

## Chapter 21. ETHICS, CODE OF

### § 21-1. Purpose.

It is the purpose of this chapter to promulgate these rules of ethical conduct to serve as a guide for the official conduct of municipal officers and employees of the Town of Canandaigua. 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, conflicts of interest and any prohibited interest in contracts of municipal officers and employees.

### § 21-2. Definitions. Relevant definitions are included in Chapter 1, Article II.

[1]:*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

### § 21-3. Standards of conduct.

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

- A. General rule with respect to conflicts of interest. No municipal officer or employee should 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 or take any action which is in substantial conflict with the proper discharge of his or her duties in the public interest.
- B. Confidential information. No municipal officer or employee shall disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest even after leaving Town service.
- C. Prohibition against employment that requires disclosure of confidential information. No municipal officer or employee should accept employment or engage in any business or professional activity which will require the disclosure of confidential information gained by reason of his or her official position or authority.
- D. Prohibition against employment that impairs independence. No municipal officer or employee should accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.
- E. Appearance or representation before a Town board, court, agency or entity. No municipal officer or employee shall appear on behalf of, or represent or otherwise receive any compensation for services on behalf of, any third party regarding any matter before any Town board, court or agency of which he or she is an officer, member or employee or for which he or she is employed to give professional advice 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.
- F. Prohibited outside positions. A municipal officer or employee shall not be a paid attorney, agent, broker, employee, officer, director, trustee or consultant for any person or entity that is doing business with or that is seeking to do business with the Town or that is seeking a license, permit, grant or benefit from the Town.
- G. Future employment. A municipal officer or employee shall not for a period of one year after the termination of service or employment with the Town appear before any board, court, agency or entity of the Town in relation to any case, proceeding or application that he or she personally discussed and/or upon which he or she deliberated and/or voted in his or her official capacity during the period of his or her service or employment by the Town or which was at any time during his or her period of service for the Town under his or her active consideration.

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- H. Prohibition against undue influence. A municipal officer or employee should not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties or that he or she is affected by the kinship, rank, position or influence of any party or person.
- I. Prohibition against use of official position to secure unwarranted privileges. No municipal officer or employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself/herself or others.
- J. Prohibition against transactions between the Town and an entity in which a financial interest exists. No municipal officer or employee should engage in any transaction as a representative or agent of the Town with any business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her official duties.
- K. Prohibition against personal investments. A municipal officer or employee should abstain from making personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest.
- L. Prohibited conflicts of interest. Except as otherwise permitted by New York State General Municipal Law § 802, a municipal officer or employee shall not engage in any activity that may be construed as a conflict of interest under §§ 800 through 802 of the New York State General Municipal Law, including but not limited to owning more than 5% of any business or entity under contract with the Town or otherwise having a prohibited interest in any contract with the Town. A municipal officer or employee shall disclose to the Town the existence of any such interest in any contract with the Town as required by and in the manner set forth in § 803 of the New York General Municipal Law.
- M. Lawyers and experts. A municipal officer or employee shall not act as a lawyer or expert against the Town's interests in any legal action or proceeding.
- N. Gifts. No municipal officer or employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form under any circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.
- O. Recusal. A municipal officer or employee shall promptly recuse himself or herself from acting on a matter before the Town when acting on the matter or when failing to act on the matter may financially benefit any of the following persons:
- (1) The municipal officer or employee;
  - (2) His or her outside employer or business;
  - (3) A member of his or her household;
  - (4) His or her customer or client;
  - (5) A relative;
  - (6) A person or entity with whom the municipal officer or employee has had a financial relationship with within the past 12 months;

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- (7) Any person or entity from which the municipal officer or employee has received a gift or any goods or services for less than fair market value during the previous 12 months; or
  - (8) A person from whom the municipal officer or employee has received election campaign contributions of more than \$100 in the previous 12 months.
- P. Misuse of municipal resources. A municipal officer or employee shall not use Town letterhead, personnel, equipment, supplies or resources for a nongovernmental purpose nor engage in personal or private activities during times when he or she is required to work for the Town.
- Q. Political solicitation. A municipal officer or employee shall not:
- (1) Knowingly request or knowingly authorize anyone else to request any subordinate of such officer or employee to participate in an election campaign or contribute to an election campaign;
  - (2) Use his or her Town position to make threats or promises for the purpose of inducing anyone to undertake any political activity or to make a political contribution;
  - (3) Ask any person or entity that currently does business with the Town or that intends to do business with the Town or that has done business with the Town within the previous twelve-month period, or that is seeking a license, permit, grant or benefit from the Town to make any political contribution or engage in any political activity.
- R. Political activity. A municipal officer or employee holding the following positions shall not directly or indirectly ask another municipal officer or employee to contribute to the political campaign of any municipal officer or employee running for an elective office:
- (1) Town Supervisor;
  - (2) Town Assessor;
  - (3) Town Attorney or any Attorney for the Town;
  - (4) Special Counsel;
  - (5) Town Engineer;
  - (6) Any Town Board, Planning Board or Zoning Board of Appeals member; and
  - (7) Any independent contractor providing paid services to the Town pursuant to a written agreement for a period of at least one year.
- S. Improper inducement. No person or entity, whether or not a municipal officer or employee shall induce or attempt to induce a municipal officer or employee to violate any provision of this Code of Ethics.

### § 21-4. 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 or any agency thereof on behalf of himself 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.

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### § 21-5. Distribution of copies.

The Supervisor of the Town of Canandaigua shall cause a copy of this Code of Ethics to be distributed to every municipal officer and employee of the Town of Canandaigua within 30 days after the effective date of this chapter. Each municipal officer and employee elected or appointed thereafter shall be furnished a copy by the Supervisor before entering upon the duties of his or her office or employment. The failure of the Supervisor to distribute copies of this Code of Ethics shall have no effect on the duty of compliance by municipal officers and employees of the Town of Canandaigua with this Code of Ethics.

### § 21-6. 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 chapter may be sanctioned, fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

### § 21-7. Board of Ethics.

Ontario County Board of Ethics is hereby established as the local Board of Ethics for the Town for the issuance of advisory ethics opinions on the written request of a municipal officer or employee of the Town of Canandaigua in accordance with the rules and regulations prescribed by the Ontario County Board of Ethics and as required by § 808 of the New York General Municipal Law.