

Chapter 22

ETHICS, CODE OF

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[HISTORY: Derived from the Code of Ethics in the Resolutions section of the 1974 Compilation of the Town of Cicero. Amendments noted where applicable.]

§ 22-1. Purpose and construction.

This chapter, applicable to all municipal officers and employees of the Town of Cicero, is adopted as a supplement to the provisions of Article 18 of the General Municipal Law of the State of New York for the purposes described in c. 946, § 1, of the Laws of 1964, and it shall be construed to give effect thereto.

§ 22-2. Definitions.

- A. The definitions prescribed in § 800 of the General Municipal Law of the State of New York, unless otherwise expressly stated herein, shall govern the application of this chapter.
- B. As used in this chapter, the following words shall have the meanings indicated:

BOARD and TOWN BOARD — The Town Board of the Town of Cicero.

FAMILY — Includes spouse and other dependent members of the household.

MUNICIPAL OFFICER OR EMPLOYEE — An elected or appointed official or employee of the Town, whether paid or unpaid, including members of all boards, commissions or other agencies thereof, except that civil defense volunteers, volunteer firemen, special policemen and members of citizens' advisory groups shall not be deemed to be municipal officers or employees.

PERSON — Includes an individual, corporation, proprietorship, association, partnership, trust and estate.

PERSONAL INTEREST — A pecuniary or material benefit accruing directly or indirectly to oneself or to one's family.

TOWN — The Town of Cicero.

TRANSACTION — Any claim, account or demand for or against, and any contract or agreement with, the Town of Cicero, whether express or implied, including the designation of a depository of public funds.

22-3. Conflicts of interest.

No municipal officer or employee shall:

- (1) Perform any service or exercise any discretion on behalf of the Town with respect to any transaction in which he, his family or his client may have or derive a personal interest;
- (2) Engage in any private employment or render any private service incompatible with the discharge of his official duties; or
- (3) Use, or permit the use of, property owned or leased to the Town for other than official purposes or for activities not otherwise officially approved by the Town Board.

Except as may otherwise be provided herein, no municipal officer or employee, or his representative, shall have a personal interest in any transaction with the Town when such municipal officer or employee, or his representative, individually or otherwise, has the power or duty for or on behalf of the Town to:

- (1) Negotiate, prepare, authorize or approve such transaction or authorize or approve payment thereunder;
- (2) Audit bills or claims thereunder; or
- (3) Appoint a municipal officer or employee who has any of the powers or duties hereinabove set forth.

Except as may otherwise be provided herein, no Town Attorney or attorney for the Town shall perform any service or exercise any discretion on behalf of the Town in any matter involving a person who is then or, during the year immediately prior thereto, was his client or the client of a law firm of which he is or was a partner or associate.¹

No one who has served as a municipal officer or employee shall, within one year immediately following the termination of such status, appear before any municipal officer or employee, board or agency of the Town, or receive any compensation for services rendered on behalf of any person, in relation to any matter with respect to which he performed a service directly or indirectly for the Town in his official capacity.

2-4. Exceptions.

The provisions of § 22-3B of this chapter shall not apply to transactions with a corporation listed in the New York or American Stock Exchanges in which a municipal

¹ Editor's Note: Former Section 4, prohibiting certain judicial and quasi-judicial officers from serving as an officer or committee member of a political party, and which immediately followed this subsection, was repealed 6-12-1978.

officer or employee owns less than 5% of the outstanding stock, provided, however, that this exception shall not apply to the Town Supervisor, Comptroller, Deputy Supervisor or employee of the Supervisor with respect to stock owned by them in a banking institution designated as a depository of Town funds.

- B. The provisions of § 22-3B and D of this chapter shall not be construed to bar or prevent the 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 family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 22-5. Disclosure of interest.

- A. Any officer or employee of the Town of Cicero, whether paid or unpaid, who has, will have or intends to acquire an interest direct or indirect in any matter being considered by the Board or by any other official board, agency, officer or employee of the Town of Cicero, and who participates in discussions before or gives opinions or advice to any board, agency or individual considering the same, shall publicly disclose on the official record the nature and extent of such interest.
- B. Any officer or employee of the Town of Cicero, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency, officer or employee of the Town of Cicero in which he has or will have or intends to acquire any direct or indirect interest, shall be required to disclose in writing his interest to such board, agency, officer or employee and the nature and extent thereof.

§ 22-6. Disclosure of confidential information.

No officer or employee of the Town of Cicero, whether paid or unpaid, shall disclose confidential information concerning the property, government or affairs of the Town or any other confidential information of an official character except when required by law, nor shall he use such information to advance the financial or other private interests of himself or others.

§ 22-7. Privileges, gifts and favors.

- A. No municipal officer or employee shall use his official position to secure special privileges or exemptions for himself or for others, except as may otherwise be provided by law, nor shall he nor any member of his family accept any gift, gratuity, entertainment, favor or service from any person in connection with the discharge of his official duties, to exceed in value \$25.
- B. The restriction imposed by this article shall not apply to situations in which the interests of the Town are served by participation of municipal officers or employees in activities at the expense of another, provided, however, that full written disclosure is made to the Town Board. Such activities may include, but need not be limited to, attendance and participation at public ceremonies or gatherings, the taking of casual meals when the conduct of Town business may be facilitated, or participation of municipal officers or

employees in other activities consistent with good ethical conduct and in keeping with the purposes of this chapter as provided in § 22-1 hereof.

2-8. Confidential business information.

municipal officer or employee shall disclose to any person without official authorization confidential information concerning the business or other affairs of the Town with respect which he has acquired knowledge in his official capacity.

2-9. Penalties for offenses.

The violation of any provision of this chapter shall constitute cause for fine, suspension or removal from office or employment pursuant to applicable law.

Any municipal officer or employee who knowingly and willfully violates a provision of this chapter shall be guilty of a misdemeanor and liable to punishment therefor in accordance with the provisions of law.

2-10. Board of Ethics.

There is hereby created and established a Board of Ethics consisting of five members to be appointed by the Town Board, all of whom shall reside in the Town of Cicero and who shall serve without compensation. Of the members first appointed to the Board, one shall hold office for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years from and after his appointment. The composition of the Board shall include not more than two persons duly enrolled in the same political party. Their successors shall be appointed for a term of five years from and after the expiration of the terms of their predecessors in office. The Cicero Town Board shall designate the Chairman who shall serve at the pleasure of the Town Board. **[Amended 1-8-1979]**

The Board shall render advisory opinions with respect to this code, such opinions to be rendered only to the officer or employee or to the head of his department, agency or commission. All requests for opinions must be submitted to the Board in writing. Opinions shall be rendered only to the person duly requesting them.

Such Board upon its formation shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings.

Such Board shall be authorized to investigate allegations of harassment brought against elected officials in the Town of Cicero and make recommendations as to appropriate action should the Board determine that an elected official has violated the Town's harassment policies, plans, rules, regulations and/or procedures. **[Added 9-25-2006 by L.L. No. 23-2006]**

§ 22-11. Distribution of copies.

The Town Supervisor shall cause a copy of this chapter to be distributed to every municipal officer and employee, who shall acknowledge receipt thereof in writing, and a permanent record of receipt shall be maintained by the Town Clerk.