

**BE IT ENACTED BY THE TOWN BOARD OF THE  
TOWN OF PITTSFORD, NEW YORK, AS FOLLOWS:**

**LOCAL LAW NO. 2 OF 2021:  
THE ADOPTION OF PROPOSED LOCAL LAW NO. 2 OF 2021:  
ADDING CHAPTER 7 TO THE TOWN OF PITTSFORD  
MUNICIPAL CODE TO BE ENTITLED  
“CODE OF ETHICS”**

**Section 1.     Purpose.**

Pursuant to the provisions of section 806 of the New York State General Municipal Law, the Town Board of the Town of Pittsford 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. Officers and employees of the Town of Pittsford 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 duties. It is the purpose of this local law to establish clear and reasonable standards of ethical conduct for the officers and employees of the Town of Pittsford. This code of ethics establishes those standards.

**Section 2.     Definitions.**

- (a)     “Municipal Officer or Employee” means an individual officer or employee of the Town of Pittsford, whether paid or unpaid, including members of any administrative or advisory board or committee thereof.
- (b)     “Relative” means a spouse, parent, step-parent, sibling, step-sibling, child, step-child or member of a household of a municipal officer or employee.
- (c)     “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 part of the Town. A municipal officer or employee is deemed to have an interest in any organization when the individual, the individual’s spouse, or a member of the individual’s household, is an owner, partner, member, officer, director or employee of the organization, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.

**Section 3.     Applicability.**

This code of ethics applies to every municipal officer and employee and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable state and local laws relating to conflict 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.

**Section 4.     Prohibition on personal gain.**

Municipal officers and employees shall not use a municipal position or official powers and duties to secure a financial or material benefit for themselves, a relative, or any private organization in which they are deemed to

have an interest. Earned compensation or experience from job performance shall not be considered a financial or material benefit.

**Section 5. Disclosure of interest in legislation and other matters.**

Whenever a matter requiring the exercise of discretion, as opposed to ministerial action, comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to the municipal officer or employee, a relative, or any private organization in which the individual is deemed to have an interest, the municipal officer or employee shall disclose the nature of the interest. In the case of a non-elected municipal officer or employee, written disclosure shall be made to the individual's supervisor or to the Director of Human Resources when the matter requiring disclosure first comes before the municipal officer or employee, or when such person first acquires knowledge of the interest requiring disclosure, whichever is earlier. In the case of an elected municipal officer or employee, disclosure shall be made publicly at a meeting of the Town Board and shall be included in the minutes of the meeting.

**Section 6. Recusal.**

A municipal officer or employee shall not participate in any decision or take any official action on any matter requiring the exercise of discretion, where the individual knows, or has reason to know, that the decision or action could confer a direct or indirect financial or material benefit on that person, a relative, or any private organization in which the person is deemed to have an interest. Where a board member recuses, board power or duty shall be exercised by the other board members, subject to law. Where an individual municipal officer recuses, municipal power or duty shall be performed by the recusing officer's deputy or a substitute to whom the function is lawfully delegated. Where an individual municipal employee recuses, the recusing person must report the matter to such person's immediate supervisor, who shall designate another officer or employee to perform the power or duty.

**Section 7. Investments in conflict with official duties.**

During service or employment with the Town, no municipal officer or employee may acquire any investments which can be reasonably expected to require more than sporadic recusal under this code or which would otherwise impair such person's independence of judgment when exercising or performing official powers and duties. Any other investments may be acquired, including (a) real property located within the Town and used for personal residence; (b) less than five percent of the outstanding stock or other ownership interest of a business entity; (c) bonds or notes issued by the Town and acquired more than one year after the date on which the bonds or notes were originally issued; or (d) pooled funds in which the municipal officer or employee participates but which such person does not direct.

**Section 8. Private employment in conflict with official duties.**

No municipal officer or employee, during the individual's tenure with the Town, may engage in any private employment which (a) can be reasonably expected to require more than sporadic recusal under this code or disclosure or use of confidential information gained by the individual's service for the Town; (b) violates section

805-a(1)(c) or (d) of the General Municipal Law regarding an agreement for the compensation of services related to any matter before the Town or any of its boards; or (c) requires representation of a person or organization other than the Town in a matter in which the Town is a party.

**Section 9. Future employment.**

After a municipal officer's or employee's service or employment with the Town has terminated, no such individual may represent or render services to a private person or organization before any Town board or officer in connection with any particular transaction in which the individual personally and substantially participated while serving as a municipal officer or employee.

**Section 10. Personal representations and claims permitted.**

This code shall not be construed as prohibiting present or former municipal officers or employees from (a) representing themselves, or their relatives, before the Town; or (b) asserting any claim, account, demand, or suit against the Town or any board or officer thereof, on behalf of themselves or their relatives, arising out of any personal injury or property damage claims, or for any lawful benefit authorized or permitted by law.

**Section 11. Town resources.**

Town resources, including but not limited to, Town personnel, money, vehicles, equipment, and materials, shall be used solely for lawful municipal purposes, and not for personal or private purposes or for partisan political matters. This provision shall not be construed as prohibiting (a) the use of Town resources authorized by law, Town policy, or board resolution; (b) the use of Town resources for personal or private purposes when provided to a municipal officer or employee as part of the officer's or employee's compensation; or (c) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters.

**Section 12. Interest in contracts.**

No municipal officer or employee may have an interest in a contract with the Town prohibited by section 801 of the General Municipal Law. Any such interest shall be disclosed as required by section 803 of the General Municipal Law.

**Section 13. Nepotism.**

No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline, or discharge a relative for any position with the Town or any of its boards, nor may a municipal officer or employee supervise a relative in the performance of the relative's official powers and duties. For purposes of this section only, the term "relative" shall extend beyond its definition to include any person with whom a municipal officer or employee has a romantic relationship.

**Section 14. Political solicitations and activities.**

- (a) No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal 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 municipal 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 other municipal officer or employee, or applicant thereof, on the basis of the giving or withholding of any political contribution.
- (c) No municipal officer or employee shall knowingly solicit or receive a political contribution from any person with a pending application, bid or contract subject to a vote by that municipal officer or employee as a member of a board.
- (d) No municipal officer or employee shall use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
- (e) No municipal officer or employee may engage in partisan political activities while on duty.
- (f) No municipal officer or employee may at any time use Town media or communications to further any partisan political activities. The use of Town media or communications to inform Town residents of Town activities affecting them shall not be considered "partisan political activities." Social media or other communications platforms created by a municipal officer or employee for such person's own use as a municipal officer or employee shall not be considered "Town media or communications." The Town shall not share postings from a social media platform of an elected municipal officer or employee on the Town's own media or communications platforms, except for emergencies affecting public safety.

**Section 15. Confidential information.**

No present or former municipal officer or employee shall disclose confidential information acquired in the course of the officer's or employee's official duties or use it to further anyone's personal interest, unless such disclosure or use is required by law. Confidential information includes, but is not limited to, matters and documents discussed in an executive session of a Town board, and any other information not lawfully available to the public whether by Freedom of Information Law request or otherwise.

**Section 16. Gifts.**

No municipal officer or employee shall directly or indirectly solicit any gift, or accept any gift or multiple gifts from the same donor having an annual aggregate value of seventy-five dollars or more, whether in the form of money or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the individual in performing official duties or was intended as a reward for any official action on the individual's part. For purposes of this section, the word "gift" shall exclude any gift from family members motivated by the familial relationship, a gift given on special occasions which is modest and customary, unsolicited promotional material of little intrinsic value, awards having a value of seventy-five dollars or less which are publicly presented in recognition of public service, meals and refreshments provided at a job-related conference, or

attendance at local social events or activities that fulfill a public purpose or are open to the general public, nor shall a contribution to a campaign finance committee of a municipal officer or employee be considered a "gift."

**Section 17. Exceptions.**

A municipal officer or employee may contract with, invest in, or otherwise participate in the following activities:

(a) a contract with a person, firm, corporation, or association that transacts business with the Town if the activity would be prohibited solely because the municipal officer or employee is employed by the person, firm, corporation, or association, if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement, preparation or performance of any part of the contract;

(b) the purchase by the Town of real property, or an interest in real property, owned by a municipal officer or employee, provided that the purchase and consideration for the purchase is approved by order of the Supreme Court upon petition of the Town Board, in accordance with section 802(1)(d) of the General Municipal Law;

(c) the acquisition of real property, or an interest in real property, through condemnation proceedings in accordance with law;

(d) a contract in which the municipal officer or employee has an interest if the contract was entered into prior to the time the municipal officer or employee was elected or hired, but the contract should not be renewed unless the contract meets the requirements for exception (a) above;

(e) a contract with a business entity in which a municipal officer or employee has less than five per cent ownership of the outstanding stock or other ownership interest; and

(f) a contract for payment of no greater than a reasonably documented market rent for rooms owned or leased by a municipal officer or employee for use as an office or chamber for the performance of official duties.

**Section 18. Distribution of this code.**

The Town Supervisor shall cause a copy of this code of ethics to be distributed to every municipal officer and employee and made available to the public by posting it on the Town's official website within 30 days of the effective date of this local law. Each municipal officer or employee who is elected, hired, or appointed thereafter shall be furnished a copy of this code before entering upon official duties, and shall acknowledge receipt of same in writing. The failure of a municipal officer or employee to receive a copy of this code or acknowledge receipt thereof in writing shall not affect either the applicability or enforceability of this code or any amendment thereto.

**Section 19. Enforcement.**

Any non-elected municipal officer or employee who knowingly and intentionally violates this code may be disciplined, suspended, removed, or terminated pursuant to policies and procedures set forth in the Town Employee Handbook and Personnel Rules. The Town Board may consider a resolution to reprimand any Town Board member for knowingly and intentionally violating this code. Any such resolution shall be introduced, considered and discussed only in executive session. If the Town Board chooses not to proceed to a vote, it shall

announce only that a reprimand under the ethics code was considered and rejected. Any vote shall be public, on the resolution “that the reprimand discussed in executive session be approved.” If approved, the resolution will be entered into the record of the meeting as naming the person reprimanded and the section of the ethics code violated. All municipal officers and employees shall keep strictly confidential all aspects of any claim of violation of this ethics code. No municipal officer or employee shall bring, or assist or participate in bringing, a frivolous or unsubstantiated claim of violation of this code. No municipal officer or employee shall retaliate against an individual who makes a good faith claim of violation of this Ethics Code.

**Section 20. Effective date.**

This ethics code shall take effect immediately upon filing of this local law with the Secretary of State.