Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of CORINTH

Local Law No. 2 **of the year 20**23

A local law REPEALING CHAPTER 27 "CODE OF ETHICS" AND REPLACING IN ITS ENTIRETY
(Insert Title)
WITH NEW CHAPTER 27 "CODE OF ETHICS" IN THE CODE OF THE VILLAGE OF
BALLSTON SPA

Be it enacted by the BOARD OF TRUSTEES **of the**
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of ~~CORINTH~~ Ballston Spa **as follows:**

SEE ATTACHED TEXT OF LOCAL LAW 2 OF 2023

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2023 of the [redacted] (Village) of CORINTH was duly passed by the BOARD OF TRUSTEES on OCTOBER 23 2023, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
[redacted]

3. (Final adoption by referendum.)
[redacted]

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
[redacted]

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. **(City local law concerning Charter revision proposed by petition.)**

[redacted]

6. **(County local law concerning adoption of Charter.)**

[redacted]

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 11/1/23

Local Law 2 of 2023

CHAPTER 27, CODE OF ETHICS

Be It Enacted by the board of trustees of the Village of Ballston Spa that Chapter 27, Code of Ethics, be repealed and replaced in its entirety as follows:

Section 27-1: Purposes; applicability

A. Purposes. The proper operation of a Village government requires that its officers and employees be independent, impartial, and accountable to the people; that government decisions and policy be made in the proper channels of the governmental structure; that the public office not be used for personal gain; and that the public officers and employees observe in their official acts the highest standards of ethics and discharge faithfully the duties of their public office regardless of personal consideration.

B. All officers and employees shall conduct themselves in a professional and respectable manner towards the public and one another. Realizing what is legal is not necessarily ethical, it is the policy of the Village of Ballston Spa and the purpose of this chapter to establish standards and guidelines for the ethical conduct of officers and employees. Though assurance of such conduct will continue to rest primarily on personal integrity and community vigilance, the establishment of standards is another step toward providing the highest caliber of public administration for the Village and ensuring that government decisions are arrived at impartially and free from conflicts of interest, thereby increasing confidence in public officials.

C. It is also the purpose of this chapter to protect officials and employees from unwarranted accusations that impugn their integrity by distinguishing material conflicts of interest from those that are inconsequential, recognizing that for local government to attract and hold competent and professional public servants public service must not require a complete divesting of all proprietary interests. In recognition of these goals, there is hereby established a Code of Ethics for all officers and employees of the Village of Ballston Spa. In the event of any conflict or inconsistency between the provisions of this Code and the provisions of Article 18 of the General Municipal Law, this Code shall prevail, except that nothing in this Code shall authorize conduct otherwise prohibited by Article 18 of the General Municipal Law.

D. Applicability. This Code of Ethics is enacted pursuant to Section 806 of the General Municipal Law and Section 10 of the Municipal Home Rule Law. Officers and employees of the Village must comply with the provisions of the Code of Ethics, as well as the conflict of interest standards prescribed by Article 18 of the General Municipal Law. The Code of Ethics is an addition to the standards contained in Article 18 of the General Municipal Law.

§27-2: Definitions

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

ADVISORY COMMITTEE: Any committee, board, or other ad hoc group that is not already described in Village code, including committees, boards, and ad hoc groups required for grants, or that is convened for the purpose of generating recommendations to the Village Board of Trustees, or results in actions to be taken by the Village Board of Trustees, but does not possess sovereign authority to act on behalf of the Village on its own.

APPOINTEE: Village Board of Trustees-appointed members of Village Advisory Committees.

CONFIDENTIAL: Personnel matters and financial matters which, if disclosed, would be of detrimental interest to the Village and a violation of the trust placed in that person.

DEPARTMENT HEAD: the top supervisor of the following departments: Police, Fire, Department of Public Works, Library, Court, Treasurer, and Clerk.

EMPLOYEES: Any person that receives a salary or wage from the Village of Ballston Spa. Includes all employees of the Village and of all governmental bodies created under the provisions of the Village Law.

ETHICS BOARD: The Board of Ethics appointed by the Village Board of Trustees.

FAMILY MEMBER. A parent, stepparent, sibling, stepsibling, spouse, child (including children of spouse or domestic partner), stepchild, household member, or domestic partner of a municipal officer or employee and individuals having any of these relationships to the spouse of the officer or employee.

INTEREST: A direct or indirect financial or material benefit, including private financial benefit or interest other than financial, arising from blood or marriage relationships or close business or political association. It does not include any benefit arising from the provision or receipt of any services generally available to all the residents or all the taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers.

A municipal officer, employee or appointee is deemed to have an interest in any matter involving:
A. Any firm, partnership, association, or private organization of which they, their family member, or a member of their household is an owner, partner, director, officer, or employee; and
B. Any corporation of which any such person, family member, or member of their household is a director, officer, or employee, or directly or indirectly owns or controls more than 5% of the corporation's outstanding stock.

MUNICIPAL OFFICER: Includes elected and appointed officials and officers, whether paid or unpaid, and members of all governmental bodies created under the provisions of the Village Law

and all other Village ordinances and applicable statutes (i.e. members of the Planning Board, Zoning Board of Appeals, Library Board, Ethics Board, Park and Tree Board)

MUNICIPALITY. The Village of Ballston Spa. The word "municipal" refers to the municipality.

PARTICIPATING: Includes the rendering of advice or recommendation, investigation, approval, disapproval or otherwise influencing a decision or action.

§27-3: Acting in the Public Interest; Appearance of Impropriety

No municipal officer or employee shall use their municipal position or perform their official powers and duties for the purpose of benefitting family, household members, private business or organizations in which they have an interest, nor create an appearance of impropriety by giving the impression that they will exercise or perform their official powers or duties on the basis of any consideration other than the best interests of the municipality.

§27-4: Use of Position for Personal or Private Gain

A. No municipal officer or employee may use their position to secure personal or private gain for themselves, or for any other person or any organization in which they are deemed to have an interest. Personal or private gain does not include payment, benefit, or opportunity that is customarily and legally provided to any of the following groups of people or a lawful class of such groups:
    1. All municipal officers or employees;
    2. All residents or taxpayers of the municipality or an area of the municipality; or
    3. The general public.
B. No municipal officer or employee shall cause the municipality to expend more money and/or Village resources than is reasonably necessary for transportation, meals, or lodging in connection with official travel.
C. This section does not prohibit a municipal officer or employee from:
    1. Voting to approve the municipality's annual budget;
    2. Receiving lawful compensation for services as a municipal officer or employee;
    3. Receiving payment or reimbursement for actual and necessary expenses reasonably incurred in the performance of official duty;
    4. Receiving payments under a lawful municipal contract;
    5. Using municipal personnel, vehicles, equipment, material, supplies, or property for any municipal business purposes pursuant to law; or
    6. Performing a ministerial function that does not require the exercise of discretion.

§27-5: Treatment of Others by Officers, Employees, and Appointees

A. An officer or employee of the Village of Ballston Spa shall treat all members of the public, whether a person, firm or corporation, or other organization, including Village officers, employees, and appointees, with equal consideration and without special favor or prejudice in carrying out their official duties.

B. No officer, employee, or appointee shall take any action, or through inaction or withholding of information, impede the ability of other officers, employees, and appointees to properly and fully perform their duties.
C. All public officers shall be truthful in all of their dealings, discussions, and decisions relating to the village.

§27-6: Disclosure of Interest in Legislation and Other Matters

A. Whenever a matter requiring the exercise of discretion comes before a municipal officer, employee, or an appointee 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 themselves, a family or household member or any private organization in which they are deemed to have an interest, the municipal officer, employee, or appointee shall disclose, in writing, the nature of the interest.
B. The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer, employee, or appointee, or when the municipal officer, employee, or appointee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
C. In the case of a person serving in an elective office, the disclosure must be made publicly and shall be filed with the Village Board of the municipality. In all other cases, the disclosure must be made publicly and 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 addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made at a public meeting of the board and must be included in the minutes of the meeting.
D. For purposes of this section, a "matter requiring the exercise of discretion" includes any matter coming before the Board of Trustees, or any administrative board, commission, committee, or other agency of the municipality in which a vote of a body of municipal officers is required regarding a local law, ordinance, resolution, motion or any other decision, issue, or question.

§27-7: Holding of Investments in Conflict with Official Duties

A. No municipal officer or employee may acquire the following investments:
    1. Investments that can be reasonably expected to require more than sporadic recusal and abstention under §27-10 of this Code.
    2. Personal investments that would otherwise impair a reasonable person's independence of judgment in the exercise or performance of their official powers and duties.
B. No officer or employee shall engage in or participate in any business or transaction or shall have an interest, direct or indirect, which is incompatible with the proper discharge of their official duties in the public interest or would tend to impair their independent judgment or action in the performance of their official duties.

§27-8: Private Employment in Conflict with Official Duties

A. No municipal officer or employee may accept employment or engage in any business or professional activity which:
   1. Impairs the person's independence of judgment in the exercise or performance of their official powers and duties;
   2. Is likely to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee; or
   3. Requires representation of a person or organization other than the municipality in connection with litigation, negotiations, or any other matter to which the municipality is a party;
   4. Can be reasonably expected to require more than sporadic recusal and abstention pursuant to § 27-10 of this Code.

B. No municipal officer or employee may in a private capacity represent another person or organization before the Village of Ballston Spa, or any officer, administrative board, commission, or other agency of the municipality.

§27-9: Future Employment

A. No municipal officer or department head, with the exception of the fire department, may ask for, pursue, or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal office or department head, 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 municipal officer or department head, with the exception of the fire department, for the one-year period after serving as a municipal officer or department head, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department, or comparable organizational unit for which they served.

C. No municipal officer or department head, with the exception of the fire department, at any time after serving as a municipal officer or department head, may represent or render services to a private person or organization in connection with any particular transaction in which they personally and substantially participated while serving as a municipal officer or employee.

§27-10: Recusal and Abstention

A. Except as otherwise required by law or as provided by this section, no municipal officer or employee may participate in the discussion, vote, or exercise or perform any other official powers or duties in connection with any matter when they have an interest in the matter and know or should know that the action could confer a direct or indirect financial or material benefit on themselves, a family member, a household member, or any private organization in which they are deemed to have an interest.

B. In the event that Subsection A of this section prohibits a municipal officer or employee from exercising or performing their official powers or duties:

1. If the person is an officer servicing as a member of a body of municipal officers, the power or duty shall be exercised or performed by the other members of the body who are not prohibited by Subsection A from exercising or performing the power or duty;
2. If the person is an officer, and does not serve as a member of a body of municipal officers, and has a deputy who is not prohibited by Subsection A from exercising or performing the power or duty, the deputy shall exercise or perform the power or duty; or
3. If the person is an employee, they must refer the matter to their immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty that is not prohibited from doing so by Subsection A of this section.

C. Exceptions (use of position, disclosure, recusal, and abstention)

1. This Code's prohibition on use of a municipal position, disclosure requirement, and requirements relating to recusal and abstention shall not apply with respect to the following matters:
    a. Adoption of the municipality's annual budget.
    b. Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
        i. All municipal officers or employees;
        ii. All residents or taxpayers of the municipality or an area of the municipality; or
        iii. The general public.
    c. Any matter that does not require the exercise of discretion.
2. Recusal and abstention shall not be required with respect to any matter:
    a. Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by §27-10(A) above of this Code.
    b. Which comes before a municipal officer when the officer would be prohibited from acting by §27-10(A) above of this Code and the matter cannot be lawfully delegated to another person.

<u>§27-11: Interests in Contracts</u>

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

<u>§27-12: Personal Representations and Claims Permitted</u>

This Code shall not be construed as prohibiting a municipal officer or employee from:

A. Representing themself, or their spouse or minor children, before the municipality; or
B. Asserting a claim against the municipality on their own behalf, or on behalf of their spouse or minor children.

§27-13: Use of Municipal Property

No officer, employee, or appointee of the Village of Ballston Spa may request or permit the use of municipal personnel and the municipality's funds, Village-owned vehicles, equipment, materials, resources, or property for a non-Village purpose, except when such use:

A. Is available to the public generally and on the same terms as a member of the public;
B. Is provided as written Village policy for the use of the officer or employee in the conduct of official duties;
C. Is deemed an appropriate purpose by the Village Board through a motion and vote to approve a use of Village property.

§27-14: Nepotism

A. No municipal officer or employee may participate in any decision whether to appoint, hire, promote, discipline, or discharge a family member from any position at, for or within the Village of Ballston Spa or an administrative board, commission, or other agency of the municipality.
B. No municipal officer or employee may directly supervise a family member in the performance of the family member's official powers or duties.

§27-15: Political Solicitations

A. No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service, or other thing of value.
B. No municipal officer 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 municipal officer or employee, or an applicant for a position as a municipal officer 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 officers, employees, or appointees shall engage in political campaign activities during their official Village of Ballston Spa workday, or while conducting official village business.
D. No employee, municipal officer or appointee shall use official Village correspondence or other Village resources for the purposes of political activity.
E. No Village officer shall serve as an officer or like position in a political party or political organization.

§27-16: Confidential Information

No municipal officer, employee, or appointee who acquires confidential information in the course of exercising or performing their 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 their official powers or duties.

§27-17: Adherence to Approved Motions and Laws

Every officer and employee must comply with all legal motions and laws passed by the Village Board.

§27-18: Gifts

A. No municipal officer 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 municipal officer or employee may directly or indirectly solicit any gift.
C. No municipal officer 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 their official powers or duties; or
   2. The gift could reasonably be expected to influence the officer or employee in the exercise or performance of their 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. A gift does not include a lawful campaign contribution.
E. Gifts intended to influence or reward:
   1. A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of their official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
   2. A gift to a municipal officer 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 municipal 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:
   1. Gifts made to the municipality;
   2. Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that it is that personal relationship, rather than the recipient's status as a municipal officer or employee, that is the primary motivating factor for the gift.
   3. Gifts which are de minimus, reasonable and customary, 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, notepads, and calendars; or
   5. Awards and plaques having no resale value which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community.

6. 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.

§27-19: Annual Financial Disclosure Form

A. All Village of Ballston Spa officers and department heads shall file with the Village Clerk a financial disclosure statement within 45 days after taking office and no later than May 30 of each year thereafter. Current officers and department heads shall file with the Village Clerk a financial disclosure statement within 45 days after the effective date of this Code as defined in section 27-26. Such disclosure will cover the twelve-month period prior to the date of filing. Within 30 days of any material change in information contained in their most recently filed statement, the officer or employee shall file a signed amendment to the statement reflecting such change.

B. Disclosure statements shall be maintained for a minimum period of seven years from the date of filing.

C. Matters to be disclosed on the financial disclosure form:

1. The officer or employee's name, home address, office phone number, office email.
2. For officers only: The family member as defined above relationship, address, and type of interest, control or ownership of any real property within the Village in which the Village official or family member has an ownership or other financial interest.
3. List any occupations, trade, business, or profession presently engaged in by the officer/employee or the officer/employee's spouse (presently or during the past 12 months) which does business or has any matter pending with or is licensed or regulated by a Village Agency or Department.
4. The name, address and phone number of any partnership, unincorporated association or other unincorporated business of which the officer/employee or the officer/employee's family member is an officer, employee, or partner and has a proprietary interest with the partnership, association or business and such entity has engaged in within the past 12 months, or is anticipated to have, any business dealings with the Village.
5. The name, address and phone number of any corporation of which the officer/employee or the officer/employee's family member is an officer or director or employee, or in which the Village officer or family member legally or beneficially owns or controls more than 5% of the outstanding stock, and any such entity that has engaged in business dealings with the Village within the past 12 months, or is anticipated to have any business dealings with the Village, and the officer/employee or the officer/employee's family member's position, if any, with the corporation.
6. List all sources of income received by the officer/employee or the officer/employee's family member from entities doing business with the Village at present or during the prior twelve months' period, or which the officer/employee anticipate will engage in business with the Village in the future. Include name and address of such entities.
7. The name, address, relationship, title and department of each family member who is an officer or employee of the Village of Ballston Spa.
8. For officers only: Any official leadership position the officer currently holds in any political party, political committee or political organization.

§27-20: Public Access

The Village of Ballston Spa recognizes that public access to the Annual Financial Disclosure Forms will enhance the public confidence thereof and shall deter conflicts of interest and assist in their uncovering.

A. Any person or news media desiring to review the disclosure statement shall submit as a request pursuant to the Freedom of Information Law, which shall include the following: Name, address, email, and phone number

B. Any officer or employee whose disclosure statement has been inspected or copied shall be notified of the identity of the person(s) who or organization(s) which requested to view or to copy such statement.

C. It shall be unlawful for any person or organization to inspect or to copy a statement for:

1. Any unlawful purpose.
2. The use, directly or indirectly, in the solicitation of the officer or employee for political, charitable, or business purposes.

D. A civil action may be brought by the Village of Ballston Spa's Village Board of Trustees against any person or organization that violates the provisions of Subsection C of this section or for the willful withholding of the information requested in Subsection A of this section.

§27-21: Board of Ethics

A. Membership

1. The Board of Ethics members shall be appointed by the Village Board of Trustees. The Board of Ethics shall consist of five members approved by a minimum of four members of the Board of Trustees.
2. Each of the five members of the Board of Ethics shall serve a term of four years.
3. Terms shall be staggered so that no more than three members shall have their terms end simultaneously. Existing terms shall continue without interruption with the adoption of this Code.
4. Members may be appointed for not more than two consecutive four-year terms.
5. If a vacancy shall occur otherwise than by expiration of term, the Mayor shall appoint a new member for the unexpired term with Village Board of Trustees' approval.
6. It is the responsibility of the Village Board of Trustees to solicit new applicants to fill current and upcoming vacancies on the Board of Ethics in a timely manner. Solicitation includes, at minimum, placing the vacancy on the Village Board of Trustees' agenda for at least one (1) meeting and on the Village of Ballston Spa website and social media until the vacancy is filled. The Board of Ethics shall conduct the initial review of applicants and then recommend to the Village Board of Trustees any prospective members.
7. The Village Board of Trustees has the discretion to accept or reject the recommendations of the Board of Ethics regarding the appointment of prospective new members.

B. Qualifications of Board Members

1. All members of the Board of Ethics must be residents of the Village of Ballston Spa.
2. No member of the Board of Ethics shall be a political committee person, hold office in a partisan political organization, or hold elective office in the Village of Ballston Spa. A Board of Ethics member may make campaign contributions, display campaign signage, and vote.
3. Not more than three members of the Board of Ethics may be members of the same political party.
4. No current officer or employee of the Village of Ballston Spa is eligible to serve on the Board of Ethics.
5. All candidates seeking appointment to the Board of Ethics must agree to:
    a. Maintain an email account which they agree to monitor at least once per week during their appointed term of office.
    b. Respond to requests for communication from the Board of Ethics members and the Village Board of Trustees within 48 hours of receiving a communication. Exceptions may be made for vacations, illness, family emergencies, extended leave of absence, acts of God, and other actual emergencies.
    c. Disclose any prior felony or misdemeanor convictions, and any current pending criminal charges or otherwise consent to and authorize a background check. Convictions and pending charges are not immediate grounds for ineligibility to serve.
    d. Maintain and inhabit a primary physical residence in the Village of Ballston Spa for no less than seven months of any year in which appointed to Board of Ethics
    e. Board of Ethics members that are not physically present for a meeting may make a virtual appearance at the Board of Ethics meeting to maintain appointed duties, provided that a quorum is present in person.
    f. Have no clear and present significant conflicts of interest.
    g. Disclose their registered political affiliation so as not to conflict with the provision of § 27-18(B)(3).
6. The minimum age for applicants to the Board of Ethics is 21 years at the time of appointment.
7. All candidates seeking appointment to the Board of Ethics must complete the Committee Interest Form, disclose any current direct business dealings within and with the Village of Ballston Spa and complete the Annual Financial Disclosure Form upon appointment or the effective date of this code as defined in section 27-26 and annually thereafter.

C. Powers and Duties of the Board of Ethics:
    1. The Board of Ethics shall select its own Chairperson from within the Board of Ethics for a one-year term and delegate authority to the Chairperson to act in the name of the Board of Ethics between meetings of the Board of Ethics provided that the delegation is in writing and the specific powers to be delegated are enumerated, and further provided that the Board of Ethics may not delegate the power to conduct hearings, determine violations, recommend disciplinary action,

impost civil fines, refer any matter to a prosecutor or render advisory opinions, except at stated in Section 27-21. If the Chairperson leaves prior to the end of the one-year term, the Board of Ethics will select a chair to serve the remainder of the term.

2. Prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner not inconsistent with this section or any state or federal law.
3. Conduct investigations pursuant to this Code.
4. Issue advisory opinions pursuant to this Code.
5. Conduct hearings, recommend disciplinary action, and initiate appropriate actions and proceedings pursuant to this Code.
6. In the case of a hearing held by the Board of Ethics, the due process procedural mechanisms shall be substantially similar to those set forth in Article 3 of the State Administrative Procedure Act. 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 authority or 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, or if a matter is the subject of another governmental inquiry investigation or judicial proceeding, the Board of Ethics may adjourn the matter pending a final determination of such matter by the other authority, person, body, or law enforcement agency.
7. Act only with respect to officers, employees, and appointees of the municipality and persons having business dealings with the municipality. The termination of a Village officer's or employee's term of office or employment with the Village shall not affect the jurisdiction of the Board of Ethics with respect to requirements imposed by this chapter on former Village officers or employees to the extent permitted by law.
8. Refer any matter within its jurisdiction to the county Ethics Board in its discretion. The Board of Ethics shall refer to the appropriate law enforcement agency any facts or evidence that comes into its possession that reasonably indicates possible criminal violations.
9. Where necessary and indicated, retain and utilize the attorney for the Village or, when required or there is a decided conflict, will request permission from the Village Board of Trustees to retain outside counsel.
10. Any formal communication from the Board of Ethics to the Village Board of Trustees shall be in written form. Any majority opinions/recommendations issued by the Board of Ethics will require the signatures of a majority of the members of the Board of Ethics. While not required, a dissenting opinion/recommendation may be written, signed, and attached to the majority opinion/recommendation if the members in the minority so choose.
11. The Board of Ethics will hold meetings in order to carry out its power and duties. Other than meetings focused on confidential investigations, meetings of the Board of Ethics shall be subject to the requirements of the New York State Open Meetings Law. This includes meetings, or parts of meetings, to add members, make recommendations for Code changes, and any other business that does not require confidentiality.

D. Removal of appointed Members.

1. Appointed members of the Board of Ethics may voluntarily vacate from their appointed office upon submission of a letter of resignation to the Village Board of Trustees.
2. Members of the Board of Ethics may be removed from their office if the following occurs:
    a. By being found in violation of the Code of Ethics and being subsequently removed from office by Village Board of Trustees. The Village Board of Trustees must give the Board of Ethics member written notice and an opportunity to be heard.
    b. By receiving a unanimous vote from the remaining members of the Board of Ethics and recommendation made to the Village Board of Trustees for removal from office for violations of B above.

E. Training of the Board of Ethics.
Each member of the Board of Ethics shall be required to complete at least two (2) hours of ethics training per year either in-person or on-line. Each member shall provide proof of such training to the Village Clerk and such proof shall be maintained in the office of the Village Clerk as a municipal record. Failure to complete required training for more than one year may result in dismissal from the Board of Ethics. Newly appointed members must complete their initial training within 120 days of appointment. The Village Clerk will identify and disseminate training resources and opportunities to the members.

§27-22: Complaints and Investigations

A. Upon receipt of a form duly sworn by the person requesting an investigation of an alleged violation of this chapter or upon the Board of Ethics determining on its own initiative that a violation of this chapter may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this section. In conducting any such investigation, the Board of Ethics may administer oaths or affirmations, subpoena witnesses and compel their attendance and require the production of any books or records which it may deem relevant or material. The form to be utilized in requesting an investigation of an alleged violation of this chapter shall be the form available in the office of the Village Clerk and on the Village of Ballston Spa website.
B. All complaints, hearings and proceedings of the Board of Ethics shall be kept confidential until such time as a final determination is made. Thereafter, the Board of Ethics shall state in writing its disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition to the Village Board of Trustees. Any findings of violations of this chapter or other applicable law shall be served upon the subject of the investigation within seven days of such service of any findings of violations of this chapter, and violations shall be made a public record and shall be indexed and maintained on file by the Village Clerk.
C. All employees and appointees of the Village of Ballston Spa and all officers (whether paid or unpaid) are required to fully cooperate with the reasonable requests of the Board

of Ethics during all formal ongoing investigations. Notwithstanding the above requirement, the following conditions will also apply:

1. The Board of Ethics shall advise the employee, officer, or appointee of their right to confer with or obtain outside legal (or other) counsel. No individual shall be denied their right to obtain and to utilize outside legal (or other) counsel. A reasonable period of time will be provided to retain outside counsel (as a general rule, no less than 30 calendar days).
2. Any individual questioned in connection with any investigation will be advised whether they are a target and/or subject of that investigation within 7 business days after a complaint has been made.
3. The Board of Ethics shall state, in writing, its disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition to the Village Board. The findings of the Board of Ethics will be sent to the subject of the investigation within seven (7) days after such findings become final.

§27-23: Enforcement - Penalties for Offenses

A. Employee-Related Enforcement: In its discretion and after a hearing in accordance with Article 3 of the State Administrative Procedure Act (SAPA), and subject to § 75 of the Civil Service Law and any collective bargaining agreements, to the extent practicable, the Board of Ethics may recommend for action to the Board of Trustees appropriate disciplinary action which may include a written warning, or reprimand, forfeiture of accrued leave with pay, fine, required attendance at ethics training seminars, suspension or termination of employment to the authority or person or body authorized by law to impose such sanctions, reimbursement for any costs incurred directly by the Village as a result of the ethical violation, or other costs associated with addressing the ethical violation.

B. Enforcement against appointees and public officers other than Board of Trustees: The Board of Ethics can recommend a written warning or censure by the Board of Trustees, or removal from office or employment in the manner provided by law. The Board of Ethics can also, under its own action, issue a public statement of censure.

C. Enforcement against Members of the Board of Trustees: The Board of Ethics can issue a public resolution of censure against members of the Board of Trustees. Such resolution will be read at a public Board of Trustees meeting and entered into the public record.

D. The Board of Ethics shall conduct and complete the hearing with reasonable promptness and shall not act without notice and opportunity for the target or subject of the investigation to be heard and shall observe appropriate due process.

§27-24: Ethics Advisory Opinions

A. The Board of Ethics shall render confidential advisory opinions to officers, employees, and appointees of the Village of Ballston Spa with respect to Article 18 of the General Municipal law and this Code of Ethics. Officers, employees, and appointees of the municipality are encouraged to seek advisory opinions whenever they are uncertain whether their conduct may violate the Code of Ethics.
B. The Board of Ethics will prepare an advisory opinion based on a thorough review of the facts and applicable law. The Board of Ethics' opinion is to be based primarily on the facts presented in the request or subsequently submitted in a written signed document. The opinion will be rendered, in writing, to the requester as expeditiously as is practicable, with special attention to the time requirements of a given case.
C. An officer, employee, or appointee of the municipality whose conduct or action is the subject of an advisory opinion will not be subject to penalties or sanctions by virtue of acting, or failing to act, due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the material submitted by the requester.
D. The Board of Ethics will maintain a confidential indexed file of all advisory opinions issued by the Board of Ethics, which will be kept and maintained by the Village Clerk.

§27-25: Labor Agreements

Nothing in this local law is meant to supersede the rights and obligations of any party under NYS Civil Service Law Article 14, otherwise known as the Taylor Law.

§27-26: Posting and Distribution of Code

A. The Village of Ballston Spa must promptly cause a copy of this Code of Ethics and a copy of Article 18, §§ 800-809, of the General Municipal Law, and a copy of any amendment to this Code of Ethics, to be posted publicly and conspicuously in each building under the municipality's control and on the Village of Ballston Spa website. 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 Village of Ballston Spa must promptly cause a copy of this Code of Ethics and a copy of Article 18, §§ 800-809, of the General Municipal Law, and a copy of any amendment to this Code of Ethics, to be distributed to every person who is or becomes an officer, employee, or appointee of the Village of Ballston Spa. Such distribution can be via electronic mail.
C. As a part of the onboarding process, each officer shall complete the Officer Disclosure Form and each municipal officer, employee, and appointee will receive a copy of this Code of Ethics and must acknowledge receipt in writing. All present municipal officers and employees shall receive a copy of this Code and must acknowledge receipt in writing within 90 days of its ratification. Officers and employees shall receive copies of any amendments to the Code and must acknowledge receipt in writing. Such acknowledgements must be filed with the Village Clerk, who must maintain such acknowledgements as a public record.

D. The failure to post this Code of Ethics or an amendment to the code does not affect either the applicability or enforceability of the Code of Ethics or the amendment. The failure of a municipal officer, employee, or applicant 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.

§27-27 Effective date.

This Code takes effect on filing with the Department of State.

VILLAGE OF BALLSTON SPA
NOTICE OF ADOPTION

ADOPTION OF LOCAL LAW 2 OF 2023, REPEALING CHAPTER 27 "CODE OF ETHICS" AND REPLACING IT ENTIRELY WITH NEW CHAPTER 27 "CODE OF ETHICS" IN THE CODE OF THE VILLAGE OF BALLSTON SPA

NOTICE IS HEREBY GIVEN, by the Board of Trustees of the Village of Ballston Spa, that a public hearing was held on October 23, 2023, after which the Board of Trustees adopted Local Law No. 2 of 2023, which repealed Chapter 27 Code of Ethics of the Village of Ballston Spa and replace it in its entirety with new Chapter 27 Code of Ethics. A copy of Local Law No. 2 of 2023 can be obtained at Village Hall and on the Village's website.

Dated:

Teri L. O'Connor

Village Clerk

778403