

Village of Round Lake, NY

Title: ETHICS POLICY Author:	Policy No.
Policy Owner: Village of Round Lake Board of Trustees	Adopted: April 3, 2007 Re-Adopted 01 0 4 12 Re-Adopted 02 17 21
Distribution: Village Board, Village Attorney, Office Administration, Staff, Policy File	

1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of Round Lake recognizes that there are rules of ethical conduct for public officers and employees that 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 Round Lake. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Round Lake. 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.

2. Definitions.

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

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the Village of Round Lake whether paid or unpaid, including members of any administrative board, commission, or other agency thereof, and including any member of the Board of Trustees, Zoning Board of Appeals, or Planning Board. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.

3. Standards of conduct.

Every officer or employee of the Village of Round Lake shall be subject to and abide by the following standards of conduct:

- A. Gifts. He/She shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, 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/her or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.
- B. Confidential information. He/She shall not disclose confidential information acquired in the course of his/her official duties or use such information to further his/her personal interest.
- C. Representation before one's own agency. He/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 municipal agency over which he/she is an officer, member, or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He/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 this municipality, whereby his/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/she knows thereof, a member of the Board of Trustees and any officer or employee of the Village of Round Lake, whether paid or unpaid, who participates in the discussion or gives an official opinion to the Board of Trustees or any other official board or agency on any legislation or matter before the Board of Trustees of the Village of Round Lake or any other official board or agency of the Village of Round Lake shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation. Such disclosure is not required for matters that are of direct or indirect financial or other interest to all

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residents of the Village.

- F. Investments in conflict with official duties. He/She shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction that creates a conflict with his/her official duties.
- G. Private employment. He/She shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interest when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
- H. Future employment. After the termination of service or employment with this municipality, he/she shall not appear in the capacity of his/her future employment before any board or agency of the Village of Round Lake in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

4. Ethics Committee; Procedure

- A. The Board shall appoint a standing Ethics Committee of five members and two alternates, said Committee to be appointed at the annual meeting. Committee members shall not be municipal officers or employees.
- B. Any municipal officer or employee may submit a question regarding his or her past (within the past year), present, or contemplated future conduct by written request delivered to the Chair of the Ethics Committee, and requesting that the Ethics Committee be convened for the purpose of rendering an opinion as to whether such conduct was, is, or would be in contravention of this policy, Article 18 of New York's General Municipal Law, or New York common law. Such a request shall contain all relevant information, including the identities and contact information for third persons who may have relevant information for the Committee.
- C. Any person may request in writing that the Ethics Committee convene to determine whether the past (within the past year), present, or reasonably anticipated future conduct of a municipal officer or employee is in contravention of this policy, Article 18 of New York's General Municipal Law, or New York common law. Such written request shall be delivered to the Village Board of Trustees, which shall determine whether to refer such request to the Ethics Committee. Two votes shall be sufficient to refer such request to the Ethics Committee. No Trustee who is the subject of a such a

request shall vote on whether to refer a request to the Ethics Committee. Should three or more Board members be subjects of that request and therefore ineligible to vote on referral, the request shall automatically be referred to the Ethics Committee. The written request must contain the requestor's name and address, be signed by the requestor, and contain the specific conduct alleged to be unethical and/or illegal. To the extent known to the requestor, the dates, times, and places of the alleged conduct, together with any known witnesses, must be provided. The request need not allege the specific policy or law that the requestor believes has been violated.

- D. Upon request made pursuant to sub-paragraph B, above, or upon referral by the Village Board of Trustees pursuant to sub-paragraph C, above, the Chair of the Ethics Committee shall convene the Ethics Board. The Ethics Committee may request that the Village Board provide it with legal counsel with respect to an issue before it, but an attorney need not be present at all meetings of the Ethics Committee. Three-fifths of the Ethics Committee shall constitute a quorum, however actions of the Committee shall be taken only by majority vote of the entire Committee (i.e., three votes).
- E. A member of the Ethics Committee shall disqualify himself in the event he/she believes that he/she has a conflict of interest or the appearance of a conflict of interest, or if he/she is related to the person being investigated or the person having requested the investigation by blood or marriage. Prior to reviewing a matter, each Committee member shall state on the record any relationship or interest he/she has with the person being investigated or the person having requested the investigation. The Ethics Committee may disqualify any one of its members from a matter before it by majority vote.
- F. The Ethics Committee is empowered only to render opinions as to whether past (within the past year), present, or reasonably anticipated future conduct of a municipal officer or employee is in contravention of this policy, Article 18 of New York's General Municipal Law, or New York common law. All determinations made after request made pursuant to sub-paragraph B shall be provided to the requestor. All determinations made after referral by the Village Board of Trustees pursuant to sub-paragraph C shall be provided to the Village Board of Trustees, the requestor, and the individual whose conduct was the subject of the referral. Should the Committee determine that past or present conduct is in violation of law or this policy, it shall include with its determination proposed action by the Village Board of

Trustees. The Village Board of Trustees shall determine what penalty to administer, if any, as set forth in Paragraph 7, below.

- G. To the extent permitted by law, and except as set forth herein, meetings of the Ethics Committee, and all records and minutes of its meetings and investigations, shall be confidential. The Village Board of Trustees shall have the authority to make public determinations of the Ethics Committee.

5. Filing of claims.

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

6. Distribution of Code of Ethics.

The Mayor of the Village of Round Lake shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Village of Round Lake 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 this office or employment. 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 provisions thereof.

7. Penalties; suspension or removal.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this chapter may be issued a letter of reprimand, mandated training, fined, suspended or removed from office or employment, as the case may be, in the manner provided by law. The Board of Trustees may also refer a matter to the District Attorney.