

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(select one)

of Floral Park

Local Law No. 1 of the year 2017

A local law to amend Chapter 39 of the Code of the Incorporated Village of Floral Park
(insert Title)

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County City Town Village
(Select One:)

of Floral Park as follows:

Section 1. Legislative Intent

Adopted in 1970, our Ethical Code has served this Village well. This Local Law amends that Chapter to update our Code and incorporate the many changes imposed by our State and Federal Government

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(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 2. Chapter 39 as Adopted:

Chapter 39. Ethics, Code of

(HISTORY: Adopted Floral Park Village Board 8-4-1970. Amendments noted where applicable.)

Article I. Code of Ethics

§ 39-1. Statement of legislative intent.

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Trustees of the Village of Floral Park, New York, recognizes that there are rules of ethical conduct for public officers and employees which 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 ordinance of promulgate these rules of ethical conduct for the officers and employees of the Village of Floral Park. The rules of ethical conduct of this ordinance, 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.

§ 39-2. Definitions

MUNICIPAL OFFICER or EMPLOYEE - Means an officer or employee of the Village of Floral Park, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. 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 chief engineer or assistant chief engineer.

INTEREST

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

RELATIVE

Means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, grandparent, grandchild, uncle, aunt, nephew, niece, first cousin or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

§ 39-3. Standards of Conduct.

Every officer or employee of the Village of Floral Park shall be subject to and abide by the following standards of conduct.

- A. Gifts. He shall not, directly or indirectly, solicit any gift; or accept or receive to himself or another person any gift having a value of \$25 or more, whether in the form of money, services, loan, travel entertainment, hospitality, thing or promise of value both tangible and intangible, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.
- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- C. Representation before one's own agency. He shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee, or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He shall not receive, or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph 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 knows thereof, a member of the Board of Trustees and any officer or employee of the Village of Floral Park, whether paid or unpaid, who participates in the discussion or gives official opinion of the Board of Trustees on any legislation before the Board of Trustees shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or a relative has in such legislation.
- F. Investments in conflicts with official duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties.
- G. Private employment. he shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
- H. Future employment. a) No municipal officer or employee may ask for pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

b) No municipal officer or employee, absent prior written disclosure, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office.

c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

I. Nepotism: Except as otherwise required by law.

(a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.

(b) No municipal officer or employee may directly supervise a relative in the performance of the relative's official powers or duties.

(c) in case of application, such relationship must be disclosed in writing and reviewed and approved by the Board of Ethics.

J. Use of Municipal Resources.

(a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting;

(1) any use of municipal resources authorized by law or municipal policy;

(2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§ 39-4. Filing of claims, etc. against the village.

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 Floral Park, or any agency thereof, on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 39-5 Distribution of Code of Ethics.

The Mayor of the Village of Floral Park or his/her designee shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the village within 20 days after the effective date of this ordinance. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

(a) The Village Clerk or his/her designee must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the amendment takes effect.

(b) The Village Clerk or his/her designee must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Inc. Village of Floral Park.

(c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgements must be filed with the Village Clerk, who must maintain such acknowledgments as a public record.

(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

§ 39-6. Violations and penalties.

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 code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Article II. Board of Ethics

§ 39-7. Board of Ethics established.

There is hereby established a Board of Ethics consisting of five members to be appointed by the Board of Trustees, and who shall serve without compensation and at the pleasure of the Board of Trustees. A majority of such members shall be persons other than officers or employees of the Village of Floral Park at the time of appointment but shall include at least one member who is an elected or appointed officer or employee of the Village of Floral Park.

§ 39-8. Powers and duties.

The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Village of Floral Park with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant to such article, under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon request of the Board of Trustees.

§ 39-9. When effective.

This ordinance shall take effect immediately upon completion of filing same in the office of the Village Clerk and publication in the official newspaper of the Village of Floral Park pursuant to Chapter 35. Local Law No. 4 of 1953 of the Village of Floral Park.

Section 3. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date

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