

Chapter 4
CODE OF ETHICS

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ARTICLE I
Intent

§ 4-1. Statement of legislative intent.

The Town Board of the Town of Canton recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees, which rules and standards, if observed, can enhance public confidence in local government. It is the purpose of this resolution to implement this objective through the establishment of standards of conduct, to provide for a punishment of violation of such standards and to create a Board of Ethics to render advisory opinions to the town's officers and employees as provided herein.

§ 4-2. Applicability.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest, provisions or procedures prescribed by the statutes of the State of New York and, also, in addition to common law rules and judicial decisions relating to the conduct of town officers to the extent that the same are more severe in their application than this chapter.

ARTICLE II

Code

§ 4-3. Definitions.

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

TOWN - Any board, commission, district, council or other agency, department or unit of the government of the Town of Canton.

TOWN EMPLOYEE - Any officer or employee of the Town of Canton, whether paid or unpaid, whether serving under full-time, part-time or advisory capacity.

§ 4-4. Conflicts of interest.

No town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of the employee's duties in the public interest.

§ 4-5. Standards of conduct.

- A. No town employee shall accept other employment which will impair the employee's independence of judgment in the exercise of the employee's official duties.
- B. No town employee shall accept employment or engage in any business or professional activity which will require the employee to disclose confidential information which the employee has gained by reason of the employee's official position or authority.
- C. No town employee shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for themselves or others.
- D. No town employee shall engage in any transaction, as representative or agent of the town, with any business entity in which the employee has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of the employee's official duties.

- E. The town employee shall not let his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties, or that he/she is affected by the kinship, rank, position or influence of any party or person.
- F. Each town employee shall abstain from making personal investments in enterprises which he/she has reason to believe may be directly involved in decisions to be made by him/her or which will otherwise create substantial conflict between his/her duty and the public interest and his/her private interest.
- G. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust.
- H. No town employee employed on a full-time basis nor any firm or association of which such employee is a member nor any corporation, a substantial portion of the stock of which is owned or controlled, directly or indirectly, by such employee shall sell goods and services to any person, firm, corporation or association which is licensed or whose rates are affixed by the town in which such employee serves or is employed.

§ 4-6. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any such town employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended or removed from office or employment in the manner provided by law.

**ARTICLE III
Board of Ethics**

§ 4-7. Establishment and membership.

There is hereby established a Board of Ethics, consisting of three (3) members to be appointed by the Town Board, all of whom shall reside in the Town of Canton and shall serve without compensation and at the pleasure of the Town Board of the Town of Canton. A majority of such members shall be persons other than town employees, but

membership shall include at least one (1) member who is an elected or appointed town employee of the Town of Canton.

§ 4-8. Board to render advisory opinions; confidentiality.

- A. The Board of Ethics established hereunder shall render advisory opinions to town employees on written request and, upon request of the Town Board, make recommendations to such Town Board as to any amendments of this chapter.
- B. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the town employee be disclosed except to authorized persons and agencies. Such opinion shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Town Attorney.

§ 4-9. Promulgation of rules and regulations; records.

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.

**ARTICLE IV
Administration**

§ 4-10. Distribution of copies.

Upon the adoption of this chapter, the Town Supervisor shall cause a copy thereof to be distributed to every town employee of this town. Failure to distribute any such copy or failure of any town employee to receive such copy shall have no effect on his/hers duty in compliance with this code, nor with the enforcement of provisions hereof. The Town Supervisor shall, further, cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to so post this chapter shall have no effect on the duty of compliance herewith nor on the enforcement of the provisions hereof.

§ 4-11. Filing with state.

Within thirty (30) days of the adoption of this chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

§ 4-12. Appropriation for Board of Ethics.

The Town Board may appropriate money from general town fund for the maintenance of and for personal services to the Board of Ethics, established hereunder. Such Board of Ethics may not commit the expenditure of town funds except within the appropriations provided herein.