



Code of Ethics

Bureau of Human Resource Management

City of Rochester, New York



A. Preamble. Officers and employees of the City of Rochester shall hold their positions to serve and benefit the public and not for personal gain or advantage. The City Council recognizes that in order to implement this fundamental principle there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes such standards by defining and prohibiting acts incompatible with the public interest. The City Council also recognizes that compliance with ethical standards rests primarily on personal integrity, and further recognizes that integrity of City officers and employees generally. However, in order that the offending case be discerned with certainty and corrected quickly, this Code of Ethics also establishes a Board of Ethics, which shall render opinions with respect to the code and compliance with the ethical standards set forth herein. Finally, the City Council recognizes that City officers and employees have a right to privacy and a right to share in the normal benefits of the democratic society they serve and the economy to which they contribute; therefore, this Code of Ethics is not intended and should not be interpreted to intrude unreasonably upon the privacy of any officer or employee or to deny to any officer or employee the right to participate in government programs open to the public generally.

B. Definitions. When used in this code, the following words and phrases shall have the following meanings:

1. AGENCY - Any department, bureau, division, board, commission, or other administrative or organizational unit of the City government, or the City Council.
2. CLAIM - Any demand, written or oral, made upon the City to fulfill an obligation arising from law or equity.
3. CONTRACT - Any obligation to do something arising from an exchange of promises or consideration between or among persons, regardless of the particular form in which it is stated.
4. FAMILY - The parent, sibling, spouse or child of a person or any members of a person's immediate household.
5. OFFICER or EMPLOYEE - Any person elected, appointed or hired to serve the City of Rochester in any capacity, whether paid or unpaid, or for a term fixed or not fixed, including, without limit, persons serving on a temporary, part-time or seasonal basis, persons paid with funds derived from other than City revenue sources and persons serving on administrative or advisory boards, commissions or committees, whether permanent or temporary.
6. PERSON - Any individual, corporation, partnership or business entity, association or organization and shall include a City officer or employee.

7. AN INTEREST - A benefit or advantage of an economic or tangible nature that a person or a member of his or her family would gain or lose as a result of any decision or action, or omission to decide or act, on the part of the City government or any of its agencies, officers and employees.

Words in the singular number shall include the plural number, and words in the plural number shall include the singular number. The masculine gender shall include the feminine, and the feminine gender shall include the masculine. Where the word "he" appears, read "he or she."

C. Ethical Standards.

1. No City officer or employee shall have any employment, or engage in any business or commercial transaction, or engage in any professional activity, or incur any obligation, as a result of which, directly or indirectly, he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her official duties or that would be in conflict with the performance of his or her duties.
2. No City officer or employee shall have or enter into any contract with any person who has or enters into a contract with the City unless:
 - (a). The contract between the person and the City is awarded pursuant to the competitive bidding procedures of the General Municipal Law; or
 - (b). The contract between the person and the City is one with respect to which the City officer or employee:
 - (1) Has no interest;
 - (2) Has no duties or responsibilities, or, if the contract with the person is one which the City officer or employee entered into prior to becoming a City officer or employee, he or she abstains from any performance of duties or responsibilities; and
 - (3) Exercises or attempts to exercise no influence.
3. No City officer or employee shall discuss, vote on, decide or take part in, formally or informally, any matter proposed or pending before any agency or other City officer or employee in which he or she has an interest. This provision shall not apply to any City officer or employee whose interest in the proposed or pending matter is minimal, provided that these procedures are followed strictly:

- (a). The City officer or employee shall identify his or her interest, that is, the benefit or advantage that would be gained or lost if the City acts on the matter in various ways, and the underlying basis of it, such as ownership, an investment, a contract or claim, employment or a relationship, if any.
 - (b). The City officer or employee shall completely and specifically describe and disclose his or her interest and its underlying basis, if any, in writing to his or her immediate superior and the Chairperson the Board of Ethics in advance of his or her participation in the matter.
 - (c). If either the City officer or employee or his or her immediate superior or the Chairperson of the Board of Ethics thinks that the disclosure reasonably raises a question whether the interest is minimal, the question shall be submitted to the Board of Ethics for an opinion, prior to which the officer or employee shall not participate in the matter. Failure to disclose properly or abide by the opinion of the Board of Ethics shall make any participation of the officer or employee in the matter null and void.
- 4. No City officer or employee, acting in the performance of his or her official duties, shall treat, whether by action or omission to act, any person more favorable than it is the custom and practice to treat the general public.
 - 5. No City officer or employee shall use or permit the use of city-owned vehicles, equipment, materials or property for the convenience or profit of himself or herself or any other person.
 - 6. No City officer or employee shall solicit any gift, nor shall any City officer or employee accept or receive any gift having a value of \$25 or more, regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before any City Agency. The provisions of this subsection shall not apply to contributions solicited or received in accordance with the Election Law of the State of New York.
 - 7. No City officer or employee shall disclose without proper authorization nonpublic information or records concerning any aspect of the government of the City, nor shall he or she use such information to the advantage or benefit of himself or herself or any other person.

8. No City officer or employee privy to nonpublic information regarding the allocation of City funds or having direct influence or control over the allocation of City funds shall be a director, officer or trustee of any organization which receives, from or through the City, funds that constitute 10% or more of the organization's annual operating and capital budget, except where appointment to such position is approved by a duly adopted resolution of the City Council.
9. No City officer or employee shall own in person or through an agent or broker, or be a principal in any corporation, partnership or other business entity which owns, any real property within the City of Rochester that is in violation of City or state laws or regulations. Property shall be deemed to be in violation when a reasonable and proper notice and order to correct violations duly issued has not been obeyed in a timely manner.
10. No City officer or employee compensated by the City for such service shall represent any person in any action or proceeding, whether judicial or administrative, to which the City is a party, or before any City agency or other City officer or employee. This provision shall not apply to the Corporation Counsel when representing persons within the scope of official duties. This provision also shall not apply to members of the Board of Assessment Review, hearing officers, arbitrators or mediators compensated by the City for such services, who shall instead be covered by Subsection C11 below; or to outside counsel hired by the City where the Corporation Counsel determines that the outside counsel, or the outside counsel's firm, does not have an interest in conflict with that of the City.
11. No City officer or employee who serves the City without compensation, or member of the Board of Assessment Review hearing officer, arbitrator or mediator compensated by the City, shall represent any person before the agency he or she serves or before any other City officer or employee who regularly serves the agency he or she serves or before any other agency on merits directly involving the agency he or she serves.
12. No former City officer or employee shall at any time after he or she leaves the agency he or she served represent a person before any agency on a specific matter with which he or she was directly involved or of which he or she has special knowledge, if the representation would be adverse to the position of the City on the matter. The Corporation Counsel may seek an injunction to enforce the provisions of this subsection.

D. Rules and regulations. The Mayor may issue rules and regulations governing officers and employees subject to his or her jurisdiction, and the President of City Council may issue rules and regulations governing members of the City Council and officers and employees subject to the Council's jurisdiction, consistent with and in furtherance of the requirements set forth in this code. Any rules and regulations or amendments thereto shall be filed with the City Clerk and formally communicated to the City Council and the Board of Ethics.

E. Discipline and Removal. The doing of any act prohibited or the failure to do any act required by the Code of Ethics or rules and regulations issued pursuant thereto shall constitute grounds for disciplinary action, including removal, and any City officer or employee subject to the Mayor's jurisdiction and any elected City officer or employee or one subject to the City Council's jurisdiction who violates a provision of the Code of Ethics shall be subject to discipline or removal, in the discretion of the appropriate appointing authority, in the manner provided by law.

F. Board of Ethics.

1. There shall be a seven-member Board of Ethics appointed by the City Council. Members shall consist of one City Councilperson, a department head or other City officer or employee of at least equivalent rank or title designated by the Mayor, who shall serve as the Board's Secretary, and five other members who shall not be City officers or employees at the time of their appointment, not more than three of whom out of the five shall be members of the same political party. All members shall be residents of the City of Rochester and individuals known for their personal integrity and recognized interest in civic affairs. The City Councilperson shall serve at the pleasure of the City Council, and in any event for no longer than his or her term of office. The term of the Mayor's designee shall be coterminous with the term of the Mayor. The five other members shall be appointed for three-year terms, except that the first member appointed shall serve for one year, and the second member appointed shall serve for two years. Any member may be reappointed, and after the expiration of his or her term, each member shall hold over until a successor is appointed, if necessary. The Board members serving on the effective date of this amendment shall complete their original terms. The Board shall appoint a chairperson from among its members. The Board shall make appropriate rules and regulations governing its procedures. The rules and regulations shall be filed with the City Clerk and formally communicated to the City Council. The Corporation Counsel shall provide legal advice and assistance to the Board of Ethics and the Secretary regarding the interpretation and enforcement of the Code of Ethics, including review of financial disclosure statements.

2. The Board of Ethics shall have the power to compel the attendance and testimony of witnesses and the production of records or other evidence of any type at any session of the Board devoted in whole or in part to the investigation of a matter referred to it for an opinion and, for this purpose, may authorize the Chairperson to sign and issue subpoenas and administer oaths and affirmations. The issuance of subpoenas shall be governed otherwise by the appropriate provisions of the Civil Practice Law and Rules.
3. The Board of Ethics shall render written advisory opinions to City officers and employees with respect to the Code of Ethics and Article 18 of the General Municipal Law or amendments to either. Any relevant matter may be brought before the Board for an opinion upon the written request of any City officer or employee or upon the initiative of the Board. Any opinions rendered by the Board shall be forwarded both to the requesting and the affected City officer or employee and filed in the office of the City Clerk. Requests for advisory opinions and the resulting opinions shall be available for public inspection and copying pursuant to the provisions and procedures of the Freedom of Information Law and Subsection G. In addition, the Board may make recommendations to the City Council with respect to the drafting and adoption of amendments to the Code of Ethics.

G. Financial Disclosure. On December 11, 1990, the Rochester City Council passed Local Law #7, requiring annual financial disclosure for more than 100 policy makers and key managers in City government. Affected employees are sent a statement of Financial Disclosure, which is completed annually.

If you have any questions about the Financial Disclosure you may address them to the Secretary of the Board of Ethics, Office of Public Integrity, 85 Allen Street, Suite 100, Rochester, New York 14608 or telephone 428-6060.

Communications and inquiries should
be in writing and addressed to:

Secretary to the Board of Ethics
Office of Public Integrity
85 Allen Street, Suite 100
Rochester, New York 14608