§ 800. Definitions. When used in this article and 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, provided that in the case of 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, enterprise, authority or agency, 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 a contract entered into by his spouse, minor child or dependent, except a contract of employment with the municipality which such officer or employee serves. The term "employee" as used in the definition of "interest" means any person for whose account of benefit the real property within such units, an aggregate of the inhabitants of such governmental units or purposes of carrying on, performing or financing other district or a joint service established for the improvement district, district corporation, or educational services, urban renewal agency, a joint dependency, 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; d. The purchase by a municipality of real property or an interest therein, provided the purchase and the consideration therefor is approved by order of the supreme court upon petition of the governing board; e. The acquisition of real property or an interest therein, through condemnation proceedings according to law; f. A contract with a membership corporation or other voluntary non-profit public or private cooperative association, including, but not limited to, rural electric cooperatives. For purposes of this paragraph, the term “rural electric cooperative” shall have the same meaning as the term “cooperative” as defined in subdivision (a) of section two of the rural electric cooperative law; g. The sale of books and notes pursuant to section 60.10 of the local finance law; h. A contract in which a municipal officer or employee has an interest if the recipient of such contract or the corporation in which such interest is held is a lawfully organized membership corporation or other voluntary non-profit public or private cooperative association established in accordance with the provisions of the federal cooperative marketing act or any state law, or a firm, corporation or association in which such member holds an interest, provided such person, by written disclosure, discloses such interest to the council and the member does not vote on the contract. 3. Notwithstanding the provisions of this chapter, a contract with a corporation in which a municipal officer or employee has an interest if the total consideration payable thereunder, when added to the total consideration payable under all contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars. f. A contract with a member of a corporation in which a municipal officer or employee, when such employee performs part time service in the official duties of the city, a county or a county corporation; g. A contract with a corporation in which a municipal officer or employee, when such employee performs part time service in the official duties of the city, a county or a county corporation. 4. "Municipality" means a city, county, town, village, school district, consolidated health district, county vocational education and extension board, community college, hospital corporation, or other public or private educational services, urban renewal agency, a joint water works system established pursuant to chapter sixty of the laws of 1967, improvement district, district corporation, or other district or a joint service established for the purpose of carrying on, performing or financing one or more public or private enterprises 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 member of the board of education or a trustee of 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, enterprise, authority or agency, 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 a contract entered into by his spouse, minor child or dependent, except a contract of employment with the municipality which such officer or employee serves. The term “employee” as used in the definition of “interest” means any person for whose account or benefit the real property within such units, an aggregate of the inhabitants of such governmental units or purposes of carrying on, performing or financing other district or a joint service established for the improvement district, district corporation, or educational services, urban renewal agency, a joint dependency, 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; d. The purchase by a municipality of real property or an interest therein, provided the purchase and the consideration therefor is approved by order of the supreme court upon petition of the governing board; e. The acquisition of real property or an interest therein, through condemnation proceedings according to law; f. A contract with a membership corporation or other voluntary non-profit public or private cooperative association, including, but not limited to, rural electric cooperatives. For purposes of this paragraph, the term “rural electric cooperative” shall have the same meaning as the term “cooperative” as defined in subdivision (a) of section two of the rural electric cooperative law; g. The sale of books and notes pursuant to section 60.10 of the local finance law; h. 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A contract with a member of a corporation in which a municipal officer or employee, when such employee performs part time service in the official duties of the city, a county or a county corporation; g. A contract with a corporation in which a municipal officer or employee, when such employee performs part time service in the official duties of the city, a county or a county corporation.
§ 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 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 present, 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 or employee shall be removed from office or employment; 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 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 which he has jurisdiction, whereby his compensation is to be dependent or contingent upon the issue or disposition of 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 the provisions of this article, any officer or employee of a political subdivision who is convicted of an offense committed by him under this article, or any officer or employee of any other municipality who is convicted of an offense committed by him under this article, or any officer or employee who willfully and knowingly violates any provision of this article, or the spouse of any such officer or employee, shall be deemed to have an interest in the subject matter of the convicted offense or of the convicted officer or employee, and shall be disqualified from further employment in connection therewith. Any political subdivision which pursues in the conviction and punishment of such persons, and any political subdivision which provides in its local law or ordinance the death penalty, shall not be deemed to be violating the provisions of this article. 3. The governing body of any municipality other than a county may establish a local board of ethics, and such board shall have the power to make any regulations necessary for the enforcement of this article.

§ 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 provisions of this paragraph 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, legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and employment of relatives, prohibiting conflicts of interest 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 regarding any additional filing of required 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 affect the political subdivision of 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 ten 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 sixteen 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 this 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 set forth in subdivision one 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 be not 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 such officer or employee to keep such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

§ 807. Posting of statute. The chief executive officer of each municipality shall cause a copy of sections eight hundred through eight hundred nine of this article to be posted in each public building under the jurisdiction of his or her municipality in a place conspicuously 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. 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 the governing body of the municipality to serve at the pleasure of the appointing authority and such board shall have 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. 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 law, ordinance or resolution to be, or which may elect to be, subject to the requirements of this article, and the repository for completed annual statements of financial disclosure shall file a statement with the clerk of its municipality, that it is the authorized repository for completed annual statements of financial disclosure.

§ 809. Disclosure in certain applications. 1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation, constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such officer or employee and such other information as the governing body of the municipality to which the application, petition or request is submitted may require in order to determine the propriety of granting such application, petition or request. 3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer or “Party officer” shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four of section two of the election law. 4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section. 5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

Presented by:
New York State Office of the State Comptroller
Division of Local Government and School Accountability and the Division of Legal Services
10th Floor
212 State Street
Albany, New York 12236

This information is required to be posted in a conspicuous place for the benefit of municipal officers and employees.

Questions can be directed to your municipal attorney, or to the State Comptroller’s Division of Legal Services at (518) 474-5586.