

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~County~~
~~City~~ of HERKIMER
~~Town~~
Village

Local Law No.2..... of the year 19 91.....

A local law To Establish Rules of Ethical Conduct for the Officers and
Employees of the (Name of Village) Village of Herkimer

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

~~County~~
~~City~~ of HERKIMER as follows:
~~Town~~
Village

BE IT RESOLVED, by the Board of Trustees of the Village of Herkimer, New York, that the following shall constitute pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of Herkimer recognizes 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 code to promulgate these rules of ethical conduct for the officers and employees of the Village of Herkimer. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Herkimer. The rules of ethical conduct of this code, 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 and interest in contracts of municipal officers and employees.

Section 1. As used in this Section, the following terms shall have the meanings indicated:

Interest. A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an "interest" in the contract of:

A. His spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.

B. A firm, partnership or association of which such officer or employee is a member or employee.

C. A corporation of which such officer or employee is an officer, director or employee.

D. A corporation, any stock or which is owned or controlled directly or indirectly by such officer or employee.

Municipal Officer or Employee. An officer or employee of the Village of Herkimer, 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 Fire Chief or Assistant Fire

Chief.

Section 2. Standards of Conduct. Every officer or employee of the Village of Herkimer shall be subject to and abide by the following standards of conduct:

A. Gifts. He shall not directly or indirectly solicit any gift or accept or receive any gift having value of seventy-five dollars (\$75.00) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstance in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

C. Representation before one's own agency. He 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 of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. He 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 municipality whereby his 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 services rendered.

E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Board of Trustees and any officer or employee of the Village of Herkimer, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

F. Investments in conflict with official duties. He 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 official duties.

G. Private employment. He shall not engage in, solicit, negotiate for or promise 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 official duties.

H. Future employment, He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Herkimer in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

Section 4. Provisions not to prevent certain 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 Herkimer 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.

Section 5. Distribution of copies. The Mayor of the Board of Trustees of the Village of Herkimer shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Village of Herkimer within thirty (30) days after the effective date of this code. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

Section 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.

Section 7. This Local Law shall take effect immediately.

MEMORANDUM

TO: All employees of the Village of Herkimer
RE: Code of Ethics
DATE: May 2, 1994
FROM: Nicholas A. Macri, Assistant Village Attorney

On behalf of the Mayor and the Board of Trustees, it has come to our attention that there have been rumors as well as allegations regarding confidential information gained by certain employees and/or officers of the Village of Herkimer and the releasing of same to those who do not have authorization to receive same including other employees and/or officers. To respective of whether the rumors and allegations are well founded or not, we feel that it is our duty and obligation to remind each and every employee and officer of the Village that there is in existence a Code of Ethics which can be utilized to alleviate our concerns and to remove a violator thereof from their position held within the Village.

The following are sections from said Code of Ethics pertinent to our growing concern regarding the releasing of sensitive information by those in positions to have access to same to those who do not:

Section 2, a municipal officer or employee is defined as "...an officer or employee of the Village of Herkimer, whether paid or unpaid including members of any administrative board, commission or other agency thereof..."

Section 3 sets forth the Standards of Conduct imposed on all municipal officers and employees.

"Section 3. Standards of Conduct. Every officer or employee of the Village shall be subject to and abide by the following standards of conduct: ...

(b) Confidential Information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest."

Additionally, Section 6 provides the Village with the disciplinary means to enforce the Code of Ethics.

"Section 6. Penalties. 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."

The above section covering penalties clearly and unequivocally allows for the firing, suspension and removal from office and/or employment of any Village employee or officer in violation of the Code of Ethics.

Attached hereto is the complete Code of Ethics for review and consideration by all in receipt hereof.

In conclusion, the Mayor as well as the Board are of the opinion that any person covered under the attached Code of Ethics who is in violation thereof will hereinafter be disciplined accordingly.

Without these mandates, we cannot function effectively or collectively with the public, our officers, employees or with the day to day functions of government.

Thank you for your anticipated cooperation in this matter.