

TOWN OF THURSTON CODE OF ETHICS

PURPOSE: Employees, elected officials, and appointed officials of the Town of Thurston hold their positions to serve the public, not to obtain financial or other personal benefits to themselves, relatives, customers, clients, or in the instance of an elected official, a person who has made campaign contributions to the official within a twelve month period. To clarify this principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

DEFINITIONS:

1. **Employee:** a paid employee of the Town of Thurston
2. **Official:** elected and appointed officials of the Town of Thurston
3. **Family Member:** a parent, sibling, spouse, child, uncle, aunt, first cousin, in-law, or household member
4. **Interest:** a direct or indirect monetary, financial, or other material benefit. A person is deemed to have an interest in the contracts of any firm, partnership, or corporation of which he or she is an owner, partner, director, officer, employee, or stockholder.
5. **Recusal:** an official may not deliberate, vote, or participate in any way in a matter that creates the appearance of impropriety. The official should disclose the conflict and remove himself or herself from the board. The official should not provide input regarding the matter in his capacity as a member of the public.
6. **Gift:** anything of value whether in the form of money, service, loan, travel, entertainment, hospitality, thing of promise, or in any other form. The value of a gift is its fair market value determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the owner holder to any 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, employee, or member during the twelve-month period preceding the receipt of the most recent gift.

APPLICABILITY: This code of ethics applies to the employees, elected officials, and appointed officials of the Town of Thurston.

APPEARANCE OF IMPROPRIETY: Employees and officials must avoid circumstances that would compromise their ability to make decisions solely for the public interest or make a decision that would create the appearance of impropriety. The appearance of impropriety could be defined as giving the impression that he or she is exercising or performing official duties on the basis of family, private business or social relationships, or for any consideration other than the welfare of the Town of Thurston. No employee or official shall use his or her position to secure unwarranted personal or private gain for himself or herself or for any other person or organization.

RECUSAL: No employee or official may participate in any discussion or vote on any matter, or exercise or perform any other official powers or duties in connection with any matter which will provide a personal or financial benefit to themselves, family members, customers or clients, or a person who has made a campaign contribution to the official within the last 12 month period. An official must recuse himself or herself when faced with the above conflicts and disclose the reason for the recusal.

USE OF POSITION FOR PERSONAL OR PRIVATE GAIN: No employee or official of the Town of Thurston shall use his or her position to secure unwarranted personal or private gain for himself or herself, or for any other person or any organization.

TOWN PROPERTY AND RESOURCES: No employee or official may use town-owned property, assets, or any resources for personal purposes or profit or to benefit himself or herself or any family member. Use of these resources is restricted to the conduct of official business, for the benefit of all residents and to further an official, public purpose. Town resources include, but are not limited to, the use of town employees for personal business, use of town money, vehicles, equipment, materials, supplies, or other property.

This section does not prohibit an employee or an official from:

1. voting to approve the town budget
2. authorizing or receiving lawful compensation for services as an employee or official of the Town of Thurston
3. authorizing or receiving lawful payment or reimbursement for actual and reasonably necessary expenses incurred by an employee or official in the performance of his or her official duties
4. performing a mandatory function that does not require the exercise of discretion.

HOLDING OF INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES: No employee or official of the Town of Thurston may hold the following investments:

1. Personal investments that will be directly affected by the exercise or performance of the person's official duties or powers
2. Personal investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers or duties

However, this does not prohibit an employee or official from owning any of the following assets:

1. Real property within the Town of Thurston
2. Less than five percent of the stock of a publicly traded corporation
3. Bonds or notes issued by the Town of Thurston and acquired more than one year after the date on which the bonds or notes were originally issued.

NEPOTISM: Spouses and other family members of a municipal official may not serve in positions whose duties conflict or appear to conflict with the duty of the official. They may not serve on a commission, board, or body of which the official is a member.

PRIVATE EMPLOYMENT IN CONFLICT WITH OFFICIAL DUTIES: A town employee or official may not solicit, negotiate for, or accept employment or engage in any business or professional activity which:

1. impairs his or her judgment in the exercise or performance of his or her official duties and powers,
2. is likely to require disclosure of confidential information gained by reason of serving as an employee or official of the Town of Thurston,
3. requires representation of a person or organization other than the Town of Thurston in connection with litigation, negotiations, or any other matter to which the Town of Thurston is a party,

This section does not prohibit an employee or official from:

1. representing himself or herself or his or her spouse or minor children before the Town of Thurston,

2. asserting a claim against the Town of Thurston on his or her behalf or on behalf of his or her spouse or minor children,
3. performing services pursuant to a lawful and duly authorized contract with the Town of Thurston provided that if the consideration payable under the contract exceeds \$1000 and the contract was lawfully awarded through competitive bidding or some other competitive process.

CONFIDENTIAL INFORMATION: No employee or official of the Town of Thurston who acquires confidential information in the course of performing or exercising his or her official powers and duties may disclose such information unless this disclosure is required in the course of exercising or performing his or her official powers or duties.

SUBORDINATES: No official shall solicit political contributions from subordinates or request that they attend political functions or engage in any political activity.

INCOMPATIBLE POSITIONS: No official may hold more than one position with the town when one is subordinate to another. No official may hold more than one position with the town when the duties of the position conflict.

GIFTS: An employee or official may not solicit any gift, nor may he receive any gift, whether financial or in any other form from any person who is doing or seeking to do business of any kind with the Town of Thurston including applications for permits or approvals or who has done business with the Town during the last 12 months, or from a lobbyist representing a person before the Town. An official may not solicit any gift or payment as a reward for the exercise of official duties. Generally an official may not receive or solicit any gift creating the appearance that his official duties may be influenced or that his responsibility to make impartial decisions solely in the public interest is compromised.

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

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

A gift from a person or organization that seeks a contract or bid with the Town of Thurston is presumed to be a gift that is intended to influence an employee or officer in the exercise or performance of his or her official powers or duties.

A gift from an organization that has a contract with the Town of Thurston or has had a contract with the Town during the preceding twelve months is presumed to be a gift intended as a reward for official action.

This section does not prohibit the following:

1. Gifts made to the Town of Thurston
2. Gifts from a person with a family or personal relationship with the employee or official when the circumstances make it clear that it is that personal relationship, rather than the recipient's status as an employee or official that is the primary motivating factor for the gift

3. Gifts which are modest, reasonable, or customary, given on special occasions such as a marriage, illness, birthday, or retirement
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 an employee or official or for the provision of other service to the community
6. Payments of rewards authorized by law.

REVOLVING DOOR: No official who has left municipal service shall appear before or receive compensation in a matter before the Town of Thurston for a period of one year after his or her departure. He or she is also barred from appearing or receiving compensation regarding a matter he was personally involved in as a Town of Thurston official.

However, this does not prohibit an employee or official from:

1. representing himself or herself, spouse, or minor children before the Town of Thurston
2. asserting a claim against the Town of Thurston on his or her behalf or on behalf of a spouse or minor children,
3. performing services pursuant to a lawful and duly authorized contract with the Town of Thurston and that if the consideration payable under the contract exceed \$1000 and the contract was awarded through competitive bidding or some other competitive process

BOARD OF ETHICS: The Town Board shall establish a Board of Ethics comprised of at least three members, a majority of whom shall not be employees or officers of the Town of Thurston but at least one who must be an employee or official of the Town of Thurston. The members of the Board of Ethics shall be appointed by the Town Council and will receive no salary or compensation for their service on this board.

The Board of Ethics shall issue advisory opinions to employees and officials with respect to Article 18 of the General Municipal Law and this Code of Ethics. Advisory opinions must be rendered pursuant to the written request of any employee or official under such rules and regulations as the Board of Ethics may prescribe. The Board of Ethics shall have the advice of legal counsel employed by the Town of Thurston. The Board of Ethics may also make recommendations with respect to the drafting and adoption of a code of ethics or any amendments thereto upon request of the Thurston Town Council.

POSTING AND DISTRIBUTION: The Thurston Town Council must promptly cause a copy of this Code of Ethics and any amendments hereto to be posted publicly and conspicuously in each Town building. The Code of Ethics and any amendments must be posted within ten days after they take effect.

The Town Supervisor must distribute a copy of this Code of Ethics to every employee and official of the Town of Thurston. Every employee and official who receives a copy of this Code of Ethics or any amendments hereto must acknowledge such receipt in writing. Such receipt must be filed with the Thurston Town Clerk and maintained as a public record.

Failure to post this Code of Ethics or any amendments hereto does not affect either the applicability of enforceability to the code or amendments. The failure of an employee or official to receive a copy of the code or any amendments to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforcement of the code or amendment.

ENFORCEMENT: Any employee or official who violates this code of ethics may be fined, suspended, or removed from office or employment in the manner provided by law. A violation of the code is deemed misconduct within the meaning of section 209-1 of General Municipal Law.

EFFECTIVE DATE: This revised Code of Ethics for the Town of Thurston will be effective February 15, 2012 and will supersede any previous Code passed by the Town of Thurston.