

MEMORANDUM

TO: Mayor Scherer and the Board of Trustees
Of the Village of Pleasantville

FROM: Keane & Beane, P.C.

RE: Proposed Local Law to Amend Chapter 14,
Sections 3, 4 and 5 of the Code of the Village of Pleasantville
(Code of Ethics)

DATE: April 19, 2023

The Village of Pleasantville Village Board of Ethics (the “Board of Ethics”) has undertaken a review of the Village Code of Ethics, Chapter 14 (the “Code of Ethics”) of the Village of Pleasantville Village Code (the “Village Code”). The purpose of this review was to ensure that the provisions of the Code of Ethics were easily understood and that the Code of Ethics gave clear guidance with respect to what is considered a conflict of interest. The Board of Ethics also considered Article 18 of the NYS General Municipal Law (§ 800 *et seq.*) which is the principal New York State statute governing conflicts of interest on the part of municipal officers and employees. In conjunction with the members of the Board of Ethics, Keane & Beane, P.C. prepared a proposed local law to amend Chapter 14, Section 3, 4 and 5 of the Village Code to incorporate certain changes proposed by the Board of Ethics. The proposed Local Law is submitted herewith.

The proposed amendments to Chapter 14, Section 3, clarify what are permissible political solicitations (Section H) and incorporates a new provision (Section M) prohibiting any officer or employee from engaging in conduct that creates an appearance of impropriety and requires recusal in the event the conduct of an officer or employee creates an appearance of impropriety.

The proposed amendment to Chapter 14, Section 4, deletes this section in its entirety. Section 4 currently states as follows:

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.

Claims or demands by a Village employee or officer against the Village may be prohibited pursuant to Article 18 of the NYS General Municipal Law which prohibits contracts with the municipality with whom an officer or employee serves if the officer or employee has an “interest” in the contract. Under Article 18, a “contract” includes any “claim, account or demand against or agreement with a municipality”. Therefore, before any claim or demand by an officer or employee is asserted against the Village, it would need to be reviewed to determine if it constitutes a prohibited “claim or demand” against the Village that it is prohibited under Article 18.

The proposed amendments to Section 5, of the Code of Ethics relate to when the Board of Ethics may render an advisory opinion and the procedures to be followed once an advisory opinion is requested. The primary change is to confirm that advisory opinions can only be issued upon 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. Previously, it was unclear whether an advisory opinion could be requested by someone other than the employee concerned, the Village Board or the Board of Ethics. The Board of Ethics has also approved a form for the submission of a request for an advisory opinion. The form of for requesting an advisory opinion is also attached.

In the event the Village Board determines the proposed Local Law is acceptable and wants to proceed, a Resolution has been provided scheduling a public hearing on the Local Law.

Please do not hesitate to contact me if you have any questions.