

## LOCAL LAW NO. 6-2016

### CODE OF ETHICS

A LOCAL LAW proposing to replace Chapter 17 of the Code of the Village of Ossining entitled "Ethics, Code of".

BE IT ENACTED by the Board of Trustees of the Village of Ossining, as follows:

**Section 1. Chapter 17 of the Village Code is hereby repealed and deleted in its entirety and replaced with the following:**

**§17-1. Legislative Intent.**

The Village Board of the Village of Ossining recognizes that there are state statutory provisions mandating municipalities to establish rules and standards of ethical conduct for public officers and employees, which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this Village as part of our state's important system of local government. It is the purpose of this Chapter to implement this objective through the establishment of clear standards of conduct, to provide for punishment of any violation of such standards and to create a board of ethics to render advisory opinions, to the Village's officers and employees as provided for herein, and to investigate complaints alleging violations of the Code of Ethics in the manner provided for in this Chapter, and to make findings of fact and recommendations to the Village Board in connection with such investigations.

The Village Board of Trustees would like to clarify and improve the Code of Ethics of the Village of Ossining by changing certain provisions providing for the establishment, membership and functioning of the Board of Ethics. This local law is determined to be an exercise of the legislative powers of the Village to strengthen the Code of Ethics for the protection of the health, safety and welfare of residents and to provide for improvements in the manner in which ethics questions and matters are addressed and handled by the Village.

**Section 17-2. Purpose**

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of Ossining recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of Ossining. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Ossining. The rules

of ethical conduct of this Chapter as adopted, shall not conflict with, but shall be in addition to any

prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

### **Section 17-3. Definitions**

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

#### **CODE OF ETHICS**

The provisions of this Chapter.

#### **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. For the purposes of this Chapter, a Municipal Officer or Employee shall be deemed to have an interest in the contract of:

**A.** Such Municipal Officer or Employee's Relatives, except a contract of employment with the Village of Ossining.

**B.** A firm, partnership or association of which such Municipal Officer or Employee is a member or employee.

**C.** A corporation of which such Municipal Officer or Employee is an officer, director or employee.

**D.** A corporation, any stock of which is owned or controlled directly or indirectly by such Municipal Officer or Employee.

#### **MUNICIPAL OFFICER or EMPLOYEE**

An officer or employee of the Village of Ossining, whether paid or unpaid, and whether appointed, hired or elected, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a Municipal Officer or Employee solely by reason of being a volunteer firefighter or civil defense volunteer, except the Fire Chief or an Assistant Fire Chief.

#### **RELATIVE**

A spouse, domestic partner, parent, step-parent, sibling, step-sibling, step-sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin or household member of the Municipal Officer or Employee and individuals having any of these relationships to the spouse of the Municipal Officer or Employee.

### **Section 17-4. Conduct.**

Every Municipal Officer or Employee shall be subject to and abide by the following standards of conduct:

**A. Gifts.** He or she shall not directly or indirectly solicit any gift or accept or receive any gift having a value in excess of that allowed by § 805-a of the General Municipal Law, whether in the form of money, services, loan, travel entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, 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. Confidential information.** He or she shall not 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 interest or for personal gain.

**C. Representation before one's own agency.** He or she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any Village agency of which he or she is an officer, member or employee or of any Village agency over which he or she has jurisdiction or to which he or she has the power to appoint any member.

**D. Representation before any Village agency for a contingent fee.** He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the Village, whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

**E. Disclosure of interest in legislation.** To the extent that he or she knows thereof, a Municipal Officer or Employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees on any legislation under consideration before the Board of Trustees shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.

**F. Investments in conflict with official duties.** He or she shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his or her official duties.

**G. Private employment.** He or she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

**H. Future employment.** He or she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Ossining in relation to any

case, proceeding or application in which he or she personally participated during the period of his or her term, service or employment or which was under his or her active consideration.

I. Prohibition on use of municipal position for personal or private gain. No Municipal Officer or Employee shall use his or her position or official powers to secure a financial or material benefit for himself or herself, a Relative or any private organization in which he or she is deemed to have an interest.

J. Adherence to and compliance with all current Village policies of employment.

**Section 17-5. Establishment; Membership.**

A. There is hereby established a Board of Ethics (sometimes referred to as “the BOE”) consisting of no less than three (3) members and no more than five (5) members to be appointed by the Village Board. At least three members must be residents of the Village of Ossining, the remaining two can be residents of Westchester County, New York. At least one member of the BOE shall not be a lawyer. Each member shall serve without compensation for a term of three years from the date of appointment. The term of three years is intended to be equal to the minimum number of members of the BOE so that the term of only one member of the BOE shall terminate at the end of each calendar year. Upon the expiration of each member’s initial appointment, the reappointment of that member or the appointment of a new member to take his / her place shall be for a term of three years. If a vacancy on the BOE occurs other than by the expiration of a member’s term, the Village Board shall appoint a new member for the unexpired portion of that term. The Corporation Counsel, a Deputy Corporation Counsel, or any attorney appointed by the Village Board of Trustees shall serve as an advisor to the Board of Ethics, and shall not be considered a member. The Board shall have a Chair. The Chair shall be selected in the order in which a person was appointed to the Board. The controlling date for this determination shall be the date the Village Board of Trustees appoints a member to the Board. The Chair shall assign requests for advisory opinion and matters subject to investigation on a rotating basis. The Chair must be an attorney.

B. Powers and duties. The Board of Ethics shall have all the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the Municipal Officers and Employees of the Village of Ossining with respect to Article 18 of the General Municipal Law and any code of ethics adopted pursuant to such article and in accordance with rules and regulations as may be promulgated by the BOE, or as may be amended by the BOE from time to time. The BOE shall also have the power to receive complaints from the public regarding alleged violations by municipal officers and employees of the code of ethics, the General Municipal Law or any other law relating to the ethical conduct of Municipal Officers and Employees. The Board shall have the power to investigate such complaints and issue written advisory opinions regarding such complaints. In addition, the BOE may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon request of the Board of Trustees.

C. Investigations. Upon receipt of a written complaint by any person alleging a violation of this chapter or upon determining on its own initiative, acceptable by a majority of the Board, that a

violation of the 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 chapter. In conducting any such investigation, the Board of Ethics may administer oaths or affirmations. The Board may, with the concurrence of a majority of the Board, compel attendance of witnesses, and require the production of books or records that it may deem relevant and material. The Board of Ethics shall make reasonable efforts to obtain voluntary cooperation prior to exercising or enforcing its right to compel testimony, or require the production of books and records. Further, the Board of Ethics shall take steps to ensure that every individual's right to due process is protected.

#### **Section 17-6. Distribution of Copies.**

- A. Upon adoption of this Chapter and as otherwise provided herein, the Village Manager or his/her designee shall cause a copy of the Code of Ethics to be distributed to every Municipal Officer or Employee upon commencement of his/her term or employment with the Village and at least once every three years thereafter during such term or employment by the Village.
- B. Every Municipal Officer or Employee who has received a copy of the Code of Ethics shall sign and date a form acknowledging that a copy of the Village Code of Ethics has been received, read, understood, and that the employee agrees to be bound by the Code of Ethics. Such forms shall be returned to the Village Clerk directly, in the case of an Officer, or to the Employee's supervisor for transmittal to the Village Clerk within twenty days of the Municipal Officer or Employee's receipt of the Code of Ethics.
- C. The Village Manager or his/her designee shall cause a revised or amended Code of Ethics to be distributed to every Municipal Officer or Employee whenever substantial amendments have been made to the Code of Ethics. Said Municipal Officer or Employee shall acknowledge in writing receipt of the revised Code of Ethics in the same manner as the initial receipt of the Code of Ethics.
- D. The Corporation Counsel or the Village Manager, or their designee, shall cause each person or legal entity signing a contract with the Village providing for payments in excess of \$25,000 to be given a copy of the Code of Ethics and such person or legal entity subject to this provision shall be required to acknowledge receipt thereof in writing unless the Code of Ethics is referenced in and attached to the signed contract.
- E. Failure to distribute any such copy of the Code of Ethics or failure of any Municipal Officer or Employee to receive such copy shall have no effect on the duty of compliance with this Chapter, nor the enforcement of the provisions hereof. The Village Manager shall further cause a copy of this Chapter to be kept posted conspicuously in each public building under the jurisdiction of the Village. Failure to so post this Chapter shall have no effect on the duty of compliance herewith, nor the enforcement of the provisions hereof.

#### **Section 17.7 Penalties.**

In addition to any penalty contained in any other provisions of law, any person who shall knowingly and intentionally violate any of the provisions of this code of ethics may be censured, fined, suspended or removed from office or employment, as the case may be, in the manner provided by law, including but not limited to applicable provisions of NYS Civil Service Law and NYS Public Officers Law, as specifically germane to elected officials.

**Section 17.8. Severability.**

The provisions of this Chapter are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Chapter or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Chapter would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Chapter or part hereof is held inapplicable had been specifically exempt therefrom.

**Section 2. Except as otherwise provided herein, all other provisions of the Village Code shall remain the same.**

**Section 3. This Local Law shall take effect immediately upon publication, filing and posting as required by applicable law.**