

Town of Mina
Code of Ethics for Town Officials and Employees
Resolution #15 – 24
April 11, 2024

Overview:

Each Town of Mina official and employee is placed in a position of public trust and is responsible for ensuring that public resources are used in the best interests of the public. Officials and employees also have a duty to use the limited public resources available to them as effectively and efficiently as possible. When serving in this public capacity, the interests of the Town of Mina must come before their own. In both fact and appearance, the actions and interests of officials and employees must be above reproach.

Code of Ethics:

A code of ethics is a document which sets forth standards of conduct for the guidance of a municipality's officials and employees. A code of ethics must address disclosure of interests in local legislation, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and other relevant standards relating to the conduct of municipal officials and employees. A code of ethics may regulate or prescribe conduct which is not expressly prohibited by New York State General Municipal Law Article 18, but it shall not authorize conduct that is prohibited by Article 18.

Purpose:

The purpose of this Code is to establish minimum standards of ethical conduct for Town of Mina officials and employees to ensure that Town government is free from improper influence. The establishment of the standards and guidelines set forth in this code is a step toward providing the highest caliber of public administration for Town of Mina government. By requiring public disclosure of interests that may influence or be perceived to influence the actions of Town officials and employees, this Code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance accountability of Town government to the people.

Definitions:

1. Town Official or Employee – an official or employee of the Town of Mina, whether paid or unpaid, including members of any administrative board, commission or other agency thereof.
2. Interest – a direct or indirect pecuniary or material benefit accruing to a Town official or employee as the result of a contract with the Town of Mina. For the purposes of this Code, a Town official or employee shall be deemed to have an interest in the contract of:
 - a. Their spouse/domestic partner, minor children and dependents, except a contract of employment with the Town of Mina;
 - b. A firm, partnership or association of which such official or employee is a member or employee;
 - c. A corporation of which such official or employee is an officer, director or employee; and
 - d. A corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

New York State Law:

New York State General Municipal Law Article 18 prohibits town officials and employees from having interests in contracts with the municipality for which they serve, under certain circumstances. In order for a municipal officer or employee to have a prohibited interest in a contract (one that violates the law), four conditions must be met:

1. There must be a contract,
2. The individual must have an interest in the contract,
3. The individual, in their public capacity, must have certain powers or duties with respect to the contract, and
4. The situation must not fit within any of the exceptions of the law.

Standard of Conduct:

The courts of New York State have held public officials to a high standard of conduct. On occasion, the courts have negated certain actions which were not in violation of the literal provisions of Article 18 or a municipality's code of ethics, but which were in violation of the spirit and intent of the statute, were inconsistent with public policy or suggested self-interest, partiality or economic impropriety. Therefore, if a situation involves conduct that does not technically violate either Article 18 or the Town of Mina's Code of Ethics but still raises potential questions of conflict of interest, it may be advisable for the official to recuse themselves or to abstain from participating in the discussion or vote on a particular matter.

Provisions:

1. Conflicts of Interest Prohibited:

Except as provided in General Municipal Law Article 18 Section 802:

- No Town of Mina official or employee shall have an interest in any contract with the Town of Mina when such official or employee, individually or as a member of a board, has the power or duty to:
 - negotiate, prepare, authorize or approve the contract,
 - audit bills or claims under the contract,
 - appoint an official or employee who has any of the powers or duties set forth above, and
- No chief fiscal officer or deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the Town of Mina.

2. Appearance of Impropriety:

An official or employee must avoid circumstances that compromise their ability to make decisions solely in the public interest or create an appearance of impropriety.

3. Recusal:

An official or employee must recuse themselves when faced with the above conflicts. The official shall not deliberate, vote or participate in any way in such matter. The official should disclose their conflict and remove themselves from the board meeting during that time.

4. Disclosure of Interest:
Any municipal official or employee who has, will have, or later acquires an interest in in any legislation, resolution, contract, agreement or accord that is the business of the Town shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation, resolution, contract, agreement or accord.
5. Investments in Conflict with Official Duties:
No official shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with their official duties.
6. Use of Town Resources:
No official or employee shall use town-owned property or assets for personal purposes or profit or to benefit a private party. Use of town property or assets is restricted to the conduct of official business and for the benefit of all residents. Town resources shall not be used in a manner which is illegal or in furtherance of illegal activities.
7. Nepotism:
Spouses/domestic partners and other family members shall not serve in positions creating a conflict of interest, the appearance of a conflict or consolidation of power in one board (i.e. spouse on town board). No Town official or employee shall participate in any decision specifically to appoint, hire, promote, discipline, or discharge a related person for any position at, for or within the Town.
8. Gifts:
An official or employee shall not, directly or indirectly, solicit, accept or receive any gift having a value of \$75.00 or more per year whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise of any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence them or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward to any official action on their party.
9. Private Employment:
An employee shall not solicit, negotiate for or commit to accept private employment from any person doing business with or having any matter pending with the Town.
10. Representation:
An official shall comply with Section 805-a of the General Municipal Law, which prohibits officials, under stated conditions, from representing others before the Town.
11. Confidential Information:
An official shall not disclose confidential information acquired by them in the course of their official duties or use it to further their own private interests.
12. Subordinates:
No official shall solicit political contributions from subordinates.

13. Revolving Door:

No official who has left Town service, for a period of two (2) years after departure, shall appear before or receive compensation in a matter before his former agency/department. They are permanently barred from appearing or receiving compensation regarding a matter they were personally involved in as a Town of Mina official.

14. Incompatible Positions – Judicial Standards:

An official is prohibited from: (a) holding positions when one is subordinate to the other (b) holding positions when the duties of the positions conflict.

15. Board of Ethics:

The Town of Mina has not created a Board of Ethics but instead seeks advisory opinions on ethical matters from the Town attorney.

16. Training:

Town officials and employees must receive training annually concerning the requirements of the Code of Ethics.

Violations:

All officials and employees are encouraged to report any instances of suspected or known violations of this Code. Reports shall be made to the Town Supervisor or to the Town Attorney. Making a report with knowledge that all or part of the information in the report is false or misleading is a violation of this Code.

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 the Code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law. Any Town official or employee who violates any provision of this Code shall also be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation.

Separability:

If any clause, sentence, paragraph, or section of this Code of Ethics is adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, and the unaffected portions of this Code of Ethics shall remain in full force and effect.

Distribution:

The Town Supervisor shall cause a copy of this Code of Ethics to be distributed to every official and employee of the Town of Mina within 60 days after the effective date of this policy. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of their office or employment. A copy of the Code, along with Sections 800-809 of NYS Article 18, shall be posted in each public building and on the Town of Mina's website.