

LOCAL LAW 8 OF 2015
AMENDING THE CODE OF ETHICS OF THE VILLAGE OF IRVINGTON

Be it enacted by the Board of the Trustees of the Village of Irvington that Chapter 27 (Code of Ethics) of the Code of the Village of Irvington is hereby amended as follows:

Section 1: Section 27-2 (Definitions) is hereby amended to read as follows (new language in *italics*; deleted language ~~stricken~~):

VILLAGE OFFICER OR EMPLOYEE – Any officer or employee of the Village, whether paid or unpaid, *including, without limitation, all members of or counsel to any board, advisory board, commission or committee of the Village* except that no person shall be deemed to be a “Village officer or employee” solely by reason of being:

- A. A judge, justice, officer or employee of the unified court system; or
- B. A volunteer fireman *fighter*, auxiliary policeman *officer* or civil defense volunteer.

~~a member of or counsel to a board, committee or commission other than the Board of Trustees, the Planning Board, the Architectural Review Board Committee, the Zoning Board of Appeals, the Library Board of Trustees, the Environmental Conservation Board, the Village Recreation Commission, the Village Theater Commission, the Village Drug Abuse Council, the Village Cable Television Committee, the Village Beautification Committee, the Village Tree Commission and the Ethics Board.~~

Section 2: Subsection A of § 27-3 (Conflicts of interest of Village officers and employees) is hereby amended to read as follows (deleted language ~~stricken~~; new language in *italics*):

- A. Provisions applicable to all Village officers and employees. No Village officer or employee shall:
 - (1) Directly or indirectly solicit, accept or agree to accept any gift from any person, other than a family member, who the Village officer or employee knows is considering, has or, within the previous 12 months, has had any business dealing with the Village that involves any discretionary act by the Village officer or employee.

However, a Village officer or employee may accept from such person a gift or gifts which would otherwise be prohibited by the preceding sentence and which are customary on family, social, holiday or civic occasions, provided that they were not received under circumstances in which it reasonably might be inferred that such gift or gifts were intended to influence the Village officer or employee in the performance of his or her official duties or reward him or her for any official action. A "gift" shall include money, services, loan, travel, entertainment, hospitality, thing or promise thereof, or any other gratuity or promise thereof, including any financial transaction on terms not available to the general public, but shall not include a campaign contribution.

- (2) *Use his or her official position or office, or take or refrain from taking any discretionary action, or agree to take or refrain from taking any discretionary action, or induce or attempt to induce any other Village officer or employee to take or refrain from taking any discretionary action on any matter before the Village in order to obtain in a manner that he or she knows or has reason to know may result in a pecuniary or material benefit for:*
- (a) Himself or herself.
 - (b) A family member.
 - (c) *A member of his or her household.*
 - (d) Any partnership or unincorporated association of which the Village officer or employee is a member or employee or in which he or she has a proprietary interest.
 - (e) Any corporation of which the Village officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than 5% of the outstanding stock.
 - (f) Any person with whom the Village officer or employee or his or her family member has an employment, professional, business or financial relationship.
 - (g) Any person from whom the Village officer or employee, or his or her spouse, has received, within any twelve-month

period during the previous 24 months, a pecuniary or material benefit having an aggregate value greater than \$2,000.

- (3) Appear before the board, committee, agency, or commission of which (s)he is a member, except on behalf of the Village or on his or her own behalf.
- (4) *Act as an attorney, agent, broker, employee, consultant or representative for any person before the board, committee, agency or commission of which (s)he is a member.*
- (5) *Act as an attorney, agent, broker, employee, consultant or representative for any person before any board, committee, agency or commission of the Village where the compensation for such service is to be dependent or contingent upon any action or inaction of the board, committee, agency or commission. This paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered for any representation permitted by § 27-3.*
- (6) Appear as attorney or counsel against the interests of the Village in any matter in which the Village is a party or a complainant.
- (7) Except where such disclosure is authorized by law, disclose during his or her office or employment with the Village or thereafter, any confidential information acquired in the course of his or her official duties or use any such information to advance the financial or other private interest of himself or herself or any other person.
- (8) After termination of his or her term of office or employment with the Village, appear before the Village, or receive compensation for services rendered on behalf of any person other than the Village, in relation to any particular matter upon which he or she took any action or that came before him or her during his or her term of office or employment with the Village.
- (9) During his or her term of office or employment with the Village, solicit, negotiate for or accept any employment from which he or she would be disqualified under Subsection A(8).

Section 3: Subsection B of § 27-3 (Conflicts of interest of Village officers and employees) is hereby amended to read as follows (new language in *italics*; deleted language ~~–stricken~~):

- B. Provisions applicable to members of the ~~Board of Trustees~~, Zoning Board of Appeals, Planning Board, Board of Architectural Review, Environmental Conservation Board, and Tree Preservation Commission, and to paid employees. In addition to the provisions of Subsection A, no member of the ~~Board of Trustees~~, Zoning Board of Appeals, Planning Board, Board of Architectural Review, Environmental Conservation Board, Tree Preservation Commission or a paid Village employee shall:
- (1) Act as an attorney, agent, broker, employee, consultant or representative for any person in ~~connection with~~ any business dealing that person has with the Village.
 - (2) Appear before the Village *on any matter that has come or is likely to come before the member's board, , except unless the appearance is* on behalf of the Village or on his or her own behalf.

Section 4: A new subsection C is hereby added to § 27-3, to read as follows:

- C. *Provisions applicable to members of the Board of Trustees and to paid employees. In addition to the provisions of Subsection A, no member of the Board of Trustees or a paid employee shall:*
- (1) Act as an attorney, agent, broker, employee, consultant or representative for any person in ~~connection with~~ any business dealing that person has with the Village.
 - (2) Appear before the Village except on behalf of the Village or on his or her own behalf.

Section 5: Subsections B through G of § 27-3 are redesignated C through H, respectively.

Section 6: Subsection B of § 27-4, paragraph (1) is hereby amended to read as follows (new language in *italics*):

B. Definitions. For purposes of this section, the following terms shall have the meanings indicated:

RELATED PERSON-

(1) A family member *or member of one's household.*

Section 7: A new subsection D is hereby added to § 27-4 (Transactional disclosure and recusal), to read as follows:

D. Any Village officer or employee who acts as an attorney, agent, broker, employee, consultant or representative before the Village or any of its boards, committees, agencies or commissions, if such representation is permitted by § 27-3, shall submit a statement to the Village Administrator advising the Village of such representation.

Section 8: Subsection D of § 27-4 is redesignated E.

Section 9: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 10:: This local law shall take effect upon filing with the Secretary of State.