

VILLAGE OF PLEASANTVILLE

Board of Ethics

Rules and Procedures

These guidelines are intended to provide for the efficient working of the Board of Ethics (the “Board”). They are to be followed in the spirit in which they are written, rather than strict rules and regulations.

1. **Quorum:** A quorum shall be at least two voting members of the Board of Ethics.
2. **Action:** An affirmative vote of at least two members shall be required to approve any decision of the Board of Ethics.
3. **Rules for Order:** For procedures not covered herein, Robert’s Rules of Order for Small Organizations shall govern unless otherwise set forth herein.
4. **Meetings:**
 - a. Frequency: The Board of Ethics shall hold meetings as necessary to address pending business. A meeting may be called at any time at the request of any member of the Board or the Village Administrator. Public notice of the time and place of any meeting scheduled at least one week prior thereto shall be given or electronically transmitted to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two (72) hours before such meeting. Public notice of the time and place of any meeting scheduled less than one week prior thereto shall be given or electronically transmitted, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.
 - b. Time: Meetings shall be scheduled in the evenings between 6:30 pm and 8:00 pm, or in the event a matter must be addressed expeditiously, meetings may be held at other times.
 - c. Location: Meetings shall be held at Village Hall. Virtual attendance by Board Members is permitted in compliance with Village Law Section 18-3.
 - d. Minutes: Unless otherwise required by law, within two weeks of a meeting, the Board of Ethics shall file with the Village Clerk the minutes of the meeting. It is expected that the Village Clerk’s office will post the minutes on the Village Website as soon as practical after receipt.
 - e. Presiding Officer: The Chairman shall preside over meetings. If the Chairman is absent, the members shall choose one of their members present to serve as acting chairman for the duration of the meeting.

- f. Agenda: At the discretion of the Chairman, an agenda may be proposed for each meeting. Among the items that the Chairman shall consider in developing the proposed agenda shall be agenda items agreed to at the previous meeting, items proposed by members of the Board of Ethics, and new business concerning matters raised with or referred to the Board of Ethics since the previous meeting.
- g. Public Participation: The Public may and is encouraged to attend the open meetings of the Board of Ethics. The Public does not attend when the Board convenes in Executive Session. At open meetings, allowing the public to speak is within the discretion of the Board. A public comment period may be scheduled on the agenda. Public comment is subject to the necessary rule of avoiding excessive repetition, obstructionism or personal attacks. The Chairman or majority of the members present may rule that a speaker is out-of-order.

5. Requests for Advisory Opinions in Response to General Questions Concerning the Village's Code of Ethics and/or Article 18 of the General Municipal Law:

- a. General Protocol:
 - i. An elected official, officer, or employee of the Village may request an advisory opinion from the Board on any matter pertaining to the Village's Code of Ethics and/or Article 18 of the General Municipal Law concerning the conduct of the elected official, officer or employee making the request.
 - ii. All requests for advisory opinions must be made in writing on the signed Request for Advisory Opinion Form and submitted to the Village Clerk. All requests shall set forth all of the facts pertaining to the matter upon which an advisory opinion is sought. Copies of any documents, letters, and/or other relevant material which may have a bearing upon the matter of inquiry shall be provided to the Board.
 - iii. After receiving a request for an advisory opinion, the Board may ask for any further information it deems relevant and may request the appearance of persons in interest relating to the inquiry at a regular or special meeting of the Board.
 - iv. All requests will be reviewed by the Board of Ethics at a regular meeting. In the event it is necessary to ensure the protection of personal privacy or confidential matters, complaints shall be discussed in an Executive Session.
 - v. Discussions held in an Executive Session shall remain confidential and will not be disclosed by Board Members.

- vi. Board members shall recuse themselves from participation in discussions, deliberations, or voting in any matter in which they have an actual, potential, or which may create, an appearance of a conflict of interest.

b. Advisory Opinions:

- i. Following the submission of a request for an advisory opinion and any investigation deemed required, the Board shall issue a written advisory opinion. The Board shall endeavor to issue such advisory opinion within thirty (30) days of the initial request for any such decision. However, if the Board determines that it requires more time to adequately and completely address the substance of the request, the Board shall notify the requesting party in writing that additional time is needed to render an opinion.
- ii. Any Advisory Opinion shall be a matter of public record unless it contains information that may be considered to violate personal privacy or may otherwise be exempt, in whole or in part, from the Freedom of Information Law. An Advisory Opinion that finds no violation of the Code of Ethics or General Municipal Law may not be released to the public unless consented to by the individual requesting such Advisory Opinion.

6. Receipt and Investigation of Requests for Advisory Opinions from the Village Board of Trustees or the Board of Ethics:

a. General Protocol:

- i. All requests for advisory opinions by the Village Board of Trustees or the Board of Ethics must be made in writing on the Request for Advisory Opinion Form, signed by a member of the board and submitted to the Village Clerk.
- ii. Such requests shall be reviewed by the Board of Ethics at a regular meeting. In the event it is necessary to ensure the protection of personal privacy or confidential matters, complaints shall be discussed in an Executive Session.
- iii. The members of the Board of Ethics may seek to obtain information on matters before it by requesting information from persons filing a complaint or others that may have knowledge of the complaint, or request that an investigation be conducted by the Village Attorney, provided that the majority of the members of the Board of Ethics agree with such a course of action.
- iv. Discussions held in an Executive Session shall remain confidential and will not be disclosed.

- v. Board members shall recuse themselves from participation in discussions, deliberations, or voting in any matter in which they have an actual, potential, or which may create an appearance of a conflict of interest.
 - vi. Except to the extent such records must be disclosed under the Freedom of Information Law, any records relating to the Ethics Board's review shall remain confidential.
- b. Review of Request:
- i. The Board of Ethics may conduct an investigation of the request for advisory opinion concerning the officer, employee, or elected official.
 - ii. 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.
 - iii. The officer, employee, or elected official who is the subject of the request shall be afforded an opportunity to present evidence to the Board of Ethics. In the absence of such evidence, the Board may conduct its investigation and reach its conclusions based on the evidence available.
- c. Investigations:
- i. In recognition of the need to properly address issues brought to the Board of Ethics, depending on their scope and complexity, the Board of Ethics may request the Village Board of Trustees to provide it with the assistance of Village counsel. If the subject of an inquiry is a member of the Village Board of Trustees, the Board of Ethics may also request the Village Board of Trustees provide it with an outside counsel pursuant to General Municipal Law § 808.
 - ii. The Board of Ethics will use its best efforts to avoid interference with criminal investigations, will refer suspected criminal misconduct to the Village Board of Trustees and the District Attorney at the Village Board of Trustees' discretion and will refrain from acting while a criminal investigation is pending.
- d. Form of Advisory Opinion:
- i. Following the submission of a request for an advisory opinion and any investigation deemed required, the Board shall issue a written advisory opinion. The Board shall endeavor to issue such advisory opinion within thirty (30) days of the initial request for any such decision. However, if the Board determines that it requires more time to adequately and completely address the substance of the request, the Board shall notify the requesting party in writing that additional time is needed to render an opinion.

- ii. All actions, decisions and recommendations of the Board of Ethics shall be by majority vote.
- iii. The advisory opinion shall be in writing and shall include:
 - [1] The name and position of the Village officer, employee or elected official that was the subject of the request;
 - [2] The nature of the alleged violation or improper action;
 - [3] The specific provision of the Code of Ethics or General Municipal Law which the Village officer, employee or elected official is alleged to have violated;
 - [4] A summary of the evidence and factual claims supporting or refuting the alleged violation; and
 - [5] The final conclusion of the Board of Ethics as to whether the violation occurred.
 - [6] A recommendation as to a proposed remedy in the event a violation of the Code of Ethics or General Municipal Law exists.
- iv. The Advisory Opinion shall be filed with the Village Clerk.
- v. The Advisory Opinion shall be a matter of public record unless it contains information that may be considered to violate personal privacy or may otherwise be exempt, in whole or in part, from the Freedom of Information Law. An Advisory Opinion that finds no violation of the Code of Ethics or General Municipal Law may not be released to the public unless consented to by the individual named in the Complaint. Advisory Opinions requested by elected officials, officers and persons appointed by the village are not required to be released to the public.

7. **Amendments to the Guidelines:** These Rules and Procedures may be amended at a public meeting of this Board by a majority vote of the members.