

Chapter 24

ETHICS, CODE OF

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[HISTORY: Adopted by the Town Board of the Town of Mendon 11-9-1970 by L.L. No. 1-1970 (Ch. 16 of the 1994 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Definitions — See Ch. 5.

Officers and employees — See Ch. 24.

Defense and indemnification — See Ch. 19.

§ 24-1. Authority and purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Mendon recognizes that there are rules of ethical conduct for 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 chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Mendon. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Mendon. The rules of ethical 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.¹

§ 24-2. Standards of conduct.

Every officer or employee of the Town of Mendon shall be subject to and abide by the following standards of conduct:

- A. Gifts. He shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value as provided in § 805-a of the General Municipal Law, whether in 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, 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. **[Amended 11-28-1994 by L.L. No. 7-1994]**
- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties, except when required by law, or use such information to further his personal interest.

1. Editor's Note: Original § 16-2 of the 1994 Code, Definitions, as amended, which immediately followed this section, was repealed 10-15-2018 by L.L. No. 3-2018. See now the definitions in Ch. 5, Definitions and Word Usage.

- C. Representation before one's own agency. He shall not 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 the Town of Mendon over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He shall not 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 subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Town Board and any officer or employee of the Town of Mendon, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before said Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- F. Investments in conflict with official duties. He 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 official duties.
- G. Private employment. He shall not 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 official duties.
- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Mendon in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.
- I. Use of Town of Mendon owned equipment or property. No officer or employee shall request or permit the use of Town of Mendon owned vehicles, equipment, material or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such officer or employee in the conduct of official business.
- J. Obligation to citizens. No officer or employee of the Town of Mendon shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others or grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. An officer or employee of the Town of Mendon should not by his conduct give reasonable basis for the impression that any person can unduly influence him or improperly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any party or person.

§ 24-3. Filing of claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Mendon or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.²

2. Editor's Note: Original § 16-5 of the 1994 Code, Distribution of Code of Ethics, as amended, which immediately followed this section, was repealed 10-15-2018 by L.L. No. 3-2018.

§ 24-4. Board of Ethics.

- A. There is hereby created and established a Board of Ethics consisting of three members who shall be residents of the Town of Mendon, to be appointed by the Town Board, and who shall serve without compensation and at the pleasure of said Town Board. A majority of such members shall be persons other than officers or employees of the Town of Mendon, and one member shall be an officer or employee of the Town of Mendon.
- B. The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Town of Mendon with respect to Article 18 of the General Municipal Law and this Code of Ethics, adopted pursuant to such article, under such rules and regulations as the Board of Ethics may prescribe. In addition, the Board of Ethics may make recommendations with respect to the drafting and adoption of amendments to the Code of Ethics upon request of the Town Board.

§ 24-5. Penalties for offenses.

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 or removed from office or employment, as the case may be, in the manner provided by law.

§ 24-6. Amendments.

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