

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 Washingtonville

WA1295-BCD
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Combwl. 290384
FILED
STATE RECORDS
OCT 03 2011

DEPARTMENT OF STATE

Local Law No. 1 of the year 20 11

A local law titled "A Local Law Repealing Local Law No. 5- 1990 and Establishing a Code of Ethics
(Insert Title)

with Expanded Board"

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Washingtonville as follows:

VILLAGE OF WASHINGTONVILLE LOCAL LAW NO 1-2011

A LOCAL LAW REPEALING LOCAL LAW NO. 5- 1990 AND
ESTABLISHING A CODE OF ETHICS WITH EXPANDED BOARD.

WASHINGTONVILLE CODE OF ETHICS

Section 14-1 Title

Section 14-2 Purpose and Legislative Intent

Section 14-3 Definitions

Section 14-4 Standards of Conduct

Section 14-5 Discrimination

Section 14-6 Distribution of Code of Ethics

Section 14-7 Board of Ethics

Department of State
Secretary of State
SEP 29 2011
State of New York

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

Section 14-8 Penalties

Section 14-9 Safeguards

Section 14-1 Title

This Local Law shall be referred to as "A Local Law repealing Local Law No. 5 of 1990 and Establishing a Code of Ethics with an Expanded Board."

Section 14-2 Purpose and Legislative Intent

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of Washingtonville recognizes that certain rules of ethical conduct for public officers and employees must be observed in order to maintain a high degree of professionalism and conduct in the village. The proper operation of the village government requires that its officers and employees be independent, impartial, objective, unbiased and responsible to the people of the Village of Washingtonville; that public office not be used for personal gain; that public officers and employees maintain the highest standard of integrity and discharge faithfully the duties of their office, regardless of personal consideration; and that the public have confidence in the officers and employees thereof. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of Washingtonville. These rules shall serve as a guide for official conduct of the officers and employees of the village and shall not conflict with, but shall be in addition to, any prohibition or provision of Article 18 of the General Municipal Law or any other general or special law relating to the ethical conduct, interests in contracts and personal interests of municipal officers and employees. By Local Law No. 5 of 1990 the Village Board of the Village of Washingtonville created a Code of Ethics which created a 5 member board with certain duties and responsibilities. The Village desires to create a 7 member Board and clearly detail the duties and responsibilities of the Board of Ethics including review of Financial Disclosure Forms.

§ 14-3. Definitions. All words and phrases used herein shall have their ordinary meanings unless the context requires otherwise or unless set forth below.

CONTRACT — Any claim, account or demand against or agreement with a municipality, expressed or implied and shall include the designation of a depository of

public funds and a designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

FAMILY — The officer or employee himself, his/her spouse or their brothers, sisters, parents, children, grandchildren or the spouse of any of the foregoing.

INTEREST — A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the village or any business or professional transaction with the village. For the purpose of this chapter, an officer or employee shall be deemed to have a direct "interest" in a contract or the business or professional affairs of his or her spouse, minor children and dependents, a business concern, firm, partnership or association of which such officer or employee is member, partner, owner, director or employee, a corporation of which such officer or employee is an officer, director or employee and a corporation with stock

of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE — All elected officials of the Village of Washingtonville and the heads of any agency, department, division, council, board, commission or bureau of a political subdivision and their deputies and assistants and the officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils who hold policy making positions as annually determined by the appointing authority. Municipal Officer or Employee shall not mean a judge, justice, officer or employee of the unified court system or any independent contractor performing services for the Village including professional services.

VILLAGE — The Village of Washingtonville or any of its boards, commissions or agencies, whether operated solely by the village or jointly with one (1) or more other municipalities.

§ 14-4. Standards of conduct.

- A. Gifts. No officer or employee of the village shall directly or indirectly solicit any gift or accept or receive any gift having a value of more than seventy-five dollars (\$75.00), excepting out gifts up to one hundred dollars (\$100.00) for an official who performs a marriage ceremony, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, thing or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence the officer or employee 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.
- B. Disclosure of confidential information. No officer or employee of the village shall disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interests or the personal interests of others.
- C. Rendering of services.
 - (1) No municipal officer or employee of the village shall receive compensation or enter into any agreement, expressed or implied, to receive compensation with respect to any matter which is, was or will be before him or her for determination in his or her official capacity as a municipal officer or employee of the village. This provision shall not apply to compensation received from the village for services rendered to the same.
 - (2) No municipal officer or employee shall appear as attorney or counsel against the interest of the

village in any matter in which the village is a party or complainant.

D. Use of position to achieve preferential treatment. No officer or employee of the village shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others or grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

E. Disclosure of interest in legislation or other matters involving potential conflict of interest.

(1) Any member of the Board of Trustees, Planning Board or Zoning Board of Appeals of the Village of Washingtonville who has a direct or indirect interest in any matter before the board of which he or she is a member or any officer or employee who has a direct or indirect interest in any matter before the Board of Trustees and who participates in the discussion before or who makes a recommendation or gives an opinion to said Board of Trustees shall publicly disclose on the official record of the relevant board or boards the nature and extent of such interest.

(2) The following individuals and/or individuals holding the following positions shall disclose, in writing, to the Board of Ethics all land holdings in the Village of Washingtonville, whether held by the individual or his family or jointly with any family member or jointly in partnership with others or as a corporation or trust in which partnership, corporation or trust the officer or employee or his or her spouse is an officer, director or employee or in which he or she or his or her spouse legally or beneficially owns or controls more than five percent (5%) of the outstanding stock or interest. In the event of land holdings involving a partnership, corporation or trust, the officer or employee shall provide the name of the partnership, corporation or trust and

his or her position and his or her spouse's position with the same. Said disclosure shall be made within ten (10) days of taking the oath of office or, if no oath of office is required, within ten (10) days of commencing employment. The individuals to which this requirement applies are

(a) All elected officials of the Village of Washingtonville except judges or justices of the Unified Court System;

(b) All municipal officers and employees as defined in Section 14-3 of this Chapter and any village employees whose salary is in excess of \$75,000.00.

- (3) In the event that a change occurs with respect to any of the information required on the aforesaid disclosure statement, the individual required to file such a statement shall file an amended statement reflecting any such change in circumstances. Such amended statement shall be filed within the earlier of ten (10) days of the individual's knowledge of such change in circumstance or within ten (10) days of a request for an amended statement by the Board of Ethics.

F. Investments, private employment or other interests. Any officer or employee who believes a personal interest may possibly conflict with his or her official duties may apply to the Board of Ethics for a determination thereon.

G. Future employment. No officer or employee, after termination of service or employment with the village, shall appear before any board or agency of the village in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

§ 14-5. Discrimination.

No officer or employee of the village and no organization or

service chartered by or directly or indirectly sponsored or supported by the village shall:

- A. Discriminate or cause segregation, directly or indirectly, based upon gender, creed, race or national origin or allow said factors to affect the recruitment, selection, placement, assignment, compensation or promotion of any officer, employee or member of said organization or service.
- B. Permit, directly or indirectly, the use of any village property, equipment or service by any person or persons, organizations, corporations or any other group which directly or indirectly discriminates as set forth in Subsection A above.
- C. Allow the village to knowingly possess any financial or business interest or dealings with any organization which discriminates as set forth in Subsection A above.

§ 14-6. Distribution of Code of Ethics.

The Village Clerk shall cause a copy of Article 18 of the General Municipal Law and of this Code of Ethics to be distributed to every officer and employee of the village. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code nor the enforcement of provisions thereof.

§ 14-7. Expanding the Board of Ethics.

A. Establishment of Board of Ethics.

- (1) A Board of Ethics to consist of seven (7) members is hereby established. The Board of Trustees shall cause the posting of a notice at Village Hall for a period of one (1) month and publish a notice in the official newspaper, which notice shall state that all interested persons should submit to the village their names and qualifications for membership] on the Board of Ethics. The Board of Trustees or a committee thereof shall interview and select

appropriate candidates to serve on the Board of Ethics. Said members shall be appointed by the Mayor, subject to approval of the Board of Trustees.

- (2) All members shall reside within the village. A majority of the members shall not otherwise be officers or employees of the village, but at least one (1) member shall be an elected or appointed municipal officer or employee of the village. Of the initial members, three (3) shall be appointed for three (3) years, two (2) shall be appointed for two (2) years and two (2) shall be appointed for one (1) year. All subsequent appointees shall be appointed to two-year terms.

B. Operation of Board of Ethics.

- (1) Appropriate funds shall be allocated by the Board of Trustees for the operation and maintenance of the Board of Ethics.
- (2) Matters before the Board of Ethics shall be confidential and, therefore, all meetings of the Board to discuss or hear a matter concerning an officer or employee shall be closed to the public. Opinions and requests for opinions shall be confidential records, unless the individual who is the subject of the investigation or the individual who seeks an advisory opinion consent to its public release. Said records shall be indexed and maintained on file in an appropriate manner by the Board of Ethics.
- (3) The Village Attorney shall provide such legal and advisory services to the Board of Ethics as it may require for the performance of its duties.

C. Compensation. Members of the Board of Ethics shall not receive compensation for the performance of their official duties but shall be reimbursed for reasonable and necessary expenses.

D. Removal of Board member. All members of the Ethics Board shall serve at the pleasure of the appointing authority pursuant to Section 808 of the Municipal Law of the State of New York. A member of the Board of Ethics may be removed, after written notice and opportunity for reply, by a majority vote of the Board of Trustees on grounds of neglect of duty, misconduct in office, inability to discharge the powers or duties of the office or violation of this chapter or regulations adopted pursuant thereto.

E. Quorum, voting and meetings. At its first meeting each year, the Board of Ethics shall elect a Chairman from among its membership. Five (5) members of the Board shall constitute a quorum, and a vote of at least four (4) members shall be required for the Board to take any action. The Board shall hold at least one (1) meeting per year. The Chairman or any four (4) members of the Board may call a meeting of the Board.

F. Powers and duties. The Board of Ethics shall have the following powers and duties:

- (1) Cause to be filed with the State Ethics Commission a copy of the disclosure form to be filed pursuant to this code.
- (2) Upon referral of a Complaint by the Village Board to the Ethics Board of an alleged violation of any chapter of this Section, the Ethics Board may review the disclosure statement of the individual named in said complaint during its inquiry into said alleged violation. The Board shall provide a written advisory opinion to the Village Board for further action.
- (3) Issue advisory opinions to any municipal officer or employee requesting the same in accordance with Subsection G below.
- (4) Require the presence of any person or persons initiating any inquiry.

- (5) Provide training and education to village officers and employees with respect to the provisions of this code.
- (6) Prepare an annual report to the Board of Trustees summarizing the activities of the Board of Ethics.
- (7) Recommend changes to the Code of Ethics, if necessary.
- (8) Act only with respect to officers and employees of the Village of Washingtonville as those individuals are defined in Section 14-3 of this Chapter .
- (9) Refer any matter within its jurisdiction to the County or State Board of Ethics with a copy of said referral to the Village Board.

G. Advisory opinions.

- (1) Upon the written request of any municipal officer or employee, the Board of Ethics shall render an advisory opinion to such officer or employee with respect to any matter addressed by this code as such matter applies to the subject officer or employee. Said opinion shall be in writing and shall set forth reasons in support thereof.

[2] Upon written request of any board, commission or department of the village, the Board of Ethics shall render written advisory opinions with respect to the interpretation or application in a general sense of any provision of this code.

§ 14-8. Penalties.

In addition to any penalty contained in any other provision of law, any person who knowingly violates any of the provisions of this code may be fined, suspended or removed from office or employment in the manner provided by law.

§ 14-9. Safeguards.

- A. The form of the disclosure statement shall be developed by the Board of Ethics consistent with New York State Law.
- B. Completed disclosure forms shall be submitted in a sealed envelope labeled on the outside with the name of the officer or employee. The individual shall sign across the sealed portion of the envelope.
- C. Completed disclosure forms shall be kept in a locked filing cabinet with access restricted to the Village Clerk of Washingtonville. Upon referral by the Village Board of Washingtonville to the Ethics Board of a potential violation of any section of this Chapter by any officer or employee as defined herein, the Village Clerk shall provide the envelope involving that Officer or Employee to the Board of Ethics for review. The Board of Ethics shall not have access to such disclosure forms when solely rendering advisory opinions to the municipal officers or employees of the Village as defined herein.

(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. 1 of 20 11 of the ~~(County)~~(City)(Town)(Village) of Washingtonville was duly passed by the (Name of Legislative Body) Board of Trustees on Sept. 12 20 11, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* 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.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(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.

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

(Seal)

Date: 09-14-11

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Orange

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]

Signature
Village Attorney

Title

County _____
City of Washingtonville
Town _____
Village _____

Date: Sept. 14, 2011