

LOCAL LAW NO. ____ OF 2023

VILLAGE BOARD OF TRUSTEES
VILLAGE OF PLEASANTVILLE
PROPOSED LOCAL LAW TO AMEND CHAPTER 14
OF THE CODE OF THE VILLAGE OF PLEASANTVILLE

A LOCAL LAW to amend
Chapter 14 of the Board of
Ethics of the Village of
Pleasantville.

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

Section 1. Chapter 14, Section 3 of the Code of the Village of Pleasantville entitled “Standards of conduct” is hereby amended as follows:

- 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. Political Solicitations.
 - (1) No officer or employee shall directly or indirectly solicit, attempt to compel, or induce a subordinate officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
 - (2) No officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any officer or employee, or an applicant for a position as an officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.
 - (3) No officer or employee shall directly or indirectly solicit, attempt to compel, or induce to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value from any person who, to the knowledge of the officer or employee, has or, within the previous 12 months, has had any business dealings with the Village Board of Trustees or is reasonably expected to

have business dealings with the Village Board of Trustees in the next 12 months. This subsection shall not prohibit a general solicitation to a class of persons.

- 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 permitted or 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.
- M. No officer or employee shall engage in conduct which will raise a concern that he or she may be engaged in acts that create an appearance of impropriety based on the judgment of a reasonable person. If the conduct of an officer or employee creates an appearance of impropriety, the officer or employee shall immediately recuse himself or herself from all discussions, deliberations and determinations regarding the application or subject matter.

Section 2. Chapter 14, Section 4 of the Code of the Village of Pleasantville entitled “Personal claim not prohibited,” is repealed in its entirety:

~~§ 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.~~

Section 3. Chapter 14, Section 5 of the Code of the Village of Pleasantville entitled “Board of Ethics” is hereby amended as follows:

§ 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.
- 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 whose conduct is in question, or by the Village Board of Trustees or upon the Board's own initiative. Any such request for an advisory opinion by the Board of Trustees or upon the Board's own initiative shall be by a majority vote of such board.
- E. Upon a request for an advisory opinion from the Village Board of Trustees or upon the Board's own initiative, 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 before issuing an advisory opinion with respect to such matter.

Section 4. Numbering for Codification

It is the intention of the Village of Pleasantville and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Pleasantville; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes

to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 5. Severability.

The provisions of this Local Law 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 Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law 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 Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

Section 6. Effective Date

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