

TOWN OF GRANVILLE
Washington County, New York
CODE OF ETHICS

SECTION 1. Purpose.

Officers and employees of the Town of Granville 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 Town Board of the Town of Granville 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. Applicability.

This Code of Ethics applies to the officers and employees of the Town of Granville. The provisions of this Code of Ethics shall apply in addition to all prohibited acts, conflicts-of-interest provisions or procedures prescribed by statutes of the State of New York, including, but not limited to Article 18 of the General Municipal Law; and also in addition to common-law rules and judicial decisions relating to the conduct of town officers, to the extent that the same are more severe in their application than this Code.

SECTION 3. Title.

This Code shall be known as the “Code of Ethics of the Town of Granville.”

SECTION 4. Definitions.

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

- A. Interest** means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Town or an areas of the Town, or a lawful class of such residents or taxpayers. For the purposes of this Code, a municipal officer or employee shall be deemed to have an "interest" in contracts or transactions between the Town and (i) any Relative of said municipal officer or employee, or (ii) any Related Private Organization.
- B. Relative** means (i) a municipal officer or employee’s spouse, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, step-child, uncle, aunt, nephew, niece, or household member (defined as family members living under his or her roof); and (ii) the individuals having any of these relationships to the spouse of the municipal officer or employee.
- C. Related Private Organization** means any private organization of which a municipal officer or employee, his or her spouse, or a member of his or her immediate household (defined as family members living under his or her roof), is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than five percent (5%) of the

organization's outstanding stock.

- D. Municipal Officer or Employee** means a paid or unpaid officer or employee of the Town of Granville, including, but not limited to, the members of any Board. The terms "Officer" and "Official," as used herein, are synonymous.
- E. Board** means the governing body of the Town and any Town administrative board (e.g., Planning Board), commission, or other agency or body comprised of two or more Municipal Officers or Employees.
- F. Code** means this Code of Ethics.
- G. Town** means the Town of Granville.
- H. Municipality** means the Town of Granville. The word "municipal" refers to the municipality.
- I. Recusal** means that the Municipal Officer or Employee may not deliberate, vote or participate in any way in such matter. The Municipal Officer or Employee should disclose his or her conflict and remove him or herself from the Board when the Board considers the matter requiring recusal. When a person recuses, that person retains their status and ability to comment as a public citizen upon matters pending before the Town.
- J. Confidential Information** means any data acquired through the course of employment or public office which the Town has protected from disclosure by law or that is not protected from disclosure by law but poses or may pose a conflict of interest.

SECTION 5. Prohibition on Use of Municipal Position For Personal or Private Gain.

No Municipal Officer or Employee shall knowingly use his or her municipal position or official powers and duties, or take or fail to take any action in a manner which he or she knows, or has reason to know, may result in a personal financial or material benefit (direct or indirect) for himself or herself, a Relative, or any Related Private Organization.

SECTION 6. Disclosure of Interest in Legislation and Other Matters.

- A. Disclosure.** Whenever a matter requiring the exercise of discretion comes before a Municipal Officer or Employee, either individually or as a member of a Board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a Relative, or a Related Private Organization, the Municipal Officer or Employee shall disclose in writing the nature of the interest.
- B. When Made.** The disclosure shall be made when the matter requiring disclosure first comes before the Municipal Officer or Employee, or when the Municipal Officer or Employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

- C. **Where Made.** In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, 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 municipal officer, employee or board having the power to appoint to the person's position. In the case of a person serving on a municipal board, a copy of the disclosure shall also be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and shall be included in the minutes of the meeting.

SECTION 7. Recusal and Abstention - Conflict of Interest.

- A. **Recusal.** No Municipal Officer 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, acting on the matter, or failing to act on the matter, 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, or on a Relative or Related Private Organization.
- B. **Abstention.** Whenever a Town officer or employee is required to recuse himself or herself pursuant to Section 7 of this Code, he or she shall:
- (1) Immediately refrain from participating further in the matter and at no time have any communication, formal or informal, concerning the subject with any fellow officer or employee of the Town;
 - (2) Promptly inform his or her superior, if any, and the Town Supervisor;
 - (3) Promptly file with the Town Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of the board; and
 - (4) Leave the room when the matter is discussed and/or voted on.
- C. **Action Following Recusal and Abstention.** In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
- (1) If the power or duty is vested in a municipal officer 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 a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function; or
 - (3) If the power or duty is vested in a municipal 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.

SECTION 8. Prohibition Inapplicable; Disclosure, Recusal and Abstention Not Required.

The provisions of Sections 6 and 7 of this Code shall not prohibit, or require, recusal or transactional disclosure as a result of:

- A. An action specifically authorized by statute, rule, or regulation of the State of New York or of the United States;
- B. This Code's prohibition on use of a municipal position (Section 5), disclosure requirements (Section 6), and requirements relating to recusal and abstention (Section 7), shall not apply with respect to the following matters:
 - (1) Adoption of the municipality's annual budget;
 - (2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - (a) All municipal officers or employees;
 - (b) All residents or taxpayers of the municipality or an area of the municipality; or
 - (c) The general public; or
 - (d) Any ministerial act or other action that does not require the exercise of discretion.
- C. Recusal and abstention shall not be required with respect to any matter:
 - (1) Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by Section 7 of this Code;
 - (2) Which comes before a municipal officer when the officer would be prohibited from acting by Section 7 of this Code and the matter cannot be lawfully delegated to another person.

SECTION 9. Specific Standards of Conduct.

- A. A Town Officer or Employee shall promptly recuse himself or herself from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit a Relative or Related Private Organization of said Officer or Employee.
- B. No Town Officer or Employee shall enter into any agreement for compensation for services to be rendered, contingent, flat fee or otherwise, in relation to any matter before another board, agency or office of the Town. This section is not intended to prohibit said town officer or employee from representing his or her own private interests before the Town, but to prohibit third party representation.
- C. No Town Officer or Employee shall accept other employment and/or compensation that will

impair his or her independence of judgment in the exercise of his or her official duties.

- D.** No Town Officer or Employee shall accept employment and/or compensation or engage in any business or professional activity that will require him or her to disclose confidential information, which they have gained by reason of their official position or authority.
- E.** No Town Officer or Employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself/herself or others.
- F.** No Town Officer or Employee shall engage in any transaction as representative or agent of the Town with any business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her official duties.
- G.** No Town Officer or Employee shall, by his or her conduct, give reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
- H.** No Town Officer or Employee shall make personal investments in enterprises that they have reason to believe may be directly involved in decisions to be made by them or which will otherwise create substantial conflict between their duties in the public interest and his or her private interest.
- I.** Every Town Officer and Employee shall endeavor to pursue a course of conduct that will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust.
- J.** No Town Officer or Employee employed on a full-time basis, nor any firm or association of which such employee is a member, nor any corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Town in which such employee serves or is employed.
- K.** Each Town Officer and Employee shall, to the extent that they are cognizant thereof, disclose any interest he or she may have in legislation before the Town.
- L.** No Town Officer or Employee within two years after the termination of their service or employment with the Town shall accept employment that will involve contacts with the Town that can work to his or her special advantage by virtue of their prior contact and relationship with the Town.
- M.** No Town Officer or Employee shall disclose confidential information acquired by them in the course of his or her official duties nor use such information to further personal interests.
- N.** No Town 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 promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part. Excluded from this prohibition are:

- (1) Allowable gifts as campaign contributions as permitted by the New York State Election Law;
 - (2) Gifts made to the Town;
 - (3) 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 Municipal Officer or Employee, is the primary motivating factor for the gift;
 - (4) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
 - (5) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
 - (6) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a Municipal Officer or Employee, or other service to the community; or
 - (7) Meals and refreshments provided when a Municipal Officer 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.
- O.** No Town Officer or Employee shall use Town-owned property or assets for personal purposes or profit, or to benefit a private party. Use of town property or assets is restricted to the conduct of official business and for the benefit of all residents.
- P.** No Town Officer or Employee shall solicit political contributions from subordinates.
- Q.** Town Officers or Employees are prohibited from holding multiple positions when (i) one is subordinate to the other, or (ii) when the duties of the positions conflict.

SECTION 10. Complaints.

All complaints of violations of the Code of Ethics shall be made in writing and submitted to the Town Clerk for review and consideration by the Board of Ethics.

SECTION 11. Board of Ethics.

- A.** There is hereby established a Board of Ethics for the Town consisting of three (3) members.

- B. The members of the Board of Ethics shall be appointed by the Town Board of the Town of Granville, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the Board of Ethics.
- C. The members of the Board of Ethics shall be residents of the Town of Granville.
- D. One (1) member of the Board of Ethics shall be a Municipal Officer or Employee, but not an elected officer of the municipality.
- E. Of the total membership of the Board of Ethics, the maximum number of members registered in the same political party shall be two.
- F. No Board of Ethics member shall concurrently hold office in a political party or be employed or act as a lobbyist or hold elective office in any local, state, or federal government.
- G. A Board of Ethics member may make campaign contributions and may participate in an election campaign.
- H. The term of office of Board of Ethics members shall be three years and shall run from January 1st through December 31st, except that of the members first appointed two members shall serve until December 31st of the year in which the Board of Ethics is established, two shall serve until the second December 31st, and one shall serve until the third December 31st.
- I. A Board of Ethics member shall serve until his or her successor has been appointed. Consecutive service on the Board of Ethics shall not exceed three consecutive three-year terms.
- J. The members of the Board of Ethics shall not receive compensation, but are authorized to incur any and all expenses necessary to effectuate the purposes of the Board of Ethics within amounts which are to be appropriated by the Town Board annually.

SECTION 12. Board of Ethics: Vacancies.

When a vacancy occurs in the membership of the Board of Ethics, the Town Board shall, within sixty (60) days, appoint a new member for the unexpired portion of the term. Any person appointed to fill a vacancy on the Board of Ethics shall meet the qualifications set forth in Section 11 of this Code.

SECTION 13. Board of Ethics: Removal of Members.

A Board of Ethics member may be removed from office by the Town Board, after written notice and opportunity for reply. Grounds for removal shall be failure to meet the qualifications set forth in Section 12 of this Code, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Code or any other Town law, code, policy, rule or regulation.

SECTION 14. Board of Ethics: Meetings.

The Town Board shall select a Chairman, and at its first meeting each year, the Board of Ethics shall elect a Vice-Chairman and Secretary from among its members. A majority shall be required for the Board of Ethics to take any action. The Chairman or a majority of its members may call a meeting of the Board of Ethics. The Board of Ethics shall hold at least one meeting annually regardless of whether there are any matters pending before the Board of Ethics.

SECTION 15. Board of Ethics: Jurisdiction, Powers, and Duties.

- A. The Board of Ethics may only act with respect to Town officers and employees of the Town.
- B. The termination of the term of office or employment of a Town officer or employee with the Town shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed on him or her by this Code.
- C. The Board of Ethics shall have the following powers and duties:
 - (1) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this Code as so authorized by the Town Board. All such rules and regulations shall be available to the public;
 - (2) To review, index, and maintain on file lists of Town Officers and Employees and disclosure statements filed pursuant to Sections 6 and 7 of this Code;
 - (3) To review, index, maintain on file, and dispose of sworn complaints and to make notifications;
 - (4) To initiate and conduct investigations pursuant to Section 16 of this Code;
 - (5) To conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to Section 16 of this Code;
 - (6) To render, index, and maintain on file advisory opinions pursuant to Section 18 of this Code;
 - (7) To prepare reports and recommend changes to this Code pursuant to Section 21 of this Code;
 - (8) To provide for public inspection of certain records pursuant to Section 20 of this Code;
 - (9) To select provisions of this Code for reproduction and distribution pursuant to Section 24 of this Code; and
 - (10) To otherwise enforce and administer all of the provisions of this Code.

SECTION 16. Investigations.

- A.** If the Board of Ethics preliminarily finds, on its own review of a transactional disclosure statement; or pursuant to its review of a request for an advisory opinion; or pursuant to receipt of a complaint alleging a violation of this Code upon the written request of any individual; or pursuant to an investigation initiated by the Board of Ethics in carrying out the provisions of this Code, that a possible violation of this Code exists, the Board of Ethics may, but shall not be required to, provide the person(s) affected with a reasonable opportunity to cure such violation. Such a preliminary finding shall be confidential and not subject to public disclosure. If under any other circumstances, such as through the filing and investigation of a complaint, the Board of Ethics determines that there is reasonable cause to believe that a violation of this Code has occurred, or after any grace period granted by the Board of Ethics has expired and such violation remains uncured, it shall send a notice of reasonable cause to:
- (1) The reporting/applicable person;
 - (2) The complainant, if any; and
 - (3) The Supervisor and the Town Board.
- B.** Before any such “reasonable cause” finding may be made, the Board of Ethics shall:
- (1) Notify in writing the reporting/affected person as to the possible or alleged violation of this Code;
 - (2) Afford the reporting/affected person an opportunity to submit in writing a written response setting forth such information as said reporting/affected person deems relevant to the activities cited by the Board of Ethics as a possible or alleged violation of this Code; and
 - (3) Upon written request, afford the affected person a hearing wherein the affected person may provide either a written or oral response setting forth such information as the affected person deems necessary or appropriate in response to the actions by the Board of Ethics.
- C.** Upon receipt of a sworn complaint by any person alleging a violation of this Code, or upon determining its own initiative that a violation of this Code may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this Code.
- D.** The Board of Ethics shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all sworn complaints shall be indexed and maintained on file by the Board of Ethics.
- E.** Any person filing a sworn complaint with the Board of Ethics shall be notified in writing of the disposition of the complaint.

- F. Nothing in this section shall be construed to permit the Board of Ethics to conduct an investigation of itself or of any of its members or staff. If the Board of Ethics receives a complaint alleging that the Board of Ethics or any of its members or staff has violated any provision of this Code, or any other laws, the Board of Ethics shall promptly transmit to the Town Board a copy of the complaint. The Board of Ethics may request the Town Board to refer the complaint to an ethics board or commission, outside legal counsel, or other qualified party or entity of its choosing to conduct an investigation of the Board of Ethics or of any of its members or staff.

SECTION 17. Hearings; Assessment of Penalties; Injunctive Relief.

- A. **Disciplinary Action.** In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Board of Ethics may recommend appropriate disciplinary action pursuant to Subsection A of Section 25 of this Code. The recommendation of the Board of Ethics shall be made to Supervisor and the Town Board or such other person or body authorized by law to impose such disciplinary action. The Board of Ethics shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Board of Ethics refers the matter to the Town Board or such other person or body authorized by law to impose disciplinary action or unless the Board of Ethics refers the matter to the appropriate prosecutor. If such a referral is made, the Board of Ethics may adjourn the matter pending determination by the Town Board, person, body, or prosecutor, as the case may be.
- B. **Civil Fine.** In its discretion and after a hearing providing for due process procedural mechanisms, the Board of Ethics, pursuant to Subsection B of Section 25 of this Code, may assess a civil fine, not to exceed \$1,500 for each violation, upon any Town officer or employee found by the Board of Ethics to have violated this Code. The Board of Ethics shall conduct and complete the hearing with reasonable promptness. The civil fine shall be payable to the Town of Granville.
- C. **Damages.** The Town Board may initiate an action in the court of appropriate jurisdiction to obtain damages, as provided in Subsection C of Section 25 of this Code.
- D. **Injunctive Relief.** The Town Board, or the Board of Ethics on behalf of the Town, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin a violation of this Code or to compel compliance with this Code, as provided in Section 26 of this Code.
- E. **Prosecutions.** The Board of Ethics may refer to the appropriate prosecutor possible criminal violations of this Code. Nothing contained in this Code shall be construed to restrict the authority of any prosecutor to prosecute any violation of this Code or of any other law.

SECTION 18. Advisory Opinions.

- A.** Upon the written request of any Town officer or employee, the Board of Ethics shall render a written advisory opinion with respect to the interpretation or application of this Code or of Article 18 of the General Municipal Law of the State of New York. Any other person may similarly request an advisory opinion, but only with respect to whether his or her own action might violate a provision of this Code or Article 18, or such request may be made through a Town officer or employee.
- B.** In rendering advisory opinions, the Board of Ethics may request the advice and counsel of the attorney employed by the Board of Ethics or, if none, the Town Attorney.
- C.** An advisory opinion rendered by the Board of Ethics, until and unless amended or revoked, shall be binding on the Board of Ethics in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced and shall be a defense in any criminal or civil action. Such requests shall be confidential, but the Board of Ethics may publish such opinions, provided that the name of the requesting person and other identifying details shall not be included in the publication.
- D.** Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board of Ethics.
- E.** Any person aggrieved by an advisory opinion of the Board of Ethics may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.
- F.** Any person who has submitted to the Board of Ethics a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Board of Ethics to issue the advisory opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with §3001 of the Civil Practice Law and Rules of the State of New York determining the question posed in the request for the advisory opinion. No action or special proceeding shall be prosecuted or maintained pursuant to this subsection unless:
 - (1) It shall appear by, and as an allegation in, the petition or complaint that at least six months have elapsed since the filing of the request and that the Board of Ethics has failed to file any determination in the matter; and
 - (2) The action or special proceeding shall be commenced within 10 months after the submission of the request for the advisory opinion.

SECTION 19. Judicial review.

Any person aggrieved by a decision of the Board of Ethics may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

SECTION 20. Public Inspection of Code of Ethics.

The Board of Ethics shall make information concerning this Code and Article 18 of the General Municipal Law available to the Town Officers and Employees, to the public, and to persons interested in doing business with the Town.

SECTION 21. Reports; Review of Code of Ethics.

- A. The Board of Ethics shall prepare and submit an annual report to the Supervisor and the Town Board on or before April 15th of each year, summarizing the activities of the Board of Ethics for the previous calendar year.
- B. The Board of Ethics shall periodically (but not less often than every five (5) years) review this Code, and any rules, regulations and administrative procedures of the Board of Ethics, to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear and enforceable, common sense standards of conduct. At any time, the Board of Ethics may recommend changes to the text or administration of this Code to the Town Board.

SECTION 22. Public inspection of records; public access to meetings.

- A. Notwithstanding the provisions of Article 6 of the Public Officers Law of the State of New York, the only records of the Board of Ethics which shall be available for public inspection are:
 - (1) The information set forth in a transactional disclosure statement filed pursuant to this Code;
 - (2) Notices of reasonable cause set under Subsections A and B of Section 16 of this Code;
 - (3) Redacted advisory opinion prepared as provided in Section 18 of this Code; and
 - (4) Assessments of civil penalties, sanction, discipline or other action taken or imposed as provided in Sections 17 and 25 of this Code.
- B. Notwithstanding the provisions of Article 7 of the Public Officers Law of the State of New York or by other applicable state or federal law or regulation, no meeting or proceeding of the Board of Ethics, including any such proceeding contemplated under Section 16 of this Code, shall be open to the public, except upon the request of the Town officer or employee under investigation, or as expressly provided otherwise by the Town Board.

SECTION 23. Miscellaneous Provisions.

- A. No existing right or remedy shall be lost, impaired, or affected by reason of this Code.
- B. Nothings in this Code shall be deemed to bar or prevent a present or former Town officer or employee from timely filing any claim, account, demand, or suit against the Town on behalf of

himself or herself or any member of his or her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.

- C. If any provision of this Code is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of this Code.

SECTION 24. Posting and Distribution.

- A. The Supervisor shall 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 municipality's control. The Code shall be posted within ten days following the date on which the Code takes effect. An amendment to the Code shall be posted within ten days following the date on which the amendment takes effect.
- B. The Supervisor shall 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 and employee of the Town of Granville.
- C. Every municipal officer or employee who receives a copy of this Code or an amendment to the Code shall acknowledge such receipt in writing. Such acknowledgments shall be filed with the Granville Town Clerk who shall maintain such acknowledgments 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 municipal officer 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.

SECTION 25. Penalties For Offenses.

- A. **Disciplinary Action.** Any Town officer or employee who engages in any action that violates any provision of this Code may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this Code or in any other provision of Law.
- B. **Civil Fine.** Any Town officer or employee who violates any provision of this Code may be subject to a civil fine of up to \$1,500 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this Code.
- C. **Damages.** Any person, whether or not a Town officer or employer, who violates any provisions of this Code shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this Code.

Any municipal officer or employee who violates this Code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

SECTION 26. Injunctive relief.

- A. Any resident, officer, or employee of the Town may initiate an action or special proceeding, as appropriate in the court of appropriate jurisdiction for injunctive relief to enjoin an officer or employee of the Town from violating this Code or to compel an officer or employee of the town to comply with the provisions of this Code. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.
- B. No action or special proceeding shall be prosecuted or maintained pursuant to Subsection A of this section, unless:
 - (1) The plaintiff or petitioner shall have filed with the Board of Ethics a sworn complaint alleging the violation by the officer or employee;
 - (2) It shall appear by, and as an allegation in, the complaint or petition filed with the court that at least six months have elapsed since the filing of the complaint with the Board of Ethics and that the Board of Ethics has failed to file a determination in the matter; and
 - (3) The action or special proceeding shall be commenced within twenty (20) months after the alleged violation occurred.

SECTION 27. Prior Code of Ethics Rescinded.

The Town of Granville Code of Ethics, dated _____, 1970, is hereby rescinded.

SECTION 28. Effective Date.

This Code shall be effective as of _____, 2015.