

PROPOSED  
LOCAL LAW NO 1  
OF  
THE YEAR 2012

A LOCAL LAW TO amend the Boston Town Code Chapter 16, Code of Ethics

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

SECTION 1.       SHORT TITLE

The law shall be known and may be cited as "Code of Ethics.

SECTION 2.       16-1 LEGISLATIVE DECLARATION

The citizens of the Town of Boston ("Town") recognize that there are rules of ethical conduct for municipal officers and employees that must be observed if a high degree of moral conduct and public confidence are to be maintained in our Town government. It is the purpose of these rules to establish standards of ethical conduct for the municipal officers and employees of the Town. These rules of ethical conduct shall not conflict with but shall be in addition to any prohibition contained in of Article 18 of the General Municipal Law or in any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees. To the extent that the rules contained in this chapter conflict with a provision in Article 18 of the General Municipal Law, or with any other General or Special Law relating to ethical conduct and interest in contracts of municipal officers and employees, such provision shall supersede these rules.

SECTION 3.       16-2 DEFINITIONS

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

Conflict of Interest

A municipal officer or employee using her or his official position, or taking or failing to take action which results a pecuniary or material benefit accruing to a municipal officer or employee or their relatives, customers, clients, employers, or campaign contributor, unless the context otherwise requires, as defined by New York State General Municipal Law Article 18 section 800 (3) as amended.

Municipal Officer or Employee

An officer or employee of the Town, whether paid or unpaid, including members of any administrative board, commission, committee 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.

Town Agency

Any administrative board, commission, committee, court or other agency of the Town.

SECTION 4. 16-3 STANDARDS OF CONDUCT

No Municipal Officer or Employee of the Town may:

1. Gifts

Directly or indirectly, solicit, accept, or receive any gift under circumstances in which it could reasonably be inferred that the gift was intended to, or could reasonably be expected to:

- a) influence them in the performance of their official duties or
- b) be considered a reward for any official action on their part.

2. Confidential information.

Disclose confidential information acquired by them in the course of their official duties to another not entitled to it, or use such information to further their personal interest.

3. Representation with Town agencies.

Receive, or enter into any agreement for compensation for services to be rendered in relation to any matter with any Town agency:

- a) of which they are an officer, member or employee,,
- b) over which they have jurisdiction, or
- c) to which they have the power to appoint any member, officer or employee.

4. Representation with any Town agency.

Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any other Town agency not described in standard 3 whereby; their compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this standard

shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

5. Disclosure of interest in matters before the Town Board or agency.

To the extent known participate in the discussion or give official opinion to any Board or agency on any matter officially before the Board or agency, fail to publicly disclose on the official record of the Board or agency the nature and extent of any direct or indirect financial or other private interest they have in such matter.

6. Investments in conflict with official duties.

Invest in or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict of interest with their official duties.

7. Private employment.

Engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or services create a conflict of interest with or impairs the proper discharge of their official duties.

8. Future employment.

After the termination of service or employment with the Town, appear before any board or agency of the Town in relation to any matter in which they participated during the period of their service or employment.

SECTION 5. 16-4 PERMITTED 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 themselves or any member of their family arising out of any personal injury or property damage, or for any lawful benefit.

SECTION 6. 16-5 DISTRIBUTION AND POSTING

The Supervisor of the Town shall cause a copy of this Code of Ethics to be distributed to every municipal officer and employee of the Town within (30 days after the effective date of this chapter?). Each municipal officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of their municipal office or employment. A signed receipt from each municipal officer and employee for this document will be filed in the Offices of the Town of Boston for the duration of their tenure.

The Supervisor of the Town shall cause a copy of this Code of Ethics to be posted in every facility in which any municipal officer or employee of the town performs his or her official duties and on the Town web site within 30 days after the effective date of this chapter.

## SECTION 7. 16-6 PENALTIES FOR OFFENSES

### 1. Forfeiture of pay; suspension or removal from office

Any Town officer or employee who engages in any action that violates any provision of this Code may be warned or reprimanded or suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions after a hearing, pursuant to the law currently in effect. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty in this chapter or in any other provision of law.

### 2. Intentional Violations

Any person, whether or not a Town officer or employee, who knowingly and intentionally violates any provision of this chapter may be subject to a fine not exceeding \$250 and/or imprisonment not exceeding 15 days.

### 3. Voidance of contracts

Any contract knowingly entered into by and with the Town of Boston, or agency thereof in which there is an interest prohibited by this chapter, shall be null, void, or wholly unenforceable.

### 4. Others laws may apply

Nothing contained in this article shall limit any other applicable laws or ordinances which are not or may hereafter be provided.

### 5. Actions not constituting violations

No action, expressly or impliedly permitted under Article 18 of the General Municipal Law, shall constitute a violation of this Code.

## SECTION 8. 16-7 BOARD OF ETHICS

### 1. Creation of Board; conditions of membership

A Board of Ethics is hereby established, pursuant to Article 18, §808, Subdivision 3, of the General Municipal Law, to be composed of five members appointed by the Town Board; said members of such Board of Ethics shall be residents of the Town of Boston. The Town Attorney, representing the municipality, shall be an ex officio member of the local Board, without power to vote.

## 2. Terms of Service

Members of the Board of Ethics shall serve no more than 2 consecutive four-year terms. Terms shall be staggered to provide continuity for the work of the Board of Ethics. The Board of Ethics will develop a process for members to enter and leave their service.

## 3. Chair of the Board

The Chair of the Board of Ethics shall be recommended by the Board of Ethics to the Town Board. Such candidate shall be approved by the Town Board.

## 4. Advisory opinions

The Board of Ethics established hereafter shall render advisory opinions to municipal officer or employee or citizens of the town upon written request and upon request of the Town Board make recommendations to such Town Board as to any amendments to this chapter. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall the identity of the municipal officer or employee or citizen be disclosed except to authorized persons and agencies.

## 5. Rules and regulations

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

## SECTION 9. MISCELLANEOUS

A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.

B. If any part of this Local Law shall be judicially declared invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Boston to further regulate the subject matter of this Local Law.

**SECTION 10. EFFECTIVE DATE**

This Local Law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.