

**Chapter 29**  
**ETHICS, CODE OF**

**GENERAL REFERENCES**

**Administration of government — See Ch. 5.**      **Defense and indemnification — See Ch. 21.**  
**Continuity of government — See Ch. 19.**      **Officers and employees — See Ch. 43.**

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**§ 29-1. Title.**

This chapter shall be known as the "Code of Ethics of the City of Beacon."

**§ 29-2. Declaration of policy.**

Pursuant to the provisions of § 806 of the General Municipal Law, the City Council of the City of Beacon recognizes that there are rules of ethical conduct for public officers or employees which must be observed if a high degree of moral conduct is to be obtained and a 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 City of Beacon. These rules shall serve as a guide for official conduct of the officers and employees of the City of Beacon. The rules of ethical conduct of this chapter, 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.

**§ 29-3. Enactment; authorization.**

The City Council of the City of Beacon does hereby ordain and enact the Code of Ethics of the City of Beacon pursuant to the authority and provisions of § 806 of the General Municipal Law and § 20, Subdivision 2, and § 22, Subdivision 1, of the Municipal Home Rule Law. This chapter expressly supersedes and repeals any previously enacted Code of Ethics adopted by the City Council of the City of Beacon.

**§ 29-4. Definitions.**

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

**CITY CONSULTANT** — Any individual, group or firm which renders services on behalf of the City to any City officer, the City Council, Planning Board, Zoning Board of Appeals or any City agency.

**CITY OFFICER, CITY BOARD MEMBER or CITY EMPLOYEE** — An officer or employee in the City of Beacon, whether paid or unpaid, including members of the Planning Board, Zoning Board of Appeals, Recreation Committee,

Board of Assessment Review or any other agency. It shall not include volunteer firemen, ambulance corpsmen or civil defense volunteers. **[Amended 12-16-2013 by L.L. No. 22-2013]**

**§ 29-5. Effect of other provisions.**

Should any City officer be subject to any other code of ethics or professional conduct (i.e., City Judge or Assistant City Judge), the City officer shall be subject to the conditions of both codes, and the more stringent standards will apply.

**§ 29-6. Conflicts of interest prohibited.**

- A. No City officer, City Board member, City employee or City consultant 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 conflict with or which might reasonably tend to conflict with the proper discharge of his or her duties in the public interest.
- B. If such a conflict occurs, the City officer, City Board member, City employee or City consultant shall make known to all concerned parties the nature of such conflict and shall refrain from any participation whatsoever in the matter so as to avoid the conflict. In all cases of potential conflict, the Mayor and all City Councilmen shall be made aware of the situation by the person in conflict along with any other concerned parties, including the City of Beacon Board of Ethics.
- C. No City Board member, City officer, City employee or City consultant shall represent any private interest before any agency, department, officer or other entity of this City of Beacon government of which he is a member, by which he is employed or to which he renders services.
- D. No City Board member, City officer, City employee or City consultant shall, after the termination of service or employment with such municipality, appear before any board or agency of the City of Beacon in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.
- E. No City employee shall sit on either the Planning Board, Zoning Board of Appeals or Board of Assessment Review. In addition, every effort should be made by the Mayor and the City Council to structure each appointed board, agency or authority to reflect the diverse concerns and needs of the entire community.
- F. Further, no City officer, City Board member, City employee or City consultant shall: **[Amended 11-5-2012 by L.L. No. 22-2012]**
  - (1) Appear as attorney or counsel against the interests of the City in any matter in which the City is a party or complainant.

- (2) Solicit any nonelected officer or employee of the City to participate in an election campaign or to pay or promise to pay any assessment, subscription or contribution to a political party, political party organization or election campaign.
- (3) Directly or indirectly use his or her official authority to compel or induce another municipal officer or employee, or any other individual or organization, to make or promise to make any political contribution, whether by gift of money, service or other thing of value.
- (4) Use any premises or building owned by the City, City-owned equipment or work-related services or resources belonging to the City for political purposes.
- (5) Hold the office of Chairperson in a political party or political party organization. This Subsection F(5) shall apply only to appointed, paid public officials.
- (6) All contracts entered into which violate the provisions of this chapter shall be declared null and void and unenforceable.

**§ 29-7. Disclosure of interest.**

- A. Any City Board member, City officer, City employee or City consultant who has any financial interest, direct or indirect, in any contract with the City or in the sale of any land, materials, supplies or services to the City or in any contractor supplying the City shall make the interest known, in writing, to the City Council and the Board of Ethics. The conflicted person shall not in any way participate in any discussions of the contract.
- B. Any City Board member, City officer, City employee or City consultant who participates in the discussion or gives official opinion to the City Council on any legislation before the City Council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.

**§ 29-8. Disclosure of confidential information.**

No City Board member, City officer, City employee or City consultant, whether paid or unpaid, shall disclose confidential information acquired by him/her in the course of his/her official duties, nor use such information to advance his/her financial or other private interests.

**§ 29-9. Standards of conduct.**

- A. No City Board member, City officer, City employee or City consultant shall accept other employment which will impair his/her independence of judgment in the exercise of his/her official City duties.

- B. No City Board member, City officer, City employee or City consultant shall accept employment or engage in business or professional activity which will require him/her to disclose confidential information gained by reason of his/her official position or authority.
- C. No City Board member, City officer, City employee or City consultant shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.
- D. No City Board member, City officer, City employee or City consultant shall engage in any transaction as a representative of the City of Beacon or a City of Beacon agency or department or other office with any business entity in which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties.
- E. No City Board member, City officer, City employee or City consultant shall by his/her conduct give reasonable basis for the impression that another 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 kinship, rank, position or influence of any party or person.
- F. A City Board member, City officer, City employee or City consultant 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 in the public interest and his/her private interest.
- G. Gifts. **[Amended 11-5-2012 by L.L. No. 22-2012]**
  - (1) No City Board member, City officer, City employee or City consultant shall accept any gifts or gratuities in any way relating to his/her official duties. The recipient of such gift or gratuity shall immediately return the same to the giver and shall notify the City of Beacon Board of Ethics of the incident in writing, documenting the nature of the gift and from whom it was received.
  - (2) A "gift," for purposes of this section, 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 \$75 must be made by adding together the value of all gifts received from the donor by an officer or employee during the calendar year preceding the receipt of the most recent gift. A gift does not include lawful campaign contribution or food or refreshment provided during an event to

which the Board member, officer, employee or consultant has been invited to appear in his or her official capacity.

- (3) This subsection shall supersede § 805-a(1)(a) of the General Municipal Law concerning solicitation and acceptance of gifts by municipal officers and employees.

- H. No City Board member, City officer, City employee or City consultant may directly supervise a family member in the performance of the family member's official powers or duties or participate in any decision to appoint, hire, promote, discipline or discharge a family member from any position with the City of Beacon. This subsection shall supplement Article III of Chapter 43 of the City Code, concerning hiring of relatives. **[Added 11-5-2012 by L.L. No. 22-2012]**

**§ 29-10. Board of Ethics.**

- A. The City Council shall establish the City of Beacon Board of Ethics, consisting of five members, and shall appropriate adequate funds for the Board's maintenance and operation. **[Amended 10-18-2010 by L.L. No. 13-2010]**
- B. All members of the Board of Ethics shall reside within the City. Of the initial appointed members, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Subsequently, members shall be appointed to five-year terms. Each appointment shall be by unanimous vote of the City Council.
- C. The City Attorney shall provide such legal and advisory services to the Board of Ethics as it may require in the performance of its duties.
- D. Qualifications of Board of Ethics members. **[Amended 11-5-2012 by L.L. No. 22-2012]**
- (1) No Board member shall hold office in any political party or be employed as a lobbyist. A member may contribute money to, but not otherwise participate in, any City election campaign.
- (2) The members of the Board of Ethics shall not receive compensation for the performance of their official duties but shall be reimbursed for reasonable and necessary expenses.
- (3) No member on the Board of Ethics shall otherwise be an elected officer or employee of the City of Beacon. This subsection shall supersede § 808(3) of the General Municipal Law.
- (4) No more than three members of the same political party shall serve on the Board of Ethics at the same time.
- E. Removal of City Ethics Board members. A City Ethics Board member may be removed by a majority vote of the City Council for substantial neglect of duty, gross misconduct in office, inability to discharge the

powers or duties of office or violation of this Code of Ethics after written notice and opportunity for reply.

- F. City Ethics Board meetings and quorum. At its first meeting each year, the City Ethics Board shall elect a Chairman from among its membership. Three members of the Board shall constitute a quorum. A vote of at least three members shall be required for the Board to take any action. The Board shall hold at least one meeting per year. The Chairman or any three members may call a meeting of the Board.
- G. Powers and duties of the City Ethics Board. The City Ethics Board shall have the following powers and duties: **[Amended 11-5-2012 by L.L. No. 22-2012]**
- (1) To prescribe and promulgate rules and regulations governing its own organization and procedures in a manner consistent with this Code of Ethics.
  - (2) To cause to be filed with the State Ethics Commission a copy of the form or any disclosure statements required to be filed in § 29-7 of this Code of Ethics.
  - (3) To review disclosure statements pursuant to § 29-7 of this Code of Ethics.
  - (4) To conduct investigations pursuant to § 29-11 of this Code of Ethics.
  - (5) To recommend disciplinary action and initiate appropriate actions and proceedings pursuant to § 29-12 of this Code of Ethics.
  - (6) To issue advisory opinions pursuant to § 29-13 of this Code of Ethics.
  - (7) To provide training and education to City officers and employees on the provisions of the Ethics Code as directed by the City Administrator.
  - (8) To prepare an annual report to the City Board summarizing the activities of the Ethics Board and recommend changes to this Code of Ethics, as necessary.
- H. The City Ethics Board may act only with respect to officers, consultants and employees of the City as those terms are defined in § 29-4 of this Code of Ethics.
- I. The City Ethics Board may refer any matter within its jurisdiction to the County or State Ethics Board.

**§ 29-11. Investigation of alleged violations. [Amended 11-5-2012 by L.L. No. 22-2012]**

- A. Upon receipt by any officer or employee of the City of Beacon of a written notification of an alleged violation of this Code of Ethics, the City Council may refer the matter to the Board of Ethics within 30 days. Pursuant to applicable laws of this Code of Ethics, the Board of Ethics shall render a formal advisory opinion to the City Council after conducting an investigation of the matter. In conducting any such investigation, the Board may request from the City Council any information necessary so as to properly conduct the investigation.
- B. The City Ethics Board is not permitted to conduct an investigation of any of its members. Should the City Ethics Board receive notification alleging that the Board or any of its members has violated any provision of this Code of Ethics or any other law, the Board shall promptly refer the matter to the County or State Ethics Board.
- C. The City Ethics Board shall state, in writing, its formal advisory opinion following every investigation it conducts and shall set forth reasons for its opinion. All notifications and formal advisory opinions shall be public records, unless excepted by other statute or local law, and shall be indexed and maintained on file by the Ethics Board.
- D. Where a criminal investigation of a City Board member, officer, employee or consultant arises out of the same facts as an alleged ethics violation, the Board of Ethics shall suspend its investigation of the alleged ethics violation until after the criminal investigation is concluded. The Board of Ethics shall not be bound by the outcome of any criminal investigation, but may consider any evidence from those investigations to which it is legally entitled.

**§ 29-12. Recommendation of disciplinary action.**

- A. No opinion rendered by the Board of Ethics shall bind the City Council. After receiving a formal advisory opinion, the City Council may, in its discretion, choose to conduct a hearing on the matter in accordance with applicable laws. If, upon completion of such hearing, the City Council finds that a violation of this Code of Ethics occurred, it may request another advisory opinion from the Ethics Board for recommendation of disciplinary action, which may recommend as follows: **[Amended 11-5-2012 by L.L. No. 22-2012]**
  - (1) In addition to the penalties prescribed pursuant to § 805 of the General Municipal Law, and § 9.00 of the City of Beacon Charter, any City officer, employee or consultant who engages in any action that violates any provision of this Code of Ethics may be warned or reprimanded or suspended or removed from office or employment by the City Council, pursuant to applicable law, or by the person or body authorized by law to impose such sanctions.
- B. If a hearing is held, the City Council shall conduct and complete the hearing with reasonable promptness.

**§ 29-13. Informal advisory opinions. [Amended 11-5-2012 by L.L. No. 22-2012]**

- A. Upon written request of the City Council, or any City officer, board, department or employee, the City Ethics Board may render written informal advisory opinions with respect to the interpretation or application of any provision of this Code of Ethics in a generic sense.
- B. Pursuant to § 29-11C of this chapter, formal advisory opinions rendered by the Board of Ethics at the conclusion of an investigation shall be public records and shall be indexed and maintained on file in an appropriate manner by the Board. Informal advisory opinions, issued in response to a written request for an interpretation of the state or City ethics laws, shall be confidential and shall not be disclosed unless by court order.
- C. A City Board member, officer, employee or consultant whose ethical violation occurs in reliance on an informal advisory opinion shall not be subject to sanction or prosecution where such reliance is reasonable, as adjudged by the City Council, unless material facts were omitted or misstated, whether purposefully or unintentionally, in the materials submitted by the requester.

**§ 29-14. Legal actions commenced by municipal officers or employees.**

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 City of Beacon or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**§ 29-15. Distribution of Code of Ethics. [Amended 11-5-2012 by L.L. No. 22-2012]**

- A. The Mayor of the City of Beacon shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the City within 30 days of the effective date of this chapter and any subsequent amendment thereto, if the Mayor deems redistribution necessary. Each officer and employee elected or appointed shall be furnished a copy before entering upon the duties of his or her office of employment.
- B. The Mayor shall cause a copy of §§ 800 through 809 of Article 18 of the General Municipal Law to be kept posted in a conspicuous location, visible to City officers and employees, in each building owned/operated by the City. Failure to post any such copy shall have no effect on the duty of compliance with state law, nor with the enforcement of the provisions thereof. Copies of the City Code of Ethics shall also be made available for review in all City owned/operated buildings.