

Chapter 9

ETHICS, CODE OF

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[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 2-8-1971 by resolution. Section 9-5 amended during codification; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification --- See Ch. 5.

§ 9-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the members of the Village Board of Trustees of the Village of Champlain 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 Champlain. These rules 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.

§ 9-2. 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.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the Village of Champlain, 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.

§ 9-3. Standards of conduct. [Amended 2-28-1994 by L.L. No. 1-1994]

Every officer and employee of the Village of Champlain shall be subject to and abide by the following standards of conduct:

- A. General prohibition. A municipal officer and employee shall not use his or her official position or office, or take or fail to take any action, in a manner which he/she or she knows or has reason to know may result in a personal financial benefit for 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) A customer or client.
 - (5) A relative.
 - (6) A person from whom the officer or employee has received election campaign contributions of more than \$1,000 in the aggregate during the past 12 months.
- B. Recusal. A municipal officer and employee shall promptly recuse himself or herself from acting on a matter before the municipality when acting on the matter, or failing to act on the matter, may financially benefit any of the persons listed in Subsection A of this section.
- C. Transactional disclosure. Whenever a municipal officer and employee is required to recuse himself or herself under this Code of Ethics, he/she or she shall:
- (1) Promptly inform his or her superior, if any;
 - (2) Promptly file with the Municipal Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of the board; and
 - (3) Immediately refrain from participating further in the matter.
- D. Gifts. He/she or she shall not 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 of any other form, under circumstances in which it could reasonably be expected to influence him/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.
- E. Confidential information. He/she or she shall not disclose confidential information acquired by him/her or her in the course of his or her official duties or use such information to further his personal interest.
- F. Representation before one's own agency. He/she 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 over which he/she or she is an officer, member or employee or of any municipal agency over which he/she or she has

- jurisdiction or to which he/she or she has the power to appoint any member, officer or employee.
- G. Representation before any agency for a contingent fee. He/she 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 service rendered.
 - H. Disclosure of interest in legislation. To the extent that he/she or she knows thereof, a member of the Village Board and any officer or employee of the Village of Champlain, whether paid or unpaid, who participates in the discussion or gives official opinion to the Village Board on any legislation before the Village 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.
 - I. Investments in conflict with official duties. He/she 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.
 - J. Private employment. He/she or she shall not engage in, solicit, negotiate for or promises 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.
 - K. Future employment. He/she or she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Champlain in relation to any case, proceeding or application in which he/she or she personally participated during the period of his or her service or employment or which was under his or her active consideration for a period of two years measured from the date of his or her termination of service.
 - L. Treatment of public. An officer, employee or appointee of the Village of Champlain shall treat all members of the public, whether a person, firm, corporation or other organization, with equal consideration and without special advantage.
 - M. Inducement of others. A municipal officer or employee shall not induce or aid another officer or employee of the municipality to violate any of the provisions of this Code of Ethics.

§ 9-4. Effect on 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 Champlain 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.

§ 9-5. Distribution of copies of code. [Amended 8-28-1989]

The Mayor of the Village of Champlain shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the village within 20 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. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code nor the enforcement provisions thereof.

§ 9-6. 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 code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.