

Chapter 20

ETHICS

**ARTICLE I
Intent of Village Board**

- § 20-1. Statement of legislative intent.**
- § 20-2. Standards to be in addition to other provisions.**

**ARTICLE II
Code of Ethics**

- § 20-3. Definitions.**
- § 20-4. Conflicts of interest.**
- § 20-5. Standards.**
- § 20-6. Penalties for offenses.**

**ARTICLE III
Board of Ethics**

- § 20-7. Establishment; membership.**
- § 20-8. Advisory opinions.**
- § 20-9. Rules and regulations; records.**

**ARTICLE IV
Administration**

- § 20-10. Distribution of code.**
- § 20-11. Filing with State Comptroller.**
- § 20-12. Appropriations.**

[HISTORY: Adopted by the Board of Trustees of the Village of Barker 5-13-2013 by resolution.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 48.
Personnel policies — See Ch. 52.

ARTICLE I
Intent of Village Board

§ 20-1. Statement of legislative intent.

The Village Board of the Village of Barker recognizes that there are state statutory provisions mandating villages to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this Village as part of our state's important system of local government. It is the purpose of this chapter to implement this objective through the establishment of standards and to create a Board of Ethics to render advisory opinions to the Village officers and employees as provided for herein.

§ 20-2. Standards to be in addition to other provisions.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of Village officers

1. **Editor's Note: This resolution also superseded former Ch. 20, Ethics, adopted 2-4-1974 by resolution, as amended, and was also included as part of the Handbook of Policies adopted 5-13-2013. See also Ch. 52, Personnel Policies.**

to the extent that the same are more severe in their application than this policy.

ARTICLE II Code of Ethics

§ 20-3. Definitions.

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

VILLAGE — Any board, commission, district, council or other agency, department or unit of the government of the Village of Barker.

VILLAGE EMPLOYEE — Any officer or employee of the Village of Barker whether paid or unpaid, whether serving on a full-time, part-time, or advisory capacity.

§ 20-4. Conflicts of interest.

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

§ 20-5. Standards.

- A. No Village employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.
- B. No Village employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

- C. No Village employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
- D. No Village employee shall engage in any transaction as representative or agent of the Village with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
- E. A Village employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any party or person.
- F. Each Village employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
- G. Each Village employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- H. No Village employee employed on a full-time basis nor any firm or association of which such employee is a member, nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Village in which such employee serves or is employed.

§ 20-6. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any such Village 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****§ 20-7. Establishment; membership.**

There is hereby established a Board of Ethics consisting of (at least three) members to be appointed by the Village Board, all of whom reside in the Village of Barker and who shall serve without compensation and at the pleasure of the Village Board of the Village of Barker. Members shall be persons other than Village employees and serve a term of five years.

§ 20-8. Advisory opinions.

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

§ 20-9. 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

§ 20-10. Distribution of code.

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

§ 20-11. Filing with State Comptroller.

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

§ 20-12. Appropriations.

The Village Board may appropriate moneys from the general Village funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Village moneys except within the appropriations provided herein.