

**CITY OF BUFFALO URBAN RENEWAL AGENCY  
CODE OF ETHICS**

**And**

**CONFLICT OF INTEREST POLICY**

**Re-Adopted: November 21, 2019**

This Code of Ethics shall apply to all members, officers and employees of the City of Buffalo Urban Renewal Agency (the Agency). These policies shall serve as a guide for official conduct and are intended to enhance the ethical and professional performance of the Agency's members, officers and employees and to preserve public confidence in the Agency's mission.

**I. RESPONSIBILITY OF MEMBERS OFFICERS AND EMPLOYEES**

1. Members, Officers and employees shall perform their duties with transparency, without favor and refrain from engaging in outside matters of financial or personal interest, including other employment, that could impair independence of judgment, or prevent the proper exercise of one's official duties.
2. Members, officers and employees shall not directly or indirectly, make, advise, or assist any person to make any financial investment based upon information available through the director's or employee's official position that could create any conflict between their public duties and interests and their private interests.
3. Members, officers and employees shall not accept or receive any gift or gratuities where the circumstances would permit the inference that: (a) the gift is intended to influence the individual in the performance of official business or (b) the gift constitutes a tip, reward, or sign of appreciation for any official act by the individual. Gifts could be presented in the form of financial payments, services, loans, travel reimbursement, entertainment, hospitality, thing or promise from any entity doing business with or before the Agency.
4. Members, officers and employees shall not use or attempt to use their official position with the Agency to secure unwarranted privileges for themselves, members of their family or others, including employment with the Agency or contracts for materials or services with the Agency.
5. Members, officers and employees must conduct themselves at all times in a manner that avoids any appearance that they can be improperly or unduly influenced, that they could be affected by the position of or relationship with any other party, or that they are acting in violation of their public trust.
6. Members, officers and employees may not engage in any official transaction with an outside entity in which they have a direct or indirect financial interest that may reasonably conflict with the proper discharge of their official duties.

7. Members, officers and employees shall manage all matters within the scope of the Agency's mission independent of any other affiliations or employment. Members, including ex officio board members, and employees employed by more than one government shall strive to fulfill their professional responsibility to the Agency without bias and shall support the Agency's mission to the fullest.
8. Members, officers and employees shall not use Agency property or resources or disclose information acquired in the course of their official duties in a manner inconsistent with State or local law and the Agency's mission and goals.

## **II. IMPLEMENTATION OF THE AGENCY'S CODE OF ETHICS**

This Code of Ethics shall be provided to all members, officers and employees upon commencement of employment or appointment and shall be reviewed annually by the Governance Committee, when so established and authorized by the Agency's Board.

The Agency's Board may designate an Ethics Officer, who shall report to the board and shall have the following duties:

- Counsel in confidence Agency members, officers and employees who seek advice about ethical behavior.
- Receive and investigate complaints about possible ethics violations.
- Dismiss complaints found to be without substance.
- Prepare an investigative report of their findings for action by the Chairperson, Vice-Chairperson or the Agency's Board.
- Record the receipt of gifts or gratuities of any kind received by a member, officer or employee, who shall notify the Ethics Officer within 48 hours of receipt of such gifts and gratuities.

## **III. PENALTIES**

In addition to any penalty contained in any other provision of law, an Agency member, director or employee who knowingly and intentionally violates any of the provisions of this code may be removed in the manner provided for in applicable statutes, rules or regulations.

## **IV. CONFLICT OF INTEREST POLICY AND PROCEDURES (as adopted June 23, 2016)**

A conflict of interest is a situation in which the financial, familial, or personal interests of a board member or employee come into actual or perceived conflict with their duties and responsibilities with the City of Buffalo Urban Renewal Agency ("Agency"). Perceived

conflicts of interest are situations where there is the appearance that a board member and/or employee can personally benefit from actions or decisions made in their official capacity, or where a board member or employee may be influenced to act in a manner that does not represent the best interests of the Agency. The perception of a conflict may occur if circumstances would suggest to a reasonable person that a board member may have a conflict. The appearance of a conflict and an actual conflict should be treated in the same manner for the purposes of this Policy.

Board members and employees must conduct themselves at all times in a manner that avoids any appearance that they can be improperly or unduly influenced, that they could be affected by the position of or relationship with any other party, or that they are acting in violation of their public trust. While it is not possible to describe or anticipate all the circumstances that might involve a conflict of interest, a conflict of interest typically arises whenever a board member or employee has or will have:

- A financial or personal interest in any person, firm, corporation or association which has or will have a transaction, agreement or any other arrangement in which the authority participates.
- The ability to use his or her position, confidential information or the assets of the authority, to his or her personal advantage.
- Solicited or accepted a gift of any amount under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of his/her official duties or was intended as a reward for any action on his/her part.
- Any other circumstance that may or appear to make it difficult for the board member or employee to exercise independent judgment and properly exercise his or her official duties.

Outside Employment of Authority's Employees: No employee may engage in outside employment if such employment interferes with his/her ability to properly exercise his or her official duties with the Agency.

## **V. PROCEDURES**

Duty to Disclose: All material facts related to the conflicts of interest (including the nature of the interest and information about the conflicting transaction) shall be disclosed in good faith and in writing to the Governance Committee. Such written disclosure shall be made part of the official record of the proceedings of the Agency.

Determining Whether a Conflict of Interest Exists: The Governance Committee shall advise the individual who appears to have a conflict of interest how to proceed. The Governance Committee should seek guidance from counsel or New York State agencies, such as the Authorities Budget Office, State Inspector General or the Joint Commission on Public Ethics (JCOPE) when dealing with cases where they are unsure of what to do.

**Recusal and Abstention:** 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, 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 organization in which he or she is deemed to have an interest. Board members and employees must recuse themselves from deliberations, votes, or internal discussion on matters relating to any organization, entity or individual where their impartiality in the deliberation or vote might be reasonably questioned, and are prohibited from attempting to influence other board members or employees in the deliberation and voting on the matter.

**Records of Conflicts of Interest:** The minutes of the Agency's meetings during which a perceived or actual conflict of interest is disclosed or discussed shall reflect the name of the interested person, the nature of the conflict, and a description of how the conflict was resolved.

**Reporting of Violations:** Board members and employees should promptly report any violations of this policy to his or her supervisor, or to the public authority's general counsel or human resources representative in accordance with the Agency's Whistleblower Policy and Procedures.

**Penalties:** Any board member or employee that fails to comply with this policy may be suspended or removed from office or employment or penalized in any manner provided for in law, rules or regulations.