



Village of Menands

280 Broadway
Menands, NY 12204
(518) 434-2922
Fax (518) 427-7303

Ethics Policy

Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Mayor and the Board of Trustees of the Village of Menands, New York, recognize 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 chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of Menands, New York. These rules shall serve as a guide for the official conduct of the officers and employees of the Village of Menands, New York. 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 conflict of interest of municipal officers and employees.

Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires. "Interest," as used herein, also includes pecuniary or material benefit accruing to the municipal officer's or employee's spouse, minor children, and dependents; a firm, partnership, or association of which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation of which more than 5% of the outstanding capital stock is owned by any of the aforesaid parties.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the Village of Menands, New York, whether paid or unpaid, including members of any administrative board, commission, or other agency thereof, whether serving in a full-time, part-time, or advisory capacity, paid or unpaid. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer.

Standards of conduct.

Every officer or employee of the Village of Menands, New York, shall be subject to and shall abide by the following standards of conduct:

- A. Gifts. He or she shall not, directly or indirectly, solicit any gifts or accept or receive any gift having a value greater than specified by state law, whether in the form of money, services, a loan, travel, entertainment, hospitality, thing, or promise or any other form, under circumstances in which it would reasonably be inferred that the gift was intended to influence him in the performance of his official duties or was intended as a reward for any official action on his part. However, recognizing the prevalent and accepted practice of the giving of gifts during the Christmas season, such gifts are specifically excepted from this section when it is clearly understood that the receipt of the gifts will not influence the recipient in the performance of his duty. Each member of the Village Board of Trustees and Zoning Board of Appeals shall file a full and complete list of such Christmas and other gifts for said year and shall submit such lists to the Village Clerk for the private information of said Board prior to January 31 of the following year. Gifts received at times other than Christmas shall be inventoried by the recipients on the aforesaid Boards, and a list of such gifts shall be submitted simultaneously with the submission of the list of Christmas gifts. Each member of the aforesaid Boards must individually file a declaration of gifts, whether or not he or she has received any gifts.
- B. Confidential information. He or she shall not disclose confidential information acquired by him or her during his or her official duties or use such information to further his or her personal interest. He or she shall not disclose, without proper authorization, any confidential information concerning the affairs of the Village of Menands. Any inquiring person shall be directed to the public records of the village. Records of all village departments not stated to be public records shall be considered to be confidential.
- C. Representation before one's own agency. He or she 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 municipal agency of which he or she is an officer, member, or employee or of any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He or she 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 or her municipality, whereby his or her 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 or she knows thereof, a member of the Board of Trustees and any officer or employee of the Village of Menands, New York, whether paid or unpaid or full-time or part-time or advisory, who participates in the discussion or gives an official opinion to the Mayor and/or Board of Trustees on any legislation before the Mayor and/or Board of Trustees shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.
- F. Investments in conflict with official duties. He or she 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 or her official duties.
- G. Private employment. He or she shall not engage in, solicit, negotiate, 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 or her official duties.
- H. Future employment. He or she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Menands, New York, in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

Testimony before authorized agencies.

No officer or employee of the Village of Menands, New York, whether paid or unpaid, including members of any administrative board, commission, or other agency thereof, whether serving in a full-time, part-time, or advisory capacity, shall decline or refuse to answer questions specifically or directly relating to the performance of his or her official duties before any official, board or agency authorized or empowered to so inquire into the performance of such duties. This section shall not be construed as barring any county officer or employee from exercising his or her constitutional privilege against self-incrimination; however, when such body or agency is wholly civil in nature, failure to fully cooperate with and diligently answer the inquiries of such board or agency shall constitute grounds for dismissal or removal of said officer or employee.

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 Village of Menands, New York, or any agency thereof on behalf of himself or herself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Distribution of provisions.

The Village Clerk of the Village of Menands, New York, shall cause a copy of this Code of Ethics to be distributed to every officer and employee, part-time or full-time or in any advisory capacity, paid or unpaid, of the Village of Menands, New York, within 10 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment. In addition, copies shall be made available to the public at the local public library.

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 subject to a fine not to exceed \$250, suspended or removed from office or employment, as the case may be, in the manner provided by law.

- (a) Such other rules and regulations may be necessary and proper to accomplish the purposes of this chapter.

§ 20-9. Intent.

It is not the intention of this chapter to relax the common law rules, statutory provisions, and judicial decisions concerning conflict of interest, duties of officers and employees, and enforcement and penalty provisions; therefore, all such common law rules, statutory provisions, and judicial decisions shall remain in full force and effect, provided that said common law rules, statutory provisions, and judicial decisions are of greater severity in their application than the provisions of this chapter.