

CHAPTER 18: CODE OF ETHICS OF THE TOWN OF LANSING

§ 18-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Lansing 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 chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Lansing. These rules shall not be deemed or construed to 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 interests in contracts of town officers and employees. Officers and employees of the Town of Lansing hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards and, to help assure ethical behavior, disclosure of conflicts and interests in municipal matters, and to investigate allegations of wrong doing the town herein establishes a Board of Ethics.

§ 18-2. Definitions.

A. "Board" means the governing board of the Town of Lansing, and any municipal administrative board (e.g., planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

B. "Code" means this code of ethics, unless the context thereof otherwise references the Town Code of the Town of Lansing, generally.

C. "Committee" means, without limitation, any non-statutory board and any council, commission, working group, advisory body, committee, sub-committee, working committee, and like entities.

D. "Contract" means any claim, account, or demand against, or agreement with, the Town of Lansing, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law.

E. "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the town (or any area of the town), or a lawful class of such

residents or taxpayers. A town officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

F. "Town" means the Town of Lansing.

G. "Town officer or employee" means a paid or unpaid officer or employee of the Town of Lansing, including, but not limited to, the members of any municipal agency, board, body, commission, council, committee, working group, advisory body, or citizen's group appointed by or doing work for the Town, except that no person shall be deemed to be a town officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief.

H. "Relative" means a spouse, a partner or domestic partner, parent, stepparent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a town officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

§ 18-3. Applicability and General Standards.

A. This code of ethics applies to all municipal officers or employees of the Town of Lansing and shall supersede any prior town code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies, and procedures of the Town of Lansing. This code of ethics further exercises a limited power of supersession respecting General Municipal Law § 808(1) to elect that no town officer be appointed to the Board of Ethics (as recommended by the NYS Comptroller in guidance and recently proposed legislation) in that, as proposed many times recently by the State Comptroller, who recommends that town officer not be an appointed member of a Board of Ethics, and the Town of Lansing has adopted such recommendation to supersede the reference to board composition in General Municipal Law § 808(1).

B. All Town officers and employees are required to file annual disclosure statements on forms as are approved by the Town Board from time to time by resolution. The Town Board shall determine annually at its operational meeting which "employees" or positions are required to file annual disclosure statements, and such list(s) may be amended by resolution of the Town Board at any time.

C. The standards, prohibited acts, and procedures established herein are in addition to any rules about prohibited acts and applicable conflicts of interest provisions or procedures prescribed by statutes of the State of New York, and the common law rules

and judicial decisions relating to the conduct of town officers and employees, each to the extent that they are more restrictive in their application than this chapter.

D. Whenever any doubt arises for any town officer or employee as to whether any act, conduct, or event may present an actual or perceived conflict of interest, any ethical violation, or gives rise to other substantive question respecting, among other matters: (i) whether any person or entity is has an interest or prohibited interest in any contract, transaction, review, or approval; (ii) whether any situation, facts, transaction, determination, or process is prohibited, potentially prohibited, or a violation of this chapter or any applicable ethics or conflict of interest laws or rules; (iii) whether any matter is one for which the town officer or employee may be imputed as having had a reason to know of a conflict or prohibition; (iv) whether there is or is not a direct or indirect personal financial benefit; (v) whether there is a gift, or whether something characterizable as a gift is prohibited; (vi) whether direct or indirect political solicitations violate this code of ethics; (vii) whether any investment of time, money, or effort in any enterprise violates this code of ethics; such town officer or employee may apply to and seek the advice of, or an advisory opinion from, the Town of Lansing Board of Ethics. If such town officer or employee discloses any interest or conflict and follows the guidance and advice of the Board of Ethics, such town officer or employee shall not be deemed or held to be in violation of this Chapter.

E. Nothing in this Chapter shall automatically prohibit seeking and relying upon advice from the Town's legal counsel, the New York State Attorney General's Office, the New York State Comptroller's Office, Counsel for the Committee on Open Government, or other similar authority, so long as:

1. Such advice is disclosed to such town officer or employee's immediate supervisor prior to acting, not acting, or discussion upon such matter as is before the town. The chairperson of a committee, working group, or like entity shall be deemed the immediate supervisor for persons who only sit upon committees, working groups, and like entities. If there is any doubt as to whom to report to, all town officers and employees shall report to the Town Supervisor.
2. Such advice or counsel is in writing or has been reviewed and approved by such town officer or employee's immediate supervisor and the town's legal counsel.

§ 18-4. Prohibition upon use of municipal position for personal or private gain.

No town officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

§ 18-5. Disclosure of interest in legislation and other matters.

A. Whenever a matter requiring the exercise of discretion comes before a town officer or employee, either individually or as a member of any board or committee, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the town officer or employee shall disclose in writing the nature of the interest.

B. Any Town officer or employee, whether paid or unpaid, who participates in discussion or gives any official or advisory opinion to the Town Board, the Town Planning Board, or the Zoning Board of Appeals with regard to any matter under consideration by any such Board 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 matter. Disclosure shall be made when the matter requiring disclosure first comes before the town officer or employee, or when the town officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

C. In the case of a person serving in an elective office, the disclosure shall be filed with the town board by filing the same directly with the town supervisor or town clerk. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, then with the town supervisor or town clerk. In addition, in the case of a person serving on a municipal board or committee, a copy of the disclosure shall be filed with the chairperson of such board or committee. Any disclosure made to any board shall be publicly made at a meeting of the board and included in the minutes of that meeting.

D. No town officer or employee, whether paid or unpaid, shall engage in any investments in conflict with official duties. Such persons shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial, or other private transaction which creates a conflict with any official duties.

E. No town officer or employee, whether paid or unpaid, shall engage in, solicit, negotiate for, or promise to accept any private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of official duties. Nor shall any town officer or employee, after the termination of service or employment with the town, appear before any board or agency of the Town of Lansing in relation to any case, proceeding, or application in which he or she personally participated during the period of his service or employment, or which was under his active supervisor or consideration.

§ 18-6. Recusal and abstention.

A. No town officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the

matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

B. In the event that this section prohibits a town officer or employee from exercising or performing a power or duty:

1. If the power or duty is vested in a town officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
2. If the power or duty that is vested in a town officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
3. If the power or duty is vested in a town employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

C. A town officer or employee should not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her, or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any entity, political party, or person.

§ 18-7. Prohibition inapplicable; disclosure, recusal and abstention not required.

A. This code's prohibition on use of a town position (§ 4), disclosure requirements (§ 5), and requirements relating to recusal and abstention (§ 6), shall not apply with respect to the following matters:

1. Adoption of the town's annual budget;
2. Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - i. All town officers or employees;
 - ii. All residents or taxpayers of the town, or an area of the town; or
 - iii. The general public; or
3. Any matter that does not require the exercise of discretion.

B. Recusal and abstention shall not be required with respect to any matter:

1. Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by § 6 of this chapter;
2. Which comes before a town officer when the officer would be prohibited from acting by § 6 of this chapter, and the matter cannot be lawfully delegated to another person.

§ 18-8. Investments in conflict with official duties.

A. No town officer or employee may acquire the following investments:

1. Investments that can be reasonably expected to require more than sporadic recusal and abstention under § 6 of this chapter; or
2. Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

B. This section does not prohibit a town officer or employee from acquiring any other investments or the following assets:

1. Real property located within the municipality and used as his or her personal residence;
2. Less than five percent of the stock of a publicly traded corporation; or
3. Bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

§ 18-9. Private employment in conflict with official duties.

A. No town officer or employee, during his or her tenure as a town officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional, or other types of services, when the employment:

1. Can be reasonably expected to require more than sporadic recusal and abstention pursuant to § 6 of this code;
2. Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a town officer or employee;

3. Violates §§ 805-a(1)(c) or (d) of the General Municipal Law; or
4. Requires representation of a person or organization other than the town in connection with litigation, negotiations, or any other matter to which the town is a party.

§ 18-10. Future employment.

A. No town officer or employee may ask for, pursue, or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the town officer or employee, either individually or as a member of a board, while the matter is pending or within the 60 days following final disposition of the matter.

B. No town officer or employee, for the two-year period after serving as a town officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the town office, board, department, or comparable organizational unit for which he or she serves.

C. No town officer or employee, at any time after serving as a town officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a town officer or employee.

§ 18-11. Personal representations and claims permitted.

A. This code shall not be construed as prohibiting a town officer or employee from:

1. Representing himself or herself, or his or her spouse or minor children before the town; or
2. Asserting a claim against the town on his or her own behalf, or on behalf of his or her spouse, minor children, or other persons and entities lawfully represented (such as, but not limited to, being a trustee of a trust, a conservator for a person, an administrator of a Will or matter in probate proceedings, and like situations).

§ 18-12. Use of municipal resources.

A. Town resources shall only be used for lawful town purposes. Town resources include, but are not limited to, town personnel, and the town's money, vehicles, equipment, materials, supplies, or other property.

B. No town officer or employee may use or permit the use of town resources for personal

or private purposes, but this provision shall not be construed as prohibiting:

1. Any use of town resources authorized by law or town policy;
2. The use of town resources for personal or private purposes when provided to a town officer or employee as part of his or her compensation; or
3. The occasional and incidental use during the business day of town telephones and computers for necessary personal matters, such as family care and changes in work schedule.

C. No town officer or employee shall cause the town to spend more than is reasonably necessary for any costs and expenses, any purchasing, or for transportation, meals, or lodging in connection with official travel.

§ 18-13. Interests in Contracts.

A. No town officer or employee may have an interest in a contract that is prohibited by § 801 of the General Municipal Law.

B. Every town officer and employee shall disclose interests in contracts with the town at the time and in the manner required by § 803 of the General Municipal Law.

§ 18-14. Nepotism.

A. Except as otherwise required by law:

1. No town officer or employee, either individually or as a member of a board or committee, may participate in any decision specifically to appoint, hire, promote, discipline, or discharge a relative for any position at, for, or within the town, or any of its boards or committees.
2. No town officer or employee may supervise a relative in the performance of the relative's official powers or duties.

§ 18-15. Political Solicitations.

A. No town officer or employee shall directly or indirectly compel or induce a subordinate town officer or employee to make, or promise to make, any political contribution, whether by gift of money, service, or other thing of value.

B. No town officer or employee may act or decline to act in relation to appointing, hiring, promoting, discharging, disciplining, or in any manner changing the official rank, status,

or compensation of any town officer or employee, or an applicant for a position as a town officer or employee, on the basis of the giving or withholding of, or neglecting to make, any contribution of money or service or any other valuable thing for any political cause, candidate, or purpose.

§ 18-16. Confidential Information.

A. No town officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law, or such disclosure shall occur in the regular course of properly exercising or performing his or her official powers and duties. As used in this paragraph, "confidential information" includes but is not limited to information, opinions, statements, and like items of non-public information shared in closed or executive sessions.

B. No town officer or employee shall disclose confidential information acquired by him or her in the course of his or her official duties, or use such information to further his or her personal interest even after leaving town service.

C. No town officer or employee should accept employment or engage in any business or professional activity which will require the disclosure of confidential information gained by reason of his or her official position or authority.

§ 18-17. Gifts.

A. No town officer or employee shall solicit, accept, or receive a gift in violation of § 805-a(1)(a) of the General Municipal Law, including as interpreted or enhanced by this section.

B. No town officer or employee may directly or indirectly solicit any gift.

C. No town officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

1. The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
2. The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
3. The gift is intended as a reward for any official action on the part of the officer or employee.

D. For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

E. For the purposes of this section:

1. A gift to a town officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks town action involving the exercise of discretion by or with the participation of the officer or employee.
2. A gift to a town officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained town action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

F. This section does not prohibit any other gift, including:

1. Gifts made to the town;
2. Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient’s status as a town officer or employee, is the primary motivating factor for the gift;
3. Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable, and customary;
4. Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
5. Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a town officer or employee, or other service to the community; or
6. Meals and refreshments provided when a town officer or employee is a speaker or participant at a job-related professional or educational conference or program and

the meals and refreshments are made available to all participants.

§ 18-18. Board of Ethics.

A. There is hereby established a board of ethics for the town. The board of ethics shall consist of five members, none of which shall be public officers of the town. No member of the Board of Ethics shall be a Town employee or a relative of any Town employee. The members of the board of ethics and its chairperson shall be appointed by the town board, shall serve at the pleasure of the town board as the appointing authority, and shall receive no salary or compensation for their services as members of the board of ethics.

B. Ethics board members will have staggered five-year terms, and appointments will be initially made for terms of members running for one year to five years, so that one appointment arises for consideration or renewal annually. Ethics board members may be reappointed at the expiration of their term. The attorney for the Town shall be an *ex officio* member of said Board without voting privileges, for the purposes of providing legal guidance and advice to allow the board of ethics to efficiently perform its functions.

C. The board of ethics shall render advisory opinions to the officers and employees of the Town of Lansing with respect to Article 18 of the General Municipal Law and this code of ethics. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such general procedures or rules and regulations as the board of ethics may prescribe. In relation to any such matters:

1. The Chair of the Board of Ethics shall convene the board of ethics within 30 days after receipt of a written request, and thereafter render any advisory opinion or reply as promptly as is reasonable under the circumstances.
2. The board of ethics shall have the advice of legal counsel employed by the board or, if none, the town's legal counsel.

D. The board of ethics may hear or receive written complaints of alleged unethical practices and violations of this chapter when submitted in writing by any person or entity, and thereafter consider, investigate, decline, conduct hearings, or decide upon such matters as are so presented. The Chair of the Board of Ethics shall convene the board of ethics within 30 days after receipt of such a complaint, and thereafter render any advisory opinion or reply as promptly as promptly as is reasonable under the circumstances. In limitation of the foregoing, the board of ethics is empowered to review ethical matters and conflicts of interest respecting violations of duties and obligations set forth in this chapter and as generally construed as being within the scope of a code of ethics adopted pursuant to Article 18 of the General Municipal Law.

E. Any town officer or employee who requests an opinion, or is the subject matter of a

review, inquiry, investigation, or opinion before the board of ethics, shall be granted the right to be heard by said board prior to the making or issuance of any opinion.

F. The board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon its own initiative or at the request of the town board.

G. No later than August 1 of each year, the board of ethics shall review the disclosure statements and the attestations that have been submitted by town officers and employees to the town clerk. The board of ethics may determine if any are not timely filed, incomplete, or facially inaccurate, and may further inquire about any information contained in or missing from any disclosure statement, including calling any town officer or employee before the board for a meeting, an interview, or for formal or informal testimonial purposes. If any town officer or employee is newly hired, then the town clerk shall transmit their disclosure statement to the board of ethics for review, which review shall be completed at the next meeting of the board of ethics.

H. The board of ethics may undertake such other actions as may be permitted by the General Municipal Law, including undertaking a review of any written complaint and imposing penalties for the violation of this code of ethics. The board of ethics, upon the advice and consent of counsel, shall have the authority to take testimony under oath and to issue subpoenas, or cause subpoenas to be issued, to compel the attendance of witnesses and to require the production of any document, things, books, or records. Any town officer or employee that fails to comply with such subpoena, or who provides incorrect, false, misleading, or incomplete responses to subpoenas shall be in violation of this code of ethics and shall be subject to discipline by the town, up to and including dismissal.

§ 18-19. Posting and distribution.

A. The Town Supervisor must promptly cause a copy of this code of ethics, and a copy of any future amendments to this code, to be posted publicly and conspicuously in each building wherein town employees regularly work, at locations where employment postings and notices are customarily found. The code or amended must be posted within ten days following the date on which the code or amended code takes effect.

B. The Town Supervisor must also promptly cause a copy of this code of ethics, including any future amendments to the code, to be distributed to every person who is or becomes a town officer or employee.

C. Every town officer or employee who receives a copy of this code of ethics, or any future amendment to the code, must acknowledge such receipt in writing. Such acknowledgments must be filed with the Town Clerk, who must maintain such

acknowledgments as a public record.

D. The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a town officer or employee to receive a copy of this code of ethics or any amendment to this code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or any future amendment to the code.

§ 18- 20. Administration and Enforcement.

A. Any town officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law. Similarly, any town officer or employee who: (i) refuses to cooperate with any matter under review by, or being investigated, by the board of ethics; or (ii) improperly or materially interferes with any such review or investigation; or (iii) commits any act of spoliation with respect to any documents or evidence; or (iv) supplies or suborns any false statements or perjury, may be fined, suspended, or removed from office or employment in the manner provided by law.

B. The town board may appropriate moneys from general town funds for the costs and expenses of the board of ethics, but such board of ethics may not commit the expenditure of town money except within the limit of appropriations so provided by the town board.

§ 18-21. Effective date.

This code takes effect immediately upon adoption.