

THE FOLLOWING WAS ADOPTED BY THE GENERAL MEMBERSHIP ON MAY 1<sup>ST</sup> 2007 DURING A REGULARLY SCHEDULED MONTHLY MEETING THROUGH A MAJORITY VOTE OF THOSE IN ATTENDANCE;

*WHEREAS, article 10 of the General Municipal Law, section 209-ee - Adoption of a code of ethics and disclosure of interests by fire companies was passed and signed into law.*

*WHEREAS, section § 209-ee. Adoption of a code of ethics and disclosure of interests by fire companies reads:*

*1. Notwithstanding any provision of general, special or local law to the contrary, every fire company that contracts with or is under the control of a county, city, town, village or fire company to provide fire protection or other emergency service, shall adopt a code of ethics. Such code shall set forth the standards of conduct reasonably expected.*

*WHEREAS, Any elected and/or appointed officer of a volunteer fire company responsible for governance, including but not limited to a line officer, treasurer, president, vice president and secretary, 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 fire company of which he or she is a member, 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.*

*NOW, THEREFORE, be it resolved that the membership of the Interlaken Fire Department, Incorporated hereby adopts a code of ethics to read as follows:*

### **Code of Ethics of the Interlaken Fire Department, Incorporated**

#### **Section 1. Purpose.**

*Officers and members of the Interlaken Fire Department, Incorporated, 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 powers and duties. The members recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.*

#### **Section 2. Definitions.**

*(a) "Family member" means a parent, sibling, spouse, child, uncle, aunt, first cousin, or household member.*

*(b) "Fire Company" means the Interlaken Fire Department, Incorporated*

*(c) "Interest" means a direct or indirect monetary, financial or other material benefit, but does not include any benefit arising from the provision or receipt of fire protection or other emergency services generally available to the residents protected by the fire company. 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.*

*(e) "Member of the fire company" or "fire company member" means a volunteer member of the fire company. The official powers and duties of a fire company member refers to the individual's powers and duties under laws, under rules or regulations adopted by the fire company, or under policies or procedures of the of the fire company trustees or the chief of the fire company.*

*(f) "Officer" means a person serving as a volunteer officer of the fire company including, but not limited to, the members of the fire company trustees, treasurer, deputy treasurer, secretary, director of purchasing, and the chief and assistant chiefs of the fire company.*

#### **Section 3. Applicability.**

*This code of ethics applies to the officers and members of the fire company. The provisions of this code of ethics shall apply in addition to all laws, including article 10 of the General Municipal Law, all rules and regulations of the fire company and all policies and procedures of the fire company trustees.*



#### **Section 4. Appearance of impropriety.**

*No officer or member of the fire company shall create an appearance of impropriety, by giving the impression that he or she will exercise or perform his or her official duties on the basis of family, private business or social relationships, or any consideration other than the welfare of the fire company.*

#### **Section 5. Use of position for personal or private gain.**

*(a) No officer and no member of the fire company, may use his or her position to secure unwarranted personal or private gain for himself or herself, or for any other person or any organization. Unwarranted personal or private gain does not include any payment, benefit or opportunity that is available to any of the following groups of people:*

- (1) all of the officers, members or members of the fire company;*
- (2) all of the eligible residents of the fire company or a duly established zone of the fire company; or*
- (3) the general public.*

*(b) No officer and no member of the fire company, may use or permit the use of fire company resources for personal or private purposes. Fire company resources include, but are not limited to, use of fire company personnel, or use of the fire company's money, vehicles, equipment, materials, supplies or other property.*

*(c) No officer and no member of the fire company shall cause the fire company to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.*

*(d) This section does not prohibit an officer or member from:*

- (1) responding to a fire or other emergency;*
- (2) voting to approve the fire company's annual budget;*
- (3) authorizing or receiving lawful compensation for expenses as an officer or employee of the fire company;*
- (4) authorizing or receiving lawful payment or reimbursement for actual and reasonably necessary expenses incurred by an officer or member in the performance of his or her official duty;*
- (5) authorizing or receiving lawful benefits as a fire company member including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law;*
- (6) authorizing or receiving payments under a lawful fire company contract;*
- (7) using fire company personnel, vehicles, equipment, materials, supplies or property for any purpose pursuant to law; or upon approval from the fire company's trustees;*
- (8) performing a mandatory function that does not require the exercise of discretion.*

#### **Section 6. Recusal and abstention.**

*(a) Except as otherwise required by law, no officer and no member of the fire company may participate in the discussion or vote on any matter, or exercise or perform any other official powers or duties in connection with, any matter, when any of the following people have an interest in the matter:*

- (1) the officer or member;*
- (2) a family member of the officer, member; or*
- (3) a family member of the spouse of the officer, or fire company member.*

*(b) In the event that subdivision (a) of this section prohibits an officer or member from exercising or performing his or her official powers or duties:*

- (1) if the officer has a deputy who is not prohibited by subdivision (a) from exercising or performing the power or duty, the deputy shall exercise or perform the power or duty; or*
- (2) in all other cases the officer or member must refer the matter to the fire company trustees.*

*(c) When a matter is referred to the fire company trustees pursuant to subdivision (b) of this section, the power or duty shall be exercised or performed by the fire company trustees, or fire company trustees may delegate the power or duty*



to one or more persons who are authorized to perform the function and not prohibited from doing so by subdivision (a) of this section.

(d) This section does not prohibit an officer or member from performing a mandatory function that does not require the exercise of discretion.

### **Section 7. Holding of investments in conflict with official duties.**

(a) No officer and no member of the fire company may hold the following investments:

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

(b) This section does not prohibit an officer or member from owning any of the following assets:

- (1) real property located within the area served by the fire company and used as his or her personal residence;
- (2) less than five percent of the stock of a publicly traded corporation; or
- (3) bonds or notes issued by the fire company and acquired more than one year after the date on which the bonds or notes were originally issued.

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

(a) No officer or member of the fire company may accept employment or engage in any business or professional activity which:

- (1) impairs the person's independence of judgment in the exercise or performance of his or her official powers and duties;
  - (2) is likely to require disclosure of confidential information gained by reason of serving as an officer or member;
- or
- (3) requires representation of a person or organization other than the fire company in connection with litigation, negotiations or any other matter to which the fire company is a party.

(b) No officer or member of the fire company, may:

- (1) represent another person or organization before the fire company trustees or any other body or officer of the fire company;
- (2) render services to another person or organization in relation to any matter which must come before the fire company trustees or any other body or officer of the fire company; or
- (3) render services to another person or organization in relation to any matter which is pending before the fire company trustees or any other body or officer of the fire company.

(c) This section does not prohibit an officer or member from:

- (1) representing him or herself, or his or her spouse or minor children before the fire company;
- (2) asserting a claim against the fire company on his or her own behalf, or on behalf of his or her spouse or minor children; or
- (3) performing services pursuant to a lawful and duly authorized contract with the fire company, provided, that if the consideration payable under the contract exceeds \$1,000, the contract was awarded through competitive bidding or some other competitive process.



## **Section 9. Confidential Information.**

No officer or member of the fire company, who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose such information unless the disclosure is required in the course of exercising or performing his or her official powers and duties.

## **Section 10. Gifts.**

(a) No officer no member of the fire company may directly or indirectly solicit any gift.

(b) No officer no member of the fire company 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 officer or member in the exercise or performance of his or her official powers or duties;
- (2) the gift could reasonably be expected to influence the officer or member in the exercise or performance of his or her official powers or duties; or
- (3) the gift is intended as a reward for any official action on the part of the officer or member.

(c) For purposes of this section, a "gift" 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 seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or member during the twelve-month period preceding the receipt of the most recent gift.

(d) (1) A gift from a person or organization that seeks to contract with the fire company is presumed to be a gift that is intended to influence an officer or member in the exercise or performance of his or her official powers or duties.

(2) A gift from a person or organization that has a contract with the fire company, or has had a contract with the fire company during the preceding twelve months, is presumed to be a gift intended as a reward for official action.

(e) This section does not prohibit:

- (1) gifts made to the fire company;
- (2) fund raising activities authorized by and pursuant to new York State Law;
- (3) gifts from a person with a family or personal relationship with the officer or member when the circumstances make it clear that it is that personal relationship, rather than the recipient's status as an officer or member, that is the primary motivating factor for the gift;
- (4) gifts which are modest, reasonable and customary, given on special occasions, such as marriage, illness, or retirement;
- (5) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (6) awards and plaques which are publicly presented in recognition of service as an officer or member, or other service to the community; or
- (7) payments of rewards authorized by law.

## **Section 12. Advisory Opinions.**

Officers and members in respect to this code of ethics may request advisory opinions by written request to the fire company trustees. In addition, Officers and members may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, through the fire company trustees. The fire company trustees are to review and make their opinion known to the general body at a regular monthly business meeting. The amendment shall pass or fail by two thirds vote of the attending notwithstanding any provision of general, special or local law to the contrary. The fire company trustees shall have the authority to obtain advice from the fire company's legal counsel or other legal counsel as required.



**Section 13. Posting and distribution.**

(a) *The fire company trustees must promptly cause a copy of this code of ethics, and a copy of any amendment to this code of ethics, to be posted publicly and conspicuously in main facility used by the fire corporation. The code of ethics must be posted within ten days following the date on which the code takes effect. An amendment to the code of ethics must be posted within ten days following the date on which the amendment takes effect.*

(b) *The secretary of the fire company must promptly cause a copy of this code of ethics, including any amendments to the code, to be distributed to every person who is or becomes an officer or a member of the fire company.*

(c) *Every officer who receives a copy of this code of ethics or an amendment to the code must acknowledge such receipt in writing. Such receipts must be filed with the secretary of the fire company who must maintain such receipts as a public record.*

(d) *The secretary shall record the date sent and the member's name and address to which the copy was sent.*

(e) *The failure to post this code of ethics or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of an officer or member to receive a copy of this code of ethics or an amendment to the code or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.*

**Section 14. Enforcement.**

*Any officer, employee or member who violates this code of ethics may be suspended or removed from office or membership in the fire company through due process as provided by New York State Law and the fire company's By-laws and Constitution.*

**Section 15. Effective date.**

*This code of ethics takes effect on the first day of June, two thousand seven.*

