

# 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

Local Law No. 2 of the year 2013

A local law Amendment to Code of Ethics  
(Insert Title)

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

County  City  Town  Village  
(Select one:)

of Washingtonville

as follows:

Section 1. The purpose of this local law is to amend certain provisions of Local Law No. 1 of 2011, which local law increased the number of members of the Board of Ethics from five members to seven members and eliminated certain powers and responsibilities of the Board of Ethics. This local law restores the membership to five members and restores those powers and responsibilities, and increases the scope of power of the Board of Ethics to investigate, in certain circumstances, claimed unethical conduct.

Section 2. Chapter 14, titled "Code of Ethics," of the Code of the Village of Washingtonville is amended as follows:

I. Section 14-1, titled "Title," which section was added by Local Law No. 1 of 2011, is deleted. All subsequent sections of this Chapter are re-numbered accordingly. For example, §14-2 shall be renumbered as §14-1.

II. Section 14-2, titled "Purpose and Legislative Intent," is amended by amending the title thereof and by deleting the statements that the Board of Trustees desires seven members on the Board of Ethics instead of five members, and shall read as follows:

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

§14-1. 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.

III. Section 14-3 (re-numbered as §14-2), titled "Definitions," is amended by amending the definition of "Municipal Officer or Employee" to read as follows:

**MUNICIPAL OFFICER OR EMPLOYEE**

The Mayor, Trustees and any officer or employee of the Village, whether paid or not, including members of any administrative advisory board, commission or other agency of the Village. For the purpose of this chapter, no person shall be deemed a "municipal officer or employee" solely by reason of being a volunteer fireman, a civil defense volunteer or auxiliary police officer.

IV. Section 14-4 (re-numbered as §14-3), titled "Standards of Conduct," is amended by amending subsections A and E(2) to read as follows:

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 \$75, 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.

E.(2) The following individual 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 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 10 days of commencing employment. The individuals to which this requirement applies are:

(a) All municipal officers and employees.

(b) Village Engineer and engineers for the Village.

(c) Village Attorney and attorneys for the Village.

(d) Village consulting engineers.

(e) Village consulting attorneys.

V. Section 14-7 (re-numbered as §14-6), titled "Expanding the Board of Ethics," is amended by amending the title thereof and by amending subsections A(1), A(2), D and E to read as follows:

§14-6. Board of Ethics.

A. Establishment of Board of Ethics.

(1) The Board of Ethics, previously established, shall consist of five members. The Board of Trustees shall post a notice at Village Hall for a period of one 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 candidates to serve on the Board of Ethics. Members of the Board of Ethics shall be appointed by the Mayor, subject to approval of the Board of Trustees.

(2) All members of the Board of Ethics shall reside within the Village. A majority of the members shall not otherwise be officers or employees of the Village. Of the initial members, two shall be appointed for three years, two shall be appointed for two years and one shall be appointed for one year. All subsequent appointees shall be appointed to three-year terms.

D. Removal of Board member. All members of the Ethics Board shall serve at the pleasure of the Board of Trustees. 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.

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

VI. Subsection F, titled "Powers and duties," of §14-6, titled "Board of Ethics," is amended by amending or adding the following designated paragraphs to read as follows:

(2) Review the disclosure forms to be filed pursuant to this Chapter.

(3) Issue an advisory opinion to a municipal officer or employee upon request by that municipal officer or employee; or upon receipt of a request made by the Board of Trustees or by any person, but only in accordance with subsection G below; or upon the Board of Ethics' own initiative.

(10) Prescribe and promulgate rules and regulations governing its own organization and procedures in the manner consistent with this Code.

VII. Subsection G, titled "Advisory opinions," is amended by re-numbering paragraph (2) as paragraph (5), and by adding new paragraphs (2), (3) and (4) to read as follows:

(2) In addition, the Board of Trustees, by majority vote, may make a written request to the Board of Ethics to render such an advisory opinion to a specified officer or employee with respect to any matter addressed by the Code as such matter may apply to such officer or employee. Such requests by the Board of Trustees shall set forth specific reasons in support of the request. Upon such written request by the Board of Trustees, the Board of Ethics shall render an advisory opinion to the officer or employee.

(3) In addition, upon receipt of a sworn complaint by any person alleging a violation of the Code or upon determining on its own initiative that a violation of the Code may exist, the Board of Ethics shall have the power and duty to conduct an investigation deemed necessary by the Board of Ethics to carry out the provisions of this Code. Upon receipt of a sworn complaint by any person, the Board of Ethics shall determine, in its discretion, whether the complaint contains adequate allegations of fact to conduct an investigation. Such complaint must be in writing and must be signed by the complainant and state that the complainant swears, under penalty of perjury, that the complainant knows or reasonably believes that the allegations made therein are true.

(4) An advisory opinion issued by the Board of Ethics to any municipal officer or employee shall not be disclosed to any person (i) except by that officer or employee; or (ii) except in any action or proceeding, whether judicial or administrative, concerning the discipline, removal or other potential punishment of that officer or employee.

VIII. Section 14-9, title "Safeguards," is amended by revising subsections A, B and C to read as follows:

A. The form of the disclosure statement shall be developed by the Board of Ethics.

B. Completed disclosure forms shall be submitted in a sealed envelope labeled on the outside with the name of the officer or employee.

C. Completed disclosure forms shall be kept in a locked filing cabinet with access restricted to Board of Ethics members only.

Section 3. This local law shall take effect immediately upon filing with the Secretary of the State.

(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 2013 of the ~~(County)(City)(Town)~~(Village) of Washingtonville was duly passed by the Board of Trustees on June 3, 2013, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(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) (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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* 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 Sherk*

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

(Seal)

Date: 06-10-13

**(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.

*J. Benjamin Gailey*

Signature  
J. Benjamin Gailey, Esq, Attorney for Village

Title

County  
City of Washingtonville  
Town  
Village

Date: June 10, 2013