

**COHOES HOUSING AUTHORITY
CODE OF ETHICS
(Revised 1/19/2016)**

§1. Purpose.

Officers and employees of the Cohoes Housing Authority 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 Cohoes Housing Authority 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.

§2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD

The Board of Commissioners of the Cohoes Housing Authority.

CODE

This Code of Ethics.

INTEREST

A direct or indirect financial or material benefit. A Board Member or employee is deemed to have an interest in any private organization when he or she, his or her spouse or a member of his or her household is an owner, partner, member, director, officer or employee or directly or indirectly owns or controls more than 5% of the organization, outstanding stock.

AUTHORITY

The Cohoes Housing Authority.

BOARD MEMBER OR EMPLOYEE

A paid or unpaid officer or employee of the Cohoes Housing Authority.

RELATIVE

A spouse, domestic partner, parent, step-parent, sibling, step-sibling, step-sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin or household member of a Board Member or employee and individuals having any of these relationships to the spouse of the Board Member or employee.

§3. Applicability.

This Code of Ethics applies to the officers and employees of the Cohoes Housing Authority and shall supersede any prior Code of Ethics. The provisions of this Code of Ethics shall apply in addition to all applicable state and local laws relating to conflicts of interest and ethics, rules, regulations, policies and procedures of the Cohoes Housing Authority.

§4. Prohibition on use of position for personal or private gain.

No Board Member or employee shall use his or her position or official powers and to secure a financial or material benefit for himself or herself, a relative or any private organization in which he or she is deemed to have an interest.

§5. Disclosure of interest in matters.

- A. Whenever a matter requiring the exercise of discretion comes before a Board Member or employee and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative or any private organization in which he or she is deemed to have an interest, the Board Member or employee shall disclose, in writing, the nature of the interest.
- B. The disclosure shall be made when the matter requiring disclosure first comes before the Board Member or employee or when the Board Member or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
- C. The disclosure shall be filed with the person's supervisor, or, if the person does not have a supervisor, the disclosure shall be filed with the Chairman of the Board.

§6. Treatment of public.

An officer or employee of the Cohoes Housing Authority shall treat all members of the public, whether a person, firm or corporation or other organization, with respect and in a professional manner, with equal consideration and without special advantage in carrying out his or her official duties.

§7. Recusal and abstention.

- A. No Board Member or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative or any private organization in which he or she is deemed to have an interest.

B. In the event that this section prohibits a Board Member or employee from exercising or performing a power or duty:

(1) If power or duty is vested in a Board Member as a member of a board, then the power or duty shall be exercised or performed by the other members of the board;
or

(2) If the power or duty is vested in an employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

§8. Investments in conflict with official duties.

A. No Board Member or employee may acquire the following investments:

A. Investments that can be reasonably expected to require more than sporadic recusal and abstention under §7 of this code; or

B. Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties; or

C. Investments from any Cohoes Housing Authority auction if the employee or officer is in the position to negotiate, prepare, authorize or approve the contract for the sale upon which he or she is bidding.

B. This section does not prohibit a Board Member or employee from acquiring less than 5% of the stock of a publicly traded corporation.

§9. Private employment in conflict with official duties.

No Board Member or employee, during his or her tenure as a Board Member or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

A. Can be reasonably expected to require more than sporadic recusal and abstention pursuant to §7 of this code; or

B. Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a Board Member or employee; or

C. Requires representation of a person or organization other than the Authority in connection with litigation, negotiations or any other matters to which the Authority is a party.

§10. Future employment.

- A. No Board Member or employee may ask for, pursue or accept a private post-Authority employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the Board Member or employee, either individually or as a member of a board, while the matter is pending or within the 90 days following final disposition of the matter.
- B. No Board Member or employee, for the one-year period after serving as a Board Member or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the Authority.
- C. No Board Member or employee at any time after serving as a Board Member or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a Board Member or employee.

§11. Use of Authority resources.

- A. Authority resources shall be used for lawful Authority purposes. Authority resources include, but are not limited to, Authority personnel and the Authority's money, vehicles, equipment, materials, supplies or other property.
- B. No Board Member or employee may use or permit the use of Authority resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - (1) Any use of Authority resources authorized by law or Authority policy; or
 - (2) The use of Authority resources for personal or private purposes when provided to a Board Member or employee as part of his or her compensation; or
 - (3) The occasional and incidental use during the business day of Authority telephones and computers for necessary personal matters such as family care and changes in work schedule.
- C. No Board Member or employee shall cause the Authority to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§12. Interests in contracts.

- A. No Board Member or employee may have an interest in a contract that is prohibited by § 801 of the General Municipal Law.
- B. Every Board Member and employee shall disclose interests in contracts with the Authority at the time and in the manner required by § 803 of the General Municipal Law.

§13. Nepotism.

Except as otherwise required by law:

- A. No Board Member or employee may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the Authority.
- B. No Board Member or employee may supervise a relative in the performance of the relative's official powers or duties.

§14. Political solicitations and campaign activities.

- A. No Board Member or employee shall directly or indirectly compel or induce a subordinate Board Member or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- B. No Board Member or employee may act or decline to act in relation to appointing, hiring, promoting, discharging or disciplining, or in any manner changing the official rank, status or compensation of, any Board Member or employee, or an applicant for a position as a Board Member or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.
- C. No employee shall engage in political campaign activities during his or her official Cohoes Housing Authority workday.

§15. Confidential information.

No Board Member or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

§16. Gifts.

- A. No Board Member or employee shall solicit, accept or receive a gift in violation of § 805-a(1)(a) of the General Municipal Law as interpreted in this section.
- B. No Board Member or employee may directly or indirectly solicit any gift.

C. No Board Member or employee may accept or receive any gift, or multiple gifts, from the same donor, having an annual aggregate value of \$75 or more when:

- (1) The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
- (2) The gift could reasonably be expected to influence the officer or employee 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 employee.

D. 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 \$75 must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

E. Gifts intended to influence or reward.

- (1) A gift to a Board Member or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks Authority action involving the exercise of discretion by or with the participation of the officer or employee.
- (2) A gift to a Board Member or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained Authority action involving the exercise of discretion by or with the participation of the officer or employee during the preceding 12 months.

F. This section does not prohibit any other gift, including:

- (1) Gifts made to the Authority;
- (2) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a Board Member or employee, is the primary motivating factor for the gift;
- (3) Gifts given on special occasions, such as marriage, illness or retirement, which are modest, reasonable and customary;

- (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 \$75 or less which are publicly presented in recognition of service as a Board Member or employee or other service to the community; or
- (6) Meals and refreshments provided when a Board Member or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

§17. Posting and distribution of code.

- A. The Executive Director must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the Authority's control. The code must be posted within 10 days following the date on which the code takes effect. An amendment to the code must be posted within 10 days following the date on which the amendment takes effect.
- B. The Executive Director must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer or employee of the Cohoes Housing Authority.
- C. Every Board Member or employee who receives a copy of this code, or an amendment to the code, must acknowledge such receipt in writing. Such acknowledgment must be filed with the City Clerk who must maintain such acknowledgment as a public record.
- D. The failure to post this code, or an amendment to the code, does not affect either the applicability or enforceability of the code or the amendment. The failure of a Board Member or employee 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.

Print Name

Signature

Date