

# Stillwater Fire District

## Code of Ethics

Adopted January 8<sup>th</sup>, 2007

Reviewed January 2018

Next Review January 2020

**Resolution:** A resolution establishing standards of conduct for Board Members and employees of the Stillwater Fire District.

**Be it resolved:** by the Board of Fire Commissioners of the Stillwater Fire District of Stillwater, New York as follows:

### I. Purpose

- a. The Board of Fire Commissioners of the Stillwater Fire District 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.

**Therefore:** pursuant to the provisions of the General Municipal Law, the Board of Fire Commissioners hereby promulgates these rules of ethical conduct for the officers and employees of the Stillwater Fire District. These rules of ethical conduct as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen (18) (attachment 1) 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.

### II. Definitions

- a. **Officer or employee:** means a member of the Board of Fire Commissioners, officer, agent, or employee of the Stillwater Fire District whether paid or unpaid including members of any administrative board, committee or agency thereof.
- b. **Interest:** means direct or indirect pecuniary or material benefit accruing to an officer or employee as a result of a contract or agreement with the Fire District.

For purposes of this policy a municipal officer or employee shall be deemed to have an interest in the contract of;

- their spouse, minor children and dependents, in a firm, partnership or association of which the officer or employee is a member or an employee or
- a firm, partnership or association of which such officer or employee is a member or employee or
- a corporation of which such officer or employee is an officer, director or employee and
- a corporation of which five percent or more of outstanding stock is owned or controlled directly or indirectly by such officer or employee.

### III. Standards of Conduct

- a. Every officer or employee of the Stillwater Fire District shall be subject to and abide by the following standards of conduct.
  - i. **Gifts:** Officers or employees of the Fire District shall not, directly or indirectly solicit any gift or accept or receive any gift having a value of *seventy-five dollars* or more, whether in the form of money, services, loans, travel, entertainment, hospitality, thing or promise or in any other form under circumstances where it could reasonably be inferred that the gift was intended to influence said officer or employee or could reasonably be expected to influence officers or employees in the performance of their official duties or a reward for official action on their part.
    1. It is recognized and understood that an exchange of gifts between employees is a tradition of the holiday season. Nothing herein should be construed as prohibiting such an exchange provided discretion is used to insure that gifts of value are not accepted by employees or officers to influence them in the performance of their official duties or a reward for official action. The appearance of impropriety should also be considered
  - ii. **Confidential Information:** Officers and employees shall not disclose confidential information as defined by law or regulations, acquired in the course of official duties or use such information to further personal interests. In addition *no information regarding matters discussed in executive session of the Board of Fire Commissioners shall be disclosed whether such information is deemed confidential or not.*
  - iii. **Compensation for Services Rendered:** Officers and employees shall not receive or enter into any agreement, express or implied for compensation for any services to be rendered in relation to any matter before the Board other than those services for which they are employed as an employee of the Fire District.
    1. Officers and employees shall not receive or enter into any agreement express or implied for compensation in any matter before the Board which might determine their compensation but shall not prohibit the negotiation of fees based upon reasonable value for services rendered.
  - iv. **Disclosure of interest in matters or resolutions before the Board of Fire Commissioners.** To the extent that they know, any officer or employee who participates in a discussion or gives an official opinion to the Board on any matter or resolution before the Board shall immediately and publicly disclose by written notice in the official record the nature and extent of any direct or indirect financial or other private interest they have in such matter or resolution.
  - v. **Investments in conflict with official duties;** No officer or employee shall invest or hold any investment directly or indirectly

in any financial, business, commercial or other private transaction which create a conflict with their official duties.

- vi. **Private employment:** No officer or employee shall engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when such employment service creates a conflict with or impairs the proper discharge of their official duties.
- vii. **Future employment:** No officer or employee after the termination of service or employment with the Fire District shall appear before the Board of Fire Commissioners in relation to any case, proceeding, agreement or application in which they personally participated during the period of their service or employment or which was under their active consideration.
- viii. **Conflicts of interested prohibited:** Except as provided below no officer or employee shall have any interest in any contract with the Fire District as a member of the Board or as an employee while
  1. they have the power or duty to negotiate, prepare, authorize or approve payment thereunder,
  2. audit bills or claims under the contract
  3. appoint an officer or employee who has any of the powers or duties set forth above
  4. and, no chief fiscal officer, treasurer, their 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 Fire District of which they are an officer or employee.
- ix. **Exceptions:** The provisions of (viii above) shall not apply to;
  1. a contract with a person, firm, corporation or association in which the officer or employee has an interest which is prohibited by reason of employment as an officer or employee of the District, if the remuneration of such employment will not be directly affected as a result of such contract and duties of such employment do not directly involve the procurement, preparation, or performance of any part of such contract.
  2. 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.
  3. a contract with a membership corporation or other voluntary non-profit corporation or association.
  4. the sale of bonds and notes pursuant to local finance law.
  5. a contract in which the officer or employee has interest if such contract was entered into prior to the time they were elected or appointed but this shall in no event authorize a renewal of such contract.

6. any other exceptions specified in 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 or employees.

**IV. Lawful Benefits**

- a. Nothing in this document shall be deemed to bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the Fire District arising out of any personal injury or property damage or for any lawful benefit authorized or permitted under the laws of the State of New York.

**V. Conduct of Board Members, a Board member of the Stillwater Fire District, operation under the highest ethical standards, shall:**

- a. Accept all Board decisions once they are made and assist with carrying them out effectively.
- b. Observe and enforce State Laws, District by-laws and regulations pertaining to the operation of a fire district.
- c. Accept the office as a Board member as a means of unselfish service
- d. Transact fire district business only in regular session or as permitted in executive session.
- e. Represent the entire community without fear or favor.
- f. Remember at all times each Board member is one of a public service team.
- g. Each Board member shall act in accordance with the following;
  - i. The rules and procedures for the conduct of Board meetings to the extent that such interpretations lie within the discretion of the Board shall be interpreted in order to foster the free and open expression and examination of views with a context of efficient transaction of the public's business.
  - ii. Contact a Board meetings, committee meetings, executive sessions and all interaction between Board members shall be appropriate to the deliberations an actions of a public body. Board members shall respect the feelings and opinions of other Board members. Board members shall not use profane or threatening language or gestures towards other Board members, staff members or public at meetings, in District e-mail or in any District related correspondence.
  - iii. Untimely or merely obstructionist use of parliamentary procedural rules are deemed by the Board to be inappropriate.
  - iv. Information provided to Board members shall be kept confidential and not shared with non-Board members. Individuals seeking information from the Board shall be directed to file a FOIL request with the Board or to attend a public meeting of the Board.
  - v. Failure to comply with these policies or any other Board policy or regulation or any State or Federal regulation may result in disciplinary action by the Board. Such Board action will be appropriate in light of the nature and circumstances of the offense. Such Board action may include but is not limited to:

1. Passage of a resolution critical of the Board member's action including censure or reprimands of the Board member.
2. An action by the Board to remove the Board member by its own action for official misconduct under the provisions of the Public Officer's Law.

**VI. Distribution of the Code of Ethics**

- a. The Chairman of the Board shall be responsible for distributing this Code of Ethics to every officer and employee of the Fire District within 10 days after the effective date of this resolution. Each officer and employee elected, appointed or employed thereafter shall be furnished with a copy before taking over the duties of their office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such a copy shall have no effect on the duty of compliance with this code.
- b. The secretary of the Board shall maintain an up to date copy of this Code in a binder of policies of the Fire District and shall be maintained at the Fire District office.

**VII. Penalties**

- a. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violates 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.

**VIII. Effective Date**

- a. This policy shall take effect January 8<sup>th</sup>, 2007

Chairman: \_\_\_\_\_

Board of Fire Commissioners, Stillwater Fire District  
Adopted January 8<sup>th</sup>, 2007

**Attachment:** General Municipal Law, Article 18, Conflicts of Interest of Municipal Officers and Employees

**General Municipal Law Article 18**  
**Conflicts of Interest of Municipal Officers and Employees**

**§ 800. Definitions.**

When used in this article and unless otherwise expressly stated or unless the context otherwise requires:

1. "Chief fiscal officer" means a comptroller, commissioner of finance, director of finance or other officer possessing similar powers and duties, except that in a school district the term shall not mean a member of the board of education or a trustee thereof.

2. "Contract" means any claim, account or demand against or agreement with a municipality, 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.

3. "Interest" means 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 article 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 and

(d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

4. "Municipality" means a county, city, town, village, school district, consolidated health district, county vocational education and extension board, public library, board of cooperative educational services, urban renewal agency, a joint water works system established pursuant to chapter six hundred fifty-four of the laws of nineteen hundred twenty-seven, or a town or county improvement district, district corporation, or other district or a joint service established for the purpose of carrying on, performing or financing one or more improvements or services intended to benefit the health, welfare, safety or convenience of the inhabitants of such governmental units or to benefit the real property within such units, an industrial development agency but shall have no application to a city having a population of one million or more or to a county, school district, or other public agency or facility therein.

5. "Municipal officer or employee" means an officer or employee of a municipality, whether paid or unpaid, including members of any administrative board, commission or other agency thereof and in the case of a county, shall be deemed to also include any officer or employee paid from county funds. 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.

6. "Treasurer" means a county treasurer, city treasurer, town supervisor, village treasurer, school district treasurer, fire district treasurer, improvement district treasurer,

president of a board of health of a consolidated health district, county vocational educational and extension board treasurer, treasurer of a board of cooperative educational services, public general hospital treasurer, or other officer possessing similar powers and duties.

**§ 803. Disclosure of interest.**

1. Any municipal officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the municipality of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the governing body thereof as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body.

2. Notwithstanding the provisions of subdivision one of this section, disclosure shall not be required in the case of an interest in a contract described in subdivision two of section eight hundred two hereof.

**§ 804. Contracts void.**

Any contract willfully entered into by or with a municipality in which there is an interest prohibited by this article shall be null, void and wholly unenforceable.

**§ 805. Violations.**

Any municipal officer or employee who willfully and knowingly violates the foregoing provisions of this article shall be guilty of a misdemeanor.

**§ 805-a. Certain action prohibited.**

1. No municipal officer or employee shall: a. directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances 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. disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests;

c. 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; or

d. 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 paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

2. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate this section may be fined, suspended or removed from office or employment in the manner provided by law.

**§ 806. Code of ethics.**

1. (a) The governing body of each county, city, town, village, school district and fire district shall and the governing body of any other municipality may by local law, ordinance or resolution adopt a code of ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them. Notwithstanding any other provision of this article to the contrary, a fire district code of ethics shall also apply to the volunteer members of the fire district fire department. Codes of ethics shall provide standards for officers and employees with respect to disclosure of interest in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and such other standards relating to the conduct of officers and employees as may be deemed advisable. Such codes may regulate or prescribe conduct which is not expressly prohibited by this article but may not authorize conduct otherwise prohibited. Such codes may provide for the prohibition of conduct or disclosure of information and the classification of employees or officers.

(b) Effective on and after January first, nineteen hundred ninety-one, such codes of political subdivisions, as defined in section eight hundred ten of this article, may contain provisions which require the filing of completed annual statements of financial disclosure with the appropriate body, as defined in section eight hundred ten of this article. Nothing herein shall be construed to restrict any political subdivision or any other municipality from requiring such a filing prior to January first, nineteen hundred ninety-one. Other than as required by subdivision two of section eight hundred eleven of this article, the governing body of any such political subdivision or other municipality may at any time subsequent to the effective date of this paragraph, adopt a local law, ordinance or resolution pursuant to subdivision one of section eight hundred eleven of this article and any such political subdivision or municipality, acting by its governing body, may take such other action as is authorized in such subdivision. Any political subdivision or other municipality to which all of the provisions of section eight hundred twelve of this article apply may elect to remove itself from the ambit of all (but not some) provisions of such section in the manner authorized in subdivision three of such section eight hundred twelve. In such event any such political subdivision or municipality shall be subject to certain conditions and limitations set forth in paragraphs (a), (b) and (c) of such subdivision three which shall include, but not be limited to, the promulgation of a form of an annual statement of financial disclosure described in subdivision one of such section eight hundred eleven.

2. The chief executive officer of a municipality adopting a code of ethics shall cause a copy thereof to be distributed to every officer and employee of his municipality. The fire district commissioners shall cause a copy of the fire district's code of ethics to be posted publicly and conspicuously in each building under such district's control. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

3. Until January first, nineteen hundred ninety-one, the clerk of each municipality shall file in the office of the state comptroller and on or after January first, nineteen hundred ninety-one, the clerk of each municipality and of each political subdivision, as defined in section eight hundred ten of this article, shall file with the temporary state commission on local government ethics established by section eight hundred thirteen of this article, if such temporary state commission be

in existence, and in all events shall maintain as a record subject to public inspection:

- (a) a copy of any code of ethics or any amendments to any code of ethics adopted within thirty days after the adoption of such code or such amendment,
- (b) a statement that such municipality or political subdivision has established a board of ethics, in accordance with section eight hundred eight and/or pursuant to other law, charter, code, local law, ordinance or resolution, and the composition of such board, within thirty days after the establishment of such board.
- (c) a copy of the form of annual statement of financial disclosure described in subdivision one of section eight hundred eleven of this article and either a statement of the date such annual statement form was promulgated by local law, ordinance or resolution of the governing body, if adopted pursuant to subparagraph (i) of paragraph (a) of subdivision one of section eight hundred eleven of this article, or a statement that the governing body has, by local law, ordinance or resolution, resolved to continue the use of an authorized form of annual statement of financial disclosure in use on the date such local law, ordinance or resolution is adopted, if adopted pursuant to subparagraph (ii) of paragraph (a) of subdivision one of section eight hundred eleven of this article, and if as of January first, nineteen hundred ninety-one, no such form was promulgated and no such resolve was made to continue using an existing annual statement form, a statement that the provisions of section eight hundred twelve of this article apply or that it is a municipality which is not subject to the provisions of section eight hundred twelve of this article because it is not a political subdivision as defined in section eight hundred ten of this article.
- (d) on or before the fifteenth day of February in each year, the comptroller or the temporary state commission on local government ethics if such commission be in existence, or the clerk of the municipality or political subdivision during or after calendar year nineteen hundred ninety-one if such commission not be in existence, as the case may be, shall submit to the legislature a report listing the name of each county, city, town, village and school district which has as of the thirty-first day of December next preceding, failed to so file with him or with it, as the case may be, a code of ethics, or in the case of a filing by the clerk of the municipality or political subdivision, stating whether or not the municipality or political subdivision has in effect as of the filing date, a code of ethics.
- (e) not later than April first, nineteen hundred ninety-one, the comptroller shall submit to the temporary state commission on local government ethics:
  - (i) a report that sets forth, (A) the name of each political subdivision, as such term is defined in section eight hundred ten of this article, the governing body of which has elected to satisfy the requirements of subdivision one of section eight hundred eleven of this article by continuing to use the annual statement form in existence at the time such election is made as authorized by subdivision one of section eight hundred eleven of this article, and (B) the name of each political subdivision, as so defined, other than those listed in clause (A) of this subparagraph (i), that timely promulgated an annual statement form of financial disclosure in accordance with subdivision one of section eight hundred eleven of this article, and (C) in a separate category, sets forth the name of those political subdivisions that failed to continue using its existing form or to promulgate a form and which, therefore, by operation of subdivision two of section eight hundred eleven of this article have become subject, as of January first, nineteen hundred ninety-one, to the provisions of section eight hundred twelve of this article. The comptroller shall, at the same time such report is submitted to the temporary state commission on local government ethics, notify each political subdivision which is contained in the latter category that it is subject to section

eight hundred twelve of this article; and (ii) a copy of the most recent filing by all municipalities and political subdivisions, made pursuant to paragraphs (a), (b), (c) and (d) of this subdivision.

**§ 807. Posting of statute.**

The chief executive officer of each municipality shall cause a copy of this article to be kept posted in each public building under the jurisdiction of his municipality in a place conspicuous to its officers and employees. Failure to post any such copy shall have no effect on the duty of compliance with this article, nor with the enforcement of the provisions thereof.

**808. Boards of ethics.**

1. The governing body of any county may establish a county board of ethics and appropriate moneys for maintenance and personal services in connection therewith. The members of such board of ethics shall be appointed by such governing body except in the case of a county operating under an optional or alternative form of county government or county charter, in which case the members shall be appointed by the county executive or county manager, as the case may be, subject to confirmation by such governing body. Such board of ethics shall consist of at least three members, a majority of whom shall not be officers or employees of such county or municipalities wholly or partially located in such county and at least one of whom shall be an elected or appointed officer or employee of the county or a municipality located within such county. The members of such board shall receive no salary or compensation for their services as members of such board and shall serve at the pleasure of the appointing authority.
2. The board shall render advisory opinions to officers and employees of municipalities wholly or partly within the county with respect to this article and any code of ethics adopted pursuant hereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board may prescribe and shall have the advice of counsel employed by the board, or if none, the county attorney. In addition, it may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon the request of the governing body of any municipality in the county.
3. The governing body of any municipality other than a county may establish a local board of ethics and, where such governing body is so authorized, appropriate moneys for maintenance and personal services in connection therewith. A local board shall have all the powers and duties of and shall be governed by the same conditions as a county board of ethics, except that it shall act only with respect to officers and employees of the municipality that has established such board or of its agencies. The members of a local board shall be appointed by such person or body as may be designated by the governing body of the municipality to serve at the pleasure of the appointing authority and such board shall consist of at least three members, a majority of whom are not otherwise officers or employees of such municipality. Such board shall include at least one member who is an elected or appointed municipal officer or employee.
4. The county board of ethics shall not act with respect to the officers and employees of any municipality located within such county or agency thereof, where such municipality has established its own board of ethics, except that the local board may at its option refer matters to

the county board. 5. A board of ethics of a political subdivision (as defined in section eight hundred ten of this article) and of any other municipality, which is required by local law, ordinance or resolution to be, or which pursuant to legal authority, in practice is, the repository for completed annual statements of financial disclosure shall notify the temporary state commission on local government ethics if such commission be in existence and if not, shall file a statement with the clerk of its municipality, that it is the authorized repository for completed annual statements of financial disclosure and that on account thereof, such completed statements will be filed with it and not with the commission. Should any local law, ordinance or resolution be adopted which provides for the filing of such completed annual statements with the temporary state commission on local government ethics instead of with such board of ethics, such board of ethics shall notify the temporary state commission on local government ethics of that fact.