

Chapter 13

ETHICS

ARTICLE I Code of Ethics

- § 13-1. Purpose.**
- § 13-2. Rules of conduct.**
- § 13-3. Definitions.**
- § 13-4. Specific standards of conduct.**
- § 13-5. Effect on filing of claims against town.**
- § 13-6. Distribution.**
- § 13-7. Penalties for offenses.**

ARTICLE II Board of Ethics

- § 13-8. Establishment; composition.**
- § 13-9. Powers and duties.**

ARTICLE III Disclosures

- § 13-10. Boards to inform employees of ethics.**
- § 13-11. Disclosure form.**
- § 13-12. Assessment challenges to be reflected in minutes.**
- § 13-13. Review of 1986-87 assessment challenge.**
- § 13-14. Minutes.**
- § 13-15. Distribution of copies.**

[HISTORY: Adopted by the Town Board of the Town of Hartland: Art I, 8-27-1970 by L.L. No. 1-1970; Art II, 8-27-1970 by L.L. No. 2-1970; Art III, 3-12-1987 by resolution. Amendments noted where applicable.]

ARTICLE I

Code of Ethics

[Adopted 8-27-1970 by L.L. No. 1-1970]

§ 13-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Hartland 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 town. It is the purpose of this Article to promulgate these rules of ethical conduct for the officers and employees of the Town of Hartland.

§ 13-2. Rules of conduct.

These rules shall serve as a guide for official conduct of the officers and employees of the Town of Hartland. The rules of ethical conduct of this Article, 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.

§ 13-3. Definitions.

As used in this Article, 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.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the Town of Hartland, whether paid or unpaid, including 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.

§ 13-4. Specific standards of conduct.

Every officer or employee of the Town of Hartland 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 of \$25 or more, 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, 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. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- 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 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.

- 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 Hartland, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on 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 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 Hartland 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.

§ 13-5. Effect on filing of claims against town.

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 Hartland 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.

§ 13-6. Distribution.

The Supervisor of the Town of Hartland shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Hartland within 20 days after the effective date of this Article. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§ 13-7. 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 Article may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

ARTICLE II

Board of Ethics

[Adopted 8-27-1970 by L.L. No. 2-1970]

§ 13-8. Establishment; composition.

There is hereby established a Board of Ethics consisting of five members, to be appointed by the Town Board and who shall serve without compensation and at the pleasure of the Town Board. A majority of such members shall be persons other than officers or employees of the Town of Hartland, but shall include

at least one member who is an elected or appointed officer or employee of the Town of Hartland.

§ 13-9. Powers and duties.

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 Hartland with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant to such Article,¹ under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto, upon request of the Town Board.

ARTICLE III

Disclosures

[Adopted 3-12-1987 by resolution]

§ 13-10. Boards to inform employees of ethics.

All boards having employees, whether elected or appointed, are to impart, as one of their annual duties, information that those members are to abstain from voting on any matter on which said member has an interest in or his spouse has an interest in or his parents have an interest in or his son and/or his daughter have an interest in.

§ 13-11. Disclosure form.

- A. The form as developed by the Board of Ethics for disclosure of interest will be used by any board wherein a member has presented a matter for consideration before being accepted by said Board.

1. Editor's Note: See Article I of this chapter.

- B. The required notice of disclosure form, when used by the Board of Assessment Review, should be dated and that part of the minutes included which concerns any property considered by the Board of Assessment Review to which such disclosure of interest may apply.
- C. Said notice of disclosure form is on file with the Town Clerk of the Town of Hartland and the Chief Fiscal Officer of the town.

§ 13-12. Assessment challenges to be reflected in minutes.

The minutes of the Board of Assessment Review shall reflect the nature of any challenge to any assessment that comes before it, and indication shall be contained in the minutes of said Board of the proof offered to support the assessment and/or to challenge the assessment.

§ 13-13. Review of 1986-87 assessment challenge.

The Board of Assessors shall take steps to review the challenged assessment review determinations which were the subject of the 1986-87 Board of Ethics report.

§ 13-14. Minutes.

All boards are to keep minutes of their proceedings.

§ 13-15. Distribution of copies.

- A. This Article, in total, shall be sent to all boards of the Town of Hartland, their members and chairmen thereof, requesting the appropriate acknowledgment of the same for retention in the Town Clerk's files.

§ 13-15

HARTLAND CODE

§ 13-15

- B. Every new member of every Board shall be required to received a copy of this Article and execute a receipt thereof.