

ALBANY MUNICIPAL WATER FINANCE AUTHORITY

CODE OF ETHICAL CONDUCT FOR MEMBERS AND EMPLOYEES OF THE ALBANY MUNICIPAL WATER FINANCE AUTHORITY

This Code shall apply to all Members and Employees of the Albany Municipal Water Finance Authority (“AMWFA”), and may be amended only by majority vote of the Members.

1. The Members shall comply with Sections 73 and 74 of the Public Officers Law (“Code”) and Executive Order No. 1 as detailed below.
2. Conflicts of Interest. No Member or Employee of the AMWFA should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict (or which may reasonably create a perception of substantial conflict) with the proper discharge of his duties in the public interest.
 - a. Any Member or Employee shall, as soon as practicable, inform the Chairman of the Board of any matter in which the Member’s or Employee’s participation would give rise to, or which appears likely to give rise to, a conflict of interest. If the Member/Employee only becomes aware of such a matter during the course of a meeting of the Board, the Member or employee shall inform the Board at that time.
 - b. A Member/Employee shall not participate in any Board or other discussion nor vote concerning matters as to which the Member/Employee’s participation would give rise to a conflict of interest.
 - c. A Member or Employee shall not attempt to influence any management decision in which the Member/Employee’s participation would give rise to a conflict of interest.
 - d. Nothing herein shall be deemed to preclude a Member or Employee from submitting for consideration by the Board or management the name of any prospective contractor or applicant for employment, however the Member may not take part in any hiring or employment decision relating to a family member.
 - e. “Conflict of Interest” shall have the meaning set forth in Section 74 of the Public Officers Law and shall specifically be deemed to include, without limitation:

- i. The contracting or transaction of business with the AMWFA by the Member/Employee or spouse or any member of the Member/Employee's family or any entity in which the Member/Employee or spouse or family is a direct, officer or partner; or
 - ii. The contracting or transaction of business with the AMWFA by any entity in which the Member/Employee, together with the Member/Employee's spouse and any member of the Member/Employee's family, has or have an aggregate beneficial interest of 10% or more; or
 - iii. The provision of legal or other representation before the AMWFA on behalf of any party contracting or transacting business with the AMWFA by the Member/Employee or spouse or any member of the Member/Employee's family, any entity in which the Member/Employee or his spouse or family is a director, officer or partner or any entity in which the Member/Employee, together with the Member/Employee's spouse and any member of the Member/Employee's family has or have an aggregate beneficial interest of 10% or more.
3. Ethical Standards.
 - a. No AMWFA member or Employee of the AMWFA should accept other employment which will impair his independence of judgment in the exercise of his official duties.
 - b. No AMWFA Member or Employee should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
 - c. No AMWFA Member or Employee should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.
 - d. No AMWFA Member or Employee should use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
 - e. No AMWFA Member or Employee should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

- f. An AMWFA Member or Employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.
 - g. An AMWFA Member or Employee should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decision to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
 - h. An AMWFA Member or Employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
 - i. No AMWFA Member or Employee employed on a full-time basis nor any firm or association of which such an officer or employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such officer or employee, should sell goods or services: to any person, firm corporation or association which is licensed or whose rates are fixed by the state agency in which such officer or employee serves or is employed.
 - j. If any AMWFA Member or Employee shall have a financial interest, direct or indirect, having a value of ten thousand dollars or more in any activity which is subject to the jurisdiction of a regulatory agency, he should file with the secretary of state a written statement that he has such a financial interest in such activity which statement shall be open to public inspection.
4. This Code shall not supersede any more stringent requirement which may be applicable to any Member/Employee by virtue of such individual's status as a city officer or employee as defined in Section 73 of the Public Officers Law.
5. Prohibition Against Receipt of Gifts. Members/Employees cannot accept gifts or gratuities of more than nominal value where the circumstances would permit the inference that:
- a. The gift was intended to influence the recipient in the performance of official business; or
 - b. The gift constituted a tip, reward, or sign of appreciation for any official act by the employee.

6. Prohibition Against the Use of City Property for Non-Official Purposes. City supplies, equipment, computers, personnel and other resources may not be utilized for non-governmental purposes. This prohibition includes, but is not limited to the following:
 - a. AMWFA stationery may not be used for non-governmental purposes and city resources may not be used to mail/deliver personal or other non-governmental correspondence.
 - b. AMWFA telephones may not be used for non-governmental long-distance calls, except for toll-free calls, collect calls, and calls billed to a personal account/number. Telephones may be used for incidental and necessary personal local calls that are of limited number and duration on a “not-to-interfere” basis with the conduct of city business.
 - c. AMWFA computers may be used for incidental and necessary personal purposes, such as sending electronic messages, provided that such use is in a limited amount and duration and does not conflict with the conduct of city business.
 - d. AMWFA vehicles shall be used for city business or incidental use associated with city business. Individuals who are authorized to use a vehicle shall keep records of any incidental personal use and the value of such use will be calculated and reported as personal income to such individual.

For purposes of this policy, the term “family” shall mean any person living in the same household as the Member/Employee and any person related to the Member/Employee within the third degree of consanguinity or affinity.