

Chapter 14

ETHICS, CODE OF

[HISTORY: Adopted by the Village Board of Trustees of the Village of Pleasantville 3-25-1996 by L.L. No. 2-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 21.

§ 14-1. Purpose.

The proper operation of the village government requires that its officers and employees be independent, impartial and responsible to the people of the Village of Pleasantville; that public office not be used for personal gain; that public officers and employees maintain the highest standards of morality and discharge faithfully the duties of their office, regardless of personal consideration; and that the public has confidence in the integrity of its government and the officers and employees thereof. In recognition of these goals, there is hereby established a Code of Ethics for all officers and employees of the Village of Pleasantville. In the event of any conflict between the provisions of this chapter and the provisions of Article 18 of the General Municipal Law, the latter shall control.

§ 14-2. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

CONTRACT — Any claim, account or demand against or agreement with the village, express or implied.

INTEREST — A participation, connection or involvement of any sort which may result in a direct or indirect pecuniary or material benefit. For the purposes of this chapter, the interests of a village official or employee shall be deemed to include the interests of:

- A. His or her family, which shall be deemed to include his or her spouse, minor children, stepchild and dependents or person residing with the officer or employee.
- B. Any person, other than a bank, trust company or other lending institution, with whom he or she has a substantial debtor-creditor or other financial relationship.
- C. Any person or entity by whom he or she is employed or of which he or she is an officer, director or member.
- D. Any entity of which the stock or other legal or beneficial ownership is owned by him or her; provided, however, that if the business dealings of such entity with the village form an insubstantial part of the total business dealings, then this definition shall only apply to such an entity if the village official or employee owns more than 5% of the stock or other legal or beneficial ownership of such entity.
- E. Person or entity. Any individual, business proprietorship, corporation, partnership,

association, venture, individual in representative or fiduciary capacity, estate, trust or other entity.

OFFICER OR EMPLOYEE — Each officer, volunteer or employee of the Village of Pleasantville, whether paid or unpaid, whether elected or appointed, whether serving in a full-time, part-time or advisory capacity. Volunteers whose responsibilities do not give rise to possible violations of these rules shall not be considered employees for the purpose of this chapter. The Village Board of Trustees shall determine which volunteers shall be considered employees for this purpose.

TRANSACTION — Any activity, application or proceeding which requires or may require an official act or action of an officer or employee or municipal board, agency or commission of the Village of Pleasantville.

§ 14-3. Standards of conduct.

- A. No village official or employee shall act in an official capacity in connection with any transaction or contract in which he or she has an interest.
- B. No paid village official or employee or his or her family shall be or become involved, directly or indirectly, in any manner whatsoever, in any business dealings with the village; provided, however, that this subsection shall not prohibit:
 - (1) Any such official or employee or his or her spouse or minor child from owning less than 5% of the stock of or from being employed by any person whose business dealings with the village form an insubstantial part of its total business, as long as such village official or employee has no direct connection with such business dealings, receives no substantial part of the benefit thereof and takes no active part in connection therewith.
 - (2) Any spouse or minor child of any such paid village official or employee from being employed by the village.
- C. No village official or employee or his or her family shall invest, directly or indirectly, in any financial, business, commercial or other private undertaking which creates a conflict with his or her official duties.
- D. No village official or employee or his or her family shall engage in any business or profession or accept private employment or render any service for private interest which creates a conflict with his or her official duties.
- E. No village official or employee shall use or attempt to use his or her official position to give or secure privileges or exemptions for himself or herself or others not available to others.
- F. No village official or employee shall use any confidential information received by him or her in the course of his or her duties as a village official or employee to further the interests of himself or herself or others, nor shall any village official or employee divulge any confidential information so received.
- G. No village official or employee shall, with or without compensation, represent, directly or indirectly, any person in connection with any transaction or contract before any village agency, board or court. This subsection shall not be applicable in

transactions where:

- (1) Such official or employee represents solely his or her personal interests.
 - (2) The representation is by the spouse or other family member of a village official or employee and it is not before the village board or court of which the relative is an official or employee; provided, however, that such representation shall not otherwise violate any other provisions of this chapter. Disclosure shall be made on the public record, except that no disclosure shall be required where a transaction is mandated by state law.
- H. No village official or employee shall solicit or accept for a political campaign or for any other political purpose any favor or gift, whether in the form of service, loan, promise or material thing or in any other form, from any person who does business with the village whose business is licensed or regulated by the village or in the regular course of whose business approval or authorization must be received from any village official or employee or village body.
- I. No officer or employee shall, directly or indirectly, solicit or accept or receive any gift or item of personal or real property or any interest therein, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift or item of personal or real property or interest therein was intended to influence him or her in the performance of his or her official duties; 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. Nothing herein contained shall prohibit the receipt by candidates for public office of otherwise lawful political contributions so long as such contributions are not solicited during normal business hours or on village property.
- J. No officer or employee shall use or permit the use of village property (including land, vehicles, equipment, materials and other property) or personnel for personal convenience or profit, except when such use is available to village citizens generally or is provided as a matter of village policy.
- K. To the extent that an officer or employee knows thereof, a member of the Village Board of Trustees and any other officer or employee of the Village of Pleasantville who participates in the discussion or gives official opinion to the Village Board of Trustees or any other board, commission or agency or any legislation or other matter under consideration before the Village Board of Trustees or any other board, commission or agency 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.
- L. No officer or employee shall, after the termination of service or employment with the Village of Pleasantville, appear in a capacity which would enable him or her to derive personal gain, financial or otherwise, before any municipal board, agency or commission of the Village of Pleasantville 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.

§ 14-4. Personal claim not prohibited.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the Village of Pleasantville or any municipal board, agency or commission of the Village of Pleasantville on behalf of himself or herself or any member of his or her family rising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 14-5. Board of Ethics.

- A. There is hereby created and established a Board of Ethics consisting of three members, none of whom shall be members of the Village Board of Trustees of the Village and none of whom shall be officers or employees of the Village. All members shall be appointed by a majority of the Village Board of Trustees. All members of the Board of Ethics shall reside in the Village and shall serve without compensation. [Amended 7-12-2021 by L.L. No. 6-2021]
- B. Terms of office of members. Of the members first appointed to the Board, one shall hold office for a term of one year, one for a term of two years and one for the term of three years. Their successors shall be appointed or reappointed for terms of three years from and after the expiration of their terms.
- C. The members of the Board shall select a Chairperson and, upon its formation, shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings. The Village Clerk or Deputy Clerk shall serve as Clerk to the Board of Ethics.
- D. The Board shall render advisory opinions to elected officials, officers and persons appointed or employed by the village with respect to this chapter. Such opinions are to be rendered only pursuant to a written request by the officer or employee concerned, the Village Board of Trustees or upon the Board's own initiative. The opinions of the Board shall be a matter of public record.
- E. Upon a request for an opinion from anyone other than the officer or employee concerned, the Board shall advise such officer or employee of the request and afford him or her an opportunity to be heard, in person and in writing.

§ 14-6. Disclosure of interest.

Any officer or employee who has an interest in a transaction or contemplated transaction shall publicly disclose on the official record the nature and extent of such interest.

§ 14-7. Distribution of Code of Ethics.

The Village Administrator of the Village of Pleasantville shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Village of Pleasantville within 30 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

§ 14-8. Penalties for offenses.

- A. Any official or employee who shall willfully and knowingly violate any provision of this chapter shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a violation and be subject to a fine of not more than \$100 for the first offense and not more than \$250 for each subsequent offense.
- B. Any official or employee who shall be convicted of a violation of this chapter may be suspended or removed from office or employment by the Village Board of Trustees.
- C. Any official or employee who shall violate any provision of this chapter shall be liable for the payment to the village of damages in the amount of any profit or gain realized by such person from such violation.
- D. If, in connection with any transaction or contract, a violation of any provision of this chapter shall occur, said transaction or contract shall be voidable at the option of the Village Board of Trustees.
- E. The penalties and liabilities created by this section shall be cumulative.

§ 14-9. Statutory provisions superseded. [Added 7-12-2021 by L.L. No. 6-2021]

This chapter shall supersede any inconsistent provision of General Municipal Law § 808 and, in particular, the provision regarding the inclusion of an elected or appointed municipal officer or employee on the Board of Ethics.

