town Board and any officer or employee of the Town of Horicon, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board or any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.

(g) Disclosure of Interest in Certain Applications. A member of the Zoning Board of Appeals or Planning Board and any officer or employee of the Town of Horicon, whether paid or unpaid, who participates in the discussion or gives official opinion to the Zoning Board of Appeals or Planning Board on any application before such board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such application.

(h) Disclosure of Employment of Relatives. No person who is related by blood or marriage to a public officer of the Town of Horicon shall be employed by said public officer before publicly disclosing the name, relationship and proposed employment to the Town Board and upon the consent of a majority of said Board at a duly held meeting thereof.

(i) Investments in Conflict with Official Duties. A public officer or employee of the Town of Horicon shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his/her official duties.

(j) Private Employment. A public officer or employee of the Town of Horicon shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interest when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

(k) Future Employment. A public officer or employee of the Town of Horicon shall not, after the termination of service or employment with the Town, appear before any board or agency of the Town, in relation to any case, proceeding or application, in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

**SECTION 4.** Nothing herein shall be deemed to bar or prevent the timely filing by a present or former officer or employee of the Town of Horicon of any claim, account, demand or suit against the Town of Horicon or any board or agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**SECTION 5. Board of Ethics.** There is hereby created in accordance with Section 808 of the General Municipal Law a Board of Ethics, which Board shall render advisory opinions to officers and employees of the Town of Horicon with respect to Article 18 of the General Municipal Law and this Code of Ethics. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee of the Town of Horicon under such rules and regulations as the Board of Ethics may prescribe and shall have the advice of counsel employed by the Board. Whenever possible, the Board of Ethics shall render its advisory opinions within thirty (30) days of the receipt of the request for the same. In addition, the Board of Ethics shall render advisory opinions of all matters referred to it for deliberation by the Town Board of the Town of Horicon. The Board of Ethics may make recommendations with respect to amendments to this Code of Ethics upon the request of the Town Board of the Town of Horicon. The Board of Ethics shall consist of five (5) members; a majority of whom are not otherwise officers or employees of the Town of Horicon, but at least one of whom is an officer or employee of the Town of Horicon, and one (1) alternate member. All members and the alternate shall serve staggered five (5) year terms. In order to accomplish this the members will initially be appointed as follows: one member to a one (1) year term; one member to a two (2) year term; one member to a three (3) year term; one member to a four (4) year term; and one member and one alternate each to a five (5) year term. Thereafter, all members shall serve a five (5) year term. The members and the alternate shall be appointed by the Town Board at the yearly Organizational meeting and shall serve at the pleasure of the Town Board. A Chairperson of the Board of Ethics shall be appointed by the Town Board after recommendation by the Board of Ethics. The alternate member shall substitute for any regular member when the regular member is unable to participate in a matter before the Board due to a conflict of interest or other factor such as illness, vacation or other absence.

**SECTION 6.** The Supervisor of the Town of Horicon shall cause copy of this Code of Ethics to be distributed to every officer and employee of the Town of Horicon within thirty (30) days after the effective date of this Code of Ethics. Each officer and employee elected or appointed thereof shall be furnished a copy before entering upon the duties of his/her office or employment. The Town Clerk of the Town of Horicon shall maintain such Code of Ethics and amendments thereto, and a statement that the Town of Horicon has established a Board of Ethics in accordance with Section 808 of the General Municipal Law and the composition of such Board, as a record subject to public inspection.

**SECTION 7. Penalties.** In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code may be fined, suspended with or without pay, or removed from office or employment, as the case may be, in the manner provided by law.

**SECTION 8.** This Code of Ethics shall take effect upon filing of Local Law No. 1 of 2013 with the New York Secretary of State.