

EXISTING

ETHICS, CODE OF

Chapter 22

ETHICS, CODE OF

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[HISTORY: Adopted by the Board of Trustees of the Village of Suffern 2-8-71 as Ch. 16A of the 1971 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Charges against Police Department members — See Ch. 44, Art. I.

§ 22-1. Declaration of policy and purpose.

The complexity of modern government, regardless of its level, requires that public officers and employees maintain a standard of ethical conduct of the highest order. Nothing can take the place of personal integrity, character, a high moral sense and community vigilance. The primary purpose of a Code of Ethics is to define areas of conflict of interest. Properly administered, a Code of Ethics can engender public confidence in public officials and establish uniform guidelines.

§ 22-2. Definitions.

When used in this chapter and unless otherwise expressly stated or unless the context otherwise requires, the following terms shall have the meanings indicated:

CONTRACT — Any claim, account or demand against or agreement with the Village of Suffern, expressed or implied, and shall include the designation of a depository of public funds and the designation of an official newspaper.

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee as the result of a business or professional transaction with the Village of Suffern which such officer or employee serves. For the purpose of this chapter, a municipal officer or employee shall be deemed to have an "interest" in the affairs of:

- A. His spouse, children and dependents.
- B. A firm, partnership or association of which such officer or employee is a member, partner, owner, director or employee.
- C. A corporation of which such officer or employee is an officer, director or employee.
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE — An officer elected or appointed to any village office or the Board of Trustees, including the Board of Ethics provided for herein, or employee of the Village of Suffern, whether paid or unpaid, including members of any administrative board, commission or other agency thereof.

§ 22-3. Prohibited activities.

Except as hereinafter set forth:

- A. No municipal officer or employee shall have an interest, direct or indirect, in any contract with the Village of Suffern when such officer or employee, individually or as a member of a board, has the power or duty to negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder, audit bills or claims under the contract or appoint an officer or employee who has any of the powers or duties set forth above.
- B. No municipal officer or employee of the Village of Suffern shall appear on behalf of private interests before the Board of Trustees or any administrative agency, committee, commission or other agency of the village, and no person serving the Village of Suffern without compensation shall appear, either directly or indirectly, on behalf of private interests in matters involving the agency which he serves or before any other agency of the village affecting matters involving the agency in which he serves.
- C. The Village Attorney is prohibited from exercising any discretion in any matter of village interest which shall involve any person or corporation who has been a client of his or his firm during two (2) years prior to the time that said matter is handled by the office of the Village Attorney. This, however, shall not prevent the assignment of such a matter to another attorney who has had no interest in such matter.
- D. The Building Inspector or any assistant is prohibited from exercising any discretion or acting upon any matter of village interest which shall involve any real estate, insurance.

building-contracting business or business matters in which he may have any interest as defined herein.

§ 22-4. Exceptions.

The provisions of § 22-3 of this chapter shall not apply to:

- A. A contract with a person, firm, corporation or association in which an officer or employee of the Village of Suffern has an interest solely by reason of employment as an officer or employee thereof if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract.
- B. The purchase by the Village of Suffern of real property or an interest therein, provided that the purchase and the consideration therefor is approved by order of the Supreme Court upon petition of the Board of Trustees of the Village of Suffern.
- C. The acquisition of real property or an interest therein through condemnation proceedings according to law.
- D. A contract with a membership corporation or other voluntary nonprofit corporation or association.
- E. A contract in which a municipal officer or employee has an interest if such contract was entered into prior to the time he was elected or appointed as such officer or employee, but this shall in no event authorize a renewal of any such contract.
- F. A contract with a corporation in which a municipal officer or employee has an interest by reason of stockholdings when the stock of the corporation is listed on either the New York Stock Exchange or the American Stock Exchange or less than five per centum (5%) of the outstanding stock of the corporation is owned or controlled, directly or indirectly, by such officer or employee; provided, however, that this exception shall not apply to stockholdings of the Comptroller, Supervisor, Deputy Supervisor or employee of the Supervisor in a bank or trust company designated as a depository of the funds of the Village of Suffern.

- G. A contract for the furnishing of public utility services when the rates or charges therefor are fixed or regulated by the Public Service Commission.
- H. A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part-time service in the official duties of the office.
- I. The timely filing by a present or former municipal officer or employee of any claim, act, demand or suit against the Village of Suffern or any agency thereof on behalf of such person or any member of such person's family arising out of any personal injury or property damage or any lawful benefit authorized or permitted by law. [Added 8-26-74]

§ 22-5. Disclosure of conflicts of interest.

- A. Any municipal officer or employee who has, will have or later acquires an interest, direct or indirect, in any actual or proposed contract with the Village of Suffern shall publicly disclose the nature and extent of such interest, in writing, to the Board of Trustees of the Village of Suffern as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and be set forth in the official minutes of the Village of Suffern. Disclosure shall not be required, however, in the case of an interest in a contract described in § 22-3 hereof.
- B. The Mayor, Village Clerk, Village Attorney or any Trustee who has a direct or indirect financial or other private interest in any proposed legislation shall publicly disclose on the official minutes of the Village of Suffern the nature and extent of such interest.
- C. Any municipal officer or employee, paid or unpaid, who has a direct or indirect financial or other private interest in any legislation and who participates in discussions before or gives official opinion to the Board of Trustees shall publicly disclose in the official minutes of the Village of Suffern the nature and extent of such interest.

§ 22-6. Acceptance of gift or gratuity restricted.

No municipal officer or employee shall accept any gift or gratuity, whether in the form of service, loan, thing or promise or any other form, of a value above ten dollars (\$10.) from any person, firm or corporation which, to his knowledge, is interested, directly or indirectly, in any manner whatsoever in business dealings with the village and over which business dealings he has power to take or influence official action.

§ 22-7. Investments.

No municipal officer or employee shall invest or hold any investment, directly or indirectly, in any financial transaction, business transaction, commercial transaction or other private transaction which creates a conflict with his official duties.

§ 22-8. Employment or rendering services.

No municipal officer or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties.

§ 22-9. Penalties for offenses.

- A. Any municipal officer or employee who willfully and knowingly violates the foregoing provisions of this chapter shall be tried by the County Court of Rockland County and, if found guilty, shall be guilty of a misdemeanor. Upon his having been found guilty, the Board of Trustees shall initiate such other action as may be necessary to terminate his appointment, employment or office.
- B. Any contract willfully entered into by or with the Village of Suffern in which there is an interest prohibited by this chapter shall be null, void and wholly unenforceable. [Added 8-26-74]

§ 22-10. Board of Ethics. [Amended 9-23-74 by L.L. No. 12-1974]

A. Creation and membership.

- (1) There is hereby created and established a Board of Ethics consisting of five (5) members to be appointed by the Mayor, all of whom shall reside in the Village of Suffern and all of whom shall serve without compensation.
- (2) One (1) member shall be an attorney admitted to practice in the State of New York; one (1) member shall be an ordained clergyman, now or formerly having spiritual experience with a congregation of one hundred (100) or more members; and one (1) member shall be a teacher or educational administrator. None of the members shall be an official in any political party.
- (3) The members of the present Board shall continue to serve for the remainder of their terms of office. Each successor shall be appointed for a term of five (5) years from and after the expiration of the term of his predecessor in office. The members of the Board shall elect a Chairman. The Village Attorney shall be a member ex officio of the Board.

B. 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 Suffern with respect to Article 18 of the General Municipal Law and the Code of Ethics contained herein under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to any amendment to this Code of Ethics upon the request of the Board of Trustees.

C. Meetings and reports. The Board of Ethics shall meet at least once annually in the month of April for purposes of organization and reorganization and to transact any other business as may properly come before it and shall report publicly to the Board of Trustees not later than the 15th day of May annually on its current state of organization and on the currency of all reports required to be on file and on any other matters which

to it may appear to be a just and proper exercise of its responsibility.

§ 22-11. Advisory opinions.

The Board of Ethics shall render advisory opinions to municipal officers and employees within the village with respect to this chapter. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board may deem advisable. In addition, the Board may make recommendations with respect to any amendments to this chapter upon the request of the Board of Trustees. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the officer or employee be disclosed except to authorized persons and agencies.

§ 22-12. Yearly written statement.

All public officials and employees covered under this chapter shall be required once a year to sign a sworn statement setting forth that they are familiar with the provisions of this code and during the previous year, while in public office, they have not violated its provisions or acted in any manner contrary to the policy set forth herein.

§ 22-13. Distribution. [Added 8-26-74]

The Mayor of the Village of Suffern shall cause a copy of the Code of Ethics to be distributed to every officer and employee of the Village of Suffern within thirty (30) days after the effective date of this amendment. Each officer and employee elected or appointed thereafter or nominated for office shall be furnished a copy before entering upon the duties of his office or employment or within ten (10) days after nomination.

PROPOSED

Chapter 22

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§ 22-1. Title.	§ 22-9. Duties of Village Clerk.
§ 22-2. Legislative intent.	§ 22-10. Removal from certain state provisions.
§ 22-3. Scope and applicability.	§ 22-11. Inducement of violations.
§ 22-4. Definitions.	§ 22-12. Claims against Village
§ 22-5. Code of Ethics.	§ 22-13. Recusal from voting or other discretionary act.
§ 22-6. Financial disclosure.	Appendix I
§ 22-7. Board of Ethics; membership; duties.	Appendix II Annual Statement of Financial Disclosure Form
§ 22-8. Penalties for offenses; enforcement.	

[HISTORY: Adopted by the Village Board of the Village of Suffern 00-00-0000 by L.L. No. 0-0000 (Ch. 0 of the 0000 Code).]

§ 22-1. Title.

This chapter shall be known and cited as the "Ethics in Government Law of the Village of Suffern." [Repealing and replacing the former Chapter 22 of the Code of Ethics of the Village of Suffern originally adopted 2-8-71]

§ 22-2. Legislative intent.

In a democracy, government should be open, accessible, equitable and efficient. Democratic government requires that elected officials be independent, impartial and responsible to the people. Government decisions and policy must be made through the appropriate channels of government structure. Public office must not be used or be perceived for personal gain. The public must have confidence in the integrity of its government. In order to strengthen the democratic operation of the Village of Suffern and to enhance public trust in that government, this Code requires disclosure of financial interests that may influence or be perceived to influence the actions of elected officials, covered employees or Village employees. Elected officials, covered employees or Village employees hold office for the benefit of the public, and their conduct must be of the highest standard. It is of the utmost importance that all individuals covered by that law must be seen to be acting solely in the public interest. Therefore, it is the intent of this legislation to:

- A. Establish high standards of ethical conduct for elected officials, covered employees and Village employees.
- B. Afford elected officials, covered employees and Village employees clear guidance to such standards.
- C. Promote public confidence in the integrity of Village government.

- D. Require disclosure of financial interests that may influence or be perceived to influence the actions of elected officials, candidates for elected office and covered employees.
- E. Facilitate consideration of potential problems before they arise, minimize unwarranted suspicion and enhance the accountability of government to the people.

§ 22-3. Scope and applicability.

- A. Nothing contained in this chapter shall be deemed to supersede the provisions of § 800, 801, 802, 803 and 809 of the General Municipal Law, but rather this chapter is deemed supplementary thereto. However, should a higher standard of disclosure of conflict of interest be required by this chapter, then the provisions of this chapter shall govern.
- B. All other legal requirements pertaining to the conduct of elected officials, covered employees and Village employees shall not be deemed to have been superseded by this chapter, including but not limited to rules of any state or county agency relating to licensing and discipline and any other applicable disciplinary codes.

§ 22-4. Definitions.

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

AGENCY — Any agency, department, division, board, commission or bureau of the Village of Suffern.

BOARD — The Board of Ethics of the Village of Suffern.

BUSINESS/PROFESSIONAL DEALING AND/OR BUSINESS TRANSACTION - Having or providing any contract, service or work with the Village; buying, selling, renting, leasing or otherwise acquiring from or dispensing to the Village any goods, services or property; or obtaining any approval, grant, loan, license, permit or other privilege from the Village, excepting that by operation of law.

CANDIDATE FOR ELECTED OFFICE — A candidate for Village-wide office who receives the designation of a party and who files a designating petition for nomination at a primary election, or who receives the nomination of a party other than at a primary election (whether or not for an uncontested office), or who seeks independent nomination and who has not been designated by a party to receive a nomination but files a designating petition, or whose name appears on a primary or election ballot pursuant to § 6-148 of the Election Law. The terms "party," "designation," "primary election," "nomination" and "independent nomination," as used herein, shall have the same meaning as those contained in § 1-104 of the Election Law.

COMPENSATION – Any money, thing of value or financial benefit conferred in return for services rendered or to be rendered.

COVERED EMPLOYEES — The heads, other than elected officials, of any agency, department, division, council, board, commission or bureau of the Village and their deputies and assistants and the officers, employees and consultants on annual retainers of such

agencies, departments, divisions, boards, bureaus, commissions or councils who hold policy-making positions as determined by the Village Board and set forth in a written instrument annexed hereto as Appendix I,¹ which shall be filed with the Board of Ethics.

ELECTED OFFICIAL — An elected official of the Village of Suffern.

INTEREST — A direct or indirect pecuniary or material benefit accruing to an elected official, covered employee or Village employee, his or her spouse, child or dependent, whether as a result of a contract with the Village or otherwise.

LICENSING — Any agency activity respecting the grant, denial, renewal, revocation, enforcement, suspension, annulment, withdrawal, recall, cancellation or amendment of a license, permit or other form of permission conferring the right or privilege to engage in a profession, trade or occupation or any business or activity regulated by a regulatory agency which, in the absence of such license, permit or other form of permission, would be prohibited.

MINISTERIAL MATTER — An administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

RELATIVE — Such individual's spouse, child, step child, step parent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

REPRESENTATIVE CAPACITY — The presentation of the interests of a client or other person pursuant to an agreement, express or implied, for compensation for services.

SPOUSE — The husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to a judicial order, decree or judgment or a legally binding separation agreement.

STEP CHILD — A child of one's husband or wife, but not born of the marriage.

VILLAGE EMPLOYEE — Any employee other than an elected official or covered employee of the Village of Suffern, whether paid or unpaid.

UNEMANCIPATED CHILD — Any son, daughter, stepson or stepdaughter who is under the age of 22, unmarried and living in the household of the reporting individual.

§ 22-5. Code of Ethics.

- A. No elected official, covered employee or Village employee shall directly or indirectly solicit or receive compensation or agree to receive compensation for services rendered concerning matters before any Town agency, nor shall any such person accept other employment or engage in any business transactions or make any investments directly or indirectly which create a conflict with his or her official duties.

1. Editor's Note: Appendix I appears at the end of this chapter.

- B. No elected official, covered employee or Village employee shall have any business or professional dealings or be interested, directly or indirectly, in any manner whatsoever, except by operation of law, in any business or professional dealings with the Village of Suffern or any agency thereof.
- C. No elected official, covered employee or Village employee shall be employed, with or without compensation, as an attorney, agent, broker, director, representative or employee for any person, firm or corporation interested, directly or indirectly, in any manner whatsoever, in business or professional dealings with the Village or any agency thereof unless full disclosure is made as to such employment to the Village Board, in writing, and such elected official, covered employee or Village employee disqualifies himself or herself from acting in his or her official capacity in matters affecting such person, firm or corporation.
- D. No elected official, covered employee or Village employee shall, directly or indirectly, solicit any gift or gifts, or accept or receive any gift or gifts with an aggregate value of \$75 or more within any twelve-month period, whether in the form of a service, loan, thing, travel, entertainment, hospitality or promise, or any other form of gratuity, from any person other than a relative or from any firm, any organization or any corporation which, to his or her knowledge, is interested, directly or indirectly, in any manner whatsoever, in business or any case, proceeding or application or professional dealings with the Village or any agency thereof. Refreshments or meals that are provided as part of an informational presentation in a group setting or as part of a reception shall not be considered gifts, nor shall the receipt or acceptance of gifts or other things of value less than \$150 received from other elected officials, covered employees or Village employees for purposes of being social, showing appreciation or celebrating a holiday or other event be considered gifts.
- E. No former elected official, former covered employee or former Village employee shall directly or indirectly appear, render services or have any business transaction before any Village agency concerning a matter in which he or she was personally involved for two years after termination of his or her service of employment.
- F. No elected official, covered employee or Village employee who is a member of a firm which is appearing before a Village agency may communicate about the matter with an elected official, covered employee or Village employee concerned with the matter. However, printed material such as the letterhead or stationery imprinted with the name of the elected official, covered employee or Village employee is deemed not to be a communication so long as the printed material is not issued or signed by the elected official, covered employee or Village employee.
- G. No elected official, covered employee or Village employee shall disclose confidential information concerning the property, government or affairs of the Village except when permitted or required by law, nor shall he or she use such information to advance the financial or other private interests of any person, firm

or corporation.

- II. Any applicant or any representative of any applicant before any agency must disclose, in writing and on the record, any previous business dealings and/or business transactions that said applicant or representative has had with any member of said agency within the previous two years.
 - I. Each elected official, covered employee or Village employee shall be furnished a copy of the Code of Ethics, Chapter 00 of the Code of the Village of Suffern, by the Personnel Administrator before entering upon the duties of his or her office or employment.
 - J. Each elected official, covered employee or Village employee shall be barred from videotaping and/or audiotaping any individual or proceeding, involving Village business, without the consent of each of the individuals who are being video- and/or audiotaped. Notwithstanding the foregoing, any individual who is acting as agent or under the direction or on behalf of law enforcement, whether local, state or federal, is permitted to video- and/or audiotape if such conduct is at the law enforcement agency's direction.

§ 22-6. Financial disclosure.

Each elected official, covered employee and candidate for elected office must file an annual financial disclosure statement containing the information and in the form set forth as Appendix II² hereto. Such statement shall be filed with the Board of Ethics on or before the 15th day of May with respect to the preceding calendar year, with the following exceptions:

- A. A person who is subject to the reporting requirements of this section and who timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May 15, but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement.

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- B. A person who is required to file an annual financial disclosure statement with the Board and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with rules and regulations on the subject adopted by the Board, shall file such statement within the additional period of time granted.
- C. Candidates for elected office shall file such annual financial disclosure statement within seven days after the last day allowed by law for the filing of primary election designating petitions; or the last day allowed by law for the filing of independent nominating petitions; or the date of the meeting of the party committee at which they are nominated; or within seven days of receiving the designation or nomination or independent nomination or otherwise becoming a candidate by virtue of § 6-148 of the Election Law, as shall be applicable to the form of their candidacy.
- D. Any person required to file an annual financial disclosure statement who commences employment after April 15 of any year shall file such statement within 30 days after commencing employment.
- E. A person who is required to file an annual financial disclosure statement in more than one capacity need file only one such statement but must observe the earliest filing date with respect to each of such capacities.

There shall be a Board of Ethics consisting of five members to be appointed by the Village Board, all of whom shall reside in the Village of Suffern and who shall serve without compensation, which shall be set by resolution of the Village Board. The members of the present Board existing on the effective date of this chapter shall continue in office until the expiration of their respective terms unless they or any one of them is in violation of any of the provisions of Subsection B hereof, in which case said member or members are deemed to have vacated their office as of the effective date of this chapter. The members of the Board shall elect a Chairman and a Secretary.

B. No member of the Board shall:

- (1) Hold any public office, elected or appointed, or be a public officer or employee. This provision is adopted so as to establish a Board of Ethics that is an unquestionably independent body, pursuant to and by the authority granted to the Town by the New York Constitution, Article IX, § 2(c) and § 10(1)(i) and (ii)(a)(1) of the Municipal Home Rule Law to adopt a Code provision not inconsistent with and stricter than § 808(3) of the General Municipal Law.
- (2) Hold office in any political party or be employed as a lobbyist.
- (3) Be a relative, as that term is defined in § 22-4 of this chapter, of a person holding any office or position describe in Subsection B(1) or (2) above.
- (4) Be a party to any civil proceeding against the Village other than that arising out of a personal injury or property damage claim or from any lawful benefit, or have any business dealings with the Village, other than applications for building permits.

- certificates of occupancy, marriage licenses, or other similar ministerial matters.
- C. Any vacancy occurring on the Board shall be filled within 60 days of its occurrence by the Village Board in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy shall be appointed for the unexpired term of the member he or she succeeds.

- D. Three members of the Board shall constitute a quorum, and the Board shall have power to act by a majority vote of the total number of members of the Board without vacancy.
- E. The term of office for members of the Board shall be five years. Members of the Board may be removed by the Village Board for cause amounting to substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of the office or violation of this chapter, after a hearing on written notice and opportunity to respond.
- F. The members of the Board shall receive no compensation
- G. The Board shall be the repository for all financial disclosure statements required pursuant to the provisions of this chapter. The information set forth in the annual statement of financial disclosure filed pursuant to this chapter shall be available for public inspection except the categories of value or amount, which shall remain confidential. All other documents filed with the Board, except as otherwise provided in this chapter, shall be kept confidential and shall not be used for any purpose outside of the jurisdiction of the Board except pursuant to a lawfully issued subpoena by or on behalf of a law enforcement agency. The Board shall notify the Temporary State Commission on Local Government Ethics, if such Commission is in existence, and, if not, shall file a statement with the Village Clerk that it is the authorized repository for completed annual statements of financial disclosure and that, on account thereof, such completed statements will be filed with it and not with the Commission.
- H. The Board shall inspect all financial disclosure statements filed with the Board to ascertain whether any person subject to the reporting requirements of this chapter has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of § 811 or 812 of the General Municipal Law or of this chapter, as the case may be.
- I. The Board shall obtain from the Rockland County Board of Elections lists of all candidates for elected office. The Board shall determine from such lists those candidates who have not, after the required date for filing such statement, filed the statement required by this chapter.
- J. The Board shall meet at least annually in the month of June for purposes of organization and to review the status of all confidential memoranda required to be on file with it and to transact any other business as may properly come before it and shall report publicly to the Village Board not later than the 15th day of September annually on its current state of organization and on the currency of all reports required to be on file and for which notices of delinquency have been issued and on any other matters which may appear to be a just and proper exercise of its responsibility.

- K. The Board shall adopt, amend and rescind rules and regulations to govern procedures of the Board, which shall include but not be limited to the procedure whereby a person who is required to file an annual financial disclosure statement with the Board may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship. Such rules or regulations shall provide for a date beyond which, in all cases of justifiable cause or undue hardship, no further extension of time will be granted.
- L. The Board shall receive only sworn complaints alleging a violation of any of the provisions of this chapter. The source of the complaint shall be verified prior to the commencement of any investigation thereof.
- M. The Board shall permit any person required to file a statement of financial disclosure to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children, which item or items may be exempted by the Board upon a finding by a majority of the total number of members of the Board without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure, and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties.
- N. Upon written request from any person who is subject to the jurisdiction of the Board, the Board shall render advisory opinions on the requirements of the provisions of this chapter. An opinion rendered by the Board, until and unless amended or revoked, shall be binding on the Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced and shall be a defense in any criminal or civil action. Such request and any such opinions shall be confidential.
- O. If a person required to file a financial disclosure statement with the Board has failed to file a disclosure statement or has filed a deficient statement, the Board shall notify the reporting person, in writing, state the failure to file or detail the deficiency, provide the person with a fifteen-day period to cure the deficiency and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Board shall send a notice of delinquency to the reporting person and, in the case of a covered employee, to the appointing authority for such person. Such notice shall be available for public inspection.
- P. If a reporting person has filed a statement which reveals a possible violation of the Code of Ethics of this chapter or the Board receives a sworn complaint alleging such a violation or if the Board determines on its own initiative to investigate a possible or alleged violation, the Board shall notify the reporting person, in writing, describe the possible or alleged violation of such Code of Ethics and provide the person with a fifteen-day period in which to submit a written response setting forth information relating

to the activities cited as a possible or alleged violation of law. If the Board thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board shall also inform the reporting person of its rules regarding the conduct of adjudicatory proceedings and the due process procedural mechanisms available to such individual. If the Board determines at any stage of the proceeding that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any. All the foregoing proceedings shall be confidential. If the Board determines that there is reasonable cause to believe that a violation has occurred, it shall send notice of reasonable cause to the reporting person, to the complainant, if any, and, in the case of a covered employee, to the appointing authority for such person. Such notice shall be available for public inspection.

- Q. The Board shall adopt rules governing the conduct of adjudicatory proceedings relating to the assessment of civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in Article 3 of the State Administrative Procedure Act, but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within 30 days of imposition and, upon becoming final, shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the appropriate body pursuant to Article 78 of the Civil Practice Law and Rules.
- R. The Board shall conduct any investigation necessary to carry out the provisions of this chapter. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.
- S. All decisions of the Board not otherwise required to be kept confidential shall be printed and made public within 30 days after their decision and shall be filed with the Village Clerk and shall be available for public inspection during regular business hours.

§ 22-8. Penalties for offenses; enforcement.

- A. Any person who shall violate any of the provisions of § 22-5 of this chapter shall be subject to a civil fine in an amount not to exceed \$10,000 for each violation. Assessment of a civil penalty hereunder shall be made by the Board.
- B. In addition, any person who shall violate any of the provisions of § 22-5 of this chapter shall be guilty of a Class A misdemeanor as that term is defined in the New York State Penal Law.
- C. An elected official, covered employee or candidate for elected office who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully, with intent to deceive, makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to § 22-6 of this chapter shall be assessed a civil penalty in an amount not to exceed \$10,000. The Board may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and, upon such conviction, but only after such referral, such violation shall be

punishable as a Class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event that a category of value or amount reported hereunder is incorrect, unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to file or for a false filing of such statement, except that the Board may impose disciplinary action as otherwise provided by law.

- D. In the event that a civil penalty assessed by the Board shall become final and shall not be reviewed pursuant to Article 78 of the Civil Practice Law and Rules or, if so reviewed such civil penalty shall be sustained or modified and, as so modified, sustained in part or, if after referral to the appropriate prosecutor by the Board the reporting person shall be convicted, the Board is hereby directed to review the facts and, if appropriate, to file appropriate disciplinary charges and to impose disciplinary action as provided by law.

§ 22-9. Duties of Village Clerk

- A. The Village Clerk shall maintain as a record subject to public inspection:
- (1) A copy of this chapter or any amendments hereto adopted, within 30 days after the adoption thereof.
 - (2) A statement that the Village of Suffern has established a Board of Ethics in accordance with this chapter and the composition of such Board, within 30 days after the establishment of such Board.
 - (3) A copy of the form of annual statement of financial disclosure and a statement of the date such annual statement form was promulgated by this chapter.
- B. The Village Clerk shall, in accord with § 22-6C herein, notify the candidates for local office of the requirement to file an annual financial disclosure statement and shall collect and forward the executed financial disclosure statements to the Board of Ethics.

§ 22-10. Removal from certain state provisions.

Notwithstanding anything to the contrary contained in this chapter, the Village of Suffern hereby elects to remove itself from the ambit of all of the provisions of § 812, other than Subdivision 3 of such section, of the General Municipal Law, in accordance with the provisions of Subdivision 3 of such section.

§ 22-11. Inducement of violations.

Any person who induces any elected official, covered employee or Village employee to take any action or refrain from taking any action, which is in violation of this chapter, shall be guilty of a Class A misdemeanor as that term is defined in the New York State Penal Law and shall be barred from doing business with the Town for a period of five years from the date of conviction.

§ 22-12. Claims against Village.

Nothing herein shall be deemed to bar the timely filing by a present or former elected official, covered employee or Village employee of any claim, demand, or suit against the Village, made individually or in a representative capacity, arising out of any personal injury or property damage or from any lawful benefit, or from receiving a municipal service or benefit that is generally available to the public.

§ 22-13. Recusal from voting or other discretionary act.

A. Definitions. For purposes of this section, the following definitions shall apply to acts under this section:

CONTRACT — Any claim, account or demand against or agreement with a municipality, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including, but not limited to, an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law. "Contract" shall include, for the purposes of this section, an approval or denial of a rezoning, subdivision, variance or other discretionary application and shall also include a determination made pursuant to § 8-0101 of the Environmental Conservation Law. "Contract" shall not include, for purposes of this section, a proposed collective bargaining agreement with the Village that may collaterally affect one or more of the persons set forth in § 22-13A(2)(a) herein when such person is classified as a nonexempt position person by said collective bargaining agreement.

INTEREST — A direct or indirect pecuniary or material benefit accruing to an elected official or covered employee as a result of a contract with the Village, which such elected official or covered employee serves. For the purposes of this section an elected official or covered employee shall be deemed to have an interest in the contract of:

- (1) A spouse, child, step child or dependent;
- (2) Business partners, or a business, association, partnership, corporation, or other entity of which the elected official or covered employee is an owner, partner, officer, director, or shareholder, as identified in the financial disclosure statement of said elected official or covered employee executed by him or her pursuant to § 22-6 herein; and
- (3) A person, business, association, partnership, corporation, or other entity who is represented in a professional capacity (such as attorney-client or real estate broker/customer) by the elected official or covered employee, as identified in the financial disclosure statement of said elected official or covered employee executed by him or her pursuant to § 22-6 herein.

B. Prohibited actions. Whenever an elected official or covered employee is called upon to vote on, advise on, or otherwise take discretionary action before the Village in which the elected official or covered employee has an interest, the elected official or covered employee shall immediately declare the nature of the interest and shall refrain from

taking any action or inaction that would affect the outcome of the matter. Such declaration shall be made a part of the public record concerning the matter.

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Appendix I

- A. It is the determination of the Village Board of the Village of Suffern that the heads, other than elected officials, of any agency, department, division, council, board, commission or bureau of the Village and their deputies and assistants and the officers, employees and consultants on annual retainers of such agencies, departments, divisions, boards, bureaus, commissions or councils who hold policy-making positions are as follows:
- (1) Confidential Assistant to the Mayor (if any).
 - (2) Director of Finance.
 - (3) Village Attorney.
 - (4) Deputy Village Attorney(s).
 - (5) The head of the Department of Public Works and its Deputy/s.
 - (6) Director of the Department of Environmental Control.
 - (7) Deputy Director(s) of the Department of Environmental Control.
 - (8) Village Planner (consultant).
 - (9) Building Inspector.
 - (10) Deputy Building Inspector/s.
 - (11) Chief of Police.
 - (12) Police Captains.
 - (13) Authorized Purchasing Agent.
 - (14) Village Engineer.
 - (15) Superintendent of Parks and Recreation.
 - (16) Deputy or Assistant Superintendent(s) of Parks and Recreation.

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(17) All members of the following Boards and Commissions:

- (a) Board of Ethics.
- (b) Planning Board.
- (c) Zoning Board of Appeals.

- B. It is the determination of the Village Board of the Village of Suffern that the chairpersons of all political parties in the Village of Suffern shall be required to submit an annual financial disclosure affidavit to the Ethics Committee under the Code of Ethics.
- C. This instrument shall be filed with the Board of Ethics within 30 days of the effective date of the Ethics in Government Law of the Village of Suffern. Any Village Board resolution changing or amending this instrument must be filed with the Board of Ethics during either the month of January or February in order for said resolution to be effective for that calendar year. Where such resolution is filed with the Board of Ethics later than February, such resolution shall become effective the following calendar year.
- D. Any reporting individual who has filed a financial disclosure statement in the previous year may, in lieu of filing a new statement, submit an affidavit swearing that either there have been no changes from the previous year or, if changes have occurred in five or fewer items, then such changes shall be disclosed in the affidavit.

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For the purposes of this statement, anywhere the term "local agency" shall appear, such term shall mean a local agency as defined in § 810 of the General Municipal Law.

- (4) List any office, trusteeship, directorship, partnership or position of any nature, including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the reporting individual, spouse or unemancipated child with any firm, corporation, association, partnership or other organization other than the State of New York or Village of Suffern. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency or as a regular and significant part of the business or activity of said entity, did business with or had matters other than ministerial matters before any state or local agency, list the name of any such agency. -

Self, Spouse or Child	Position	State or Organization	Relationship with Local Agency

- (5) List the name, address and description of any occupation, employment, trade, business or profession engaged in by the reporting individual, spouse or unemancipated child. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency or, as a regular and significant part of the business or activity of said entity, did business with or had matters other than ministerial matters before any state or local agency, list the name of any such agency.

Self, Spouse or Child	Position	Name/ Address of Organization	Description	State or Local Agency	Relationship with Local Agency

- (6) List any interest in excess of \$1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or unemancipated child or a partnership of which any such person is a member or a corporation, 5% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency, and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do not list any interest in any such contract which has been performed and on which final payment has been made, except for guaranties or warranties where an ongoing dispute exists with regard to such guaranties or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding.

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Appendix II
Annual Statement of Financial Disclosure Form
Village of Suffern (for calendar year)

- (1) Name _____
- (2) (a) Title of position _____
- (b) Department, agency or other governmental entity _____
- (c) Address of present office _____
- (d) Office telephone number _____
- (3) (a) Marital status _____ . If married, please give spouse's full name, including maiden name where applicable.
- Spouses Name: _____ (first) _____ (maiden) _____ (last)
- (b) List the names of all unemancipated children.
- _____
- _____
- _____
- _____

Answer each of the following questions completely, with respect to calendar year _____ unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a value or amount is required to be reported herein, such value or amount shall be reported as being within one of the following categories (a reporting individual shall indicate the category by letter only):

- Category A: under \$5,000.
Category B: \$5,000 to under \$20,000.
Category C: \$20,000 to under \$60,000.
Category D: \$60,000 to under \$100,000.
Category E: \$100,000 to under \$250,000.
Category F: \$250,000 or over.

Editor's Note: According to this local law, the modifications to Sections J(a) and 14 through 19 of this disclosure statement were made to insure that all questions thereto are answered completely, pursuant to and by the authority granted to the Village by the New York Constitution, Article IX, - 2(e) and -10(1)(i) and (ii)(a)(1) of the Municipal Home Rule Law to adopt a code provision not inconsistent with -812(5) of the General Municipal Law.

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Self, Spouse or Child	Entity Which Held Interest in Contract	Relationship to Entity and Interest in Contract	Contracting State or Local Agency	Category of Value of Contract

- (7) List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee or as a political party district leader. The term "party" shall have the same meaning as "party" in the Election Law. The term "political organization" means any party or independent body as defined in the Election Law or any organization that is affiliated with or a subsidiary of a party or independent body.

- (8) (a) If the reporting individual practices law, is licensed by the Department of State as a real estate broker or agent or practices a profession licensed by the Department of Education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm, give a general description of principal subject areas of matters undertaken by such firm. Do not list the name of the individual clients, customers or patients.

- (b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000, excluding investments in securities and interests in real property.

- (9) List each source of gifts, excluding campaign contributions, in excess of \$1,000 received by the reporting individual or such individual's spouse or unemancipated child from the same donor, excluding gifts from a relative, and include the name and address of the donor. The

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term "gifts" does not include reimbursements, which term is defined in Item 10. Indicate the value and nature of each such gift.

Self, Spouse or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift
-				

- (10) Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures and expenditures in connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties, such as speaking engagements, conferences or fact-finding events. The term "reimbursements" does not include gifts reported under Item 9.

Source	Description

- (11) List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans other than retirement plans of the State of New York or the City of New York and deferred compensation plans established in accordance with the Internal Revenue Code, in which the reporting individual held a beneficial interest in excess of \$1,000 at any time during the preceding year. Do not report interests in a trust, estate or other beneficial interest established by or the estate of a relative.

Identity	Category of Value*

* The value of such interest shall be reported only if reasonably ascertainable .

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- (12) (a) Describe the terms of and the parties to any contract, promise or other agreement between the reporting individual and any person, firm or corporation with respect to the employment of such individual after leaving office or position, other than a leave of absence.

- (b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the reporting individual in excess of \$1,000 from a prior employer other than the political subdivision for which this statement is filed. (This includes interests in or contributions to a pension fund, profit-sharing plan or life or health insurance; buy-out agreements; severance payments; etc.)

- (13) List below the nature and amount of any income in excess of \$1,000 from each source for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. "Nature of income" includes but is not limited to salary for government employment, income from other compensated employment, whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Self/Spouse	Source	Nature	Category of Amount

- (14) List the sources of any deferred income in excess of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in Item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate, but shall not identify individual clients.

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- None; or
- Detailed answer provided below:

Source	Category of Amount

(15) List each assignment of income or transfer of property for less than fair consideration, other than to a relative, by the reporting individual of any item in excess of \$1,000 which would otherwise be required to be reported herein and is not or has not been so reported.

- None; or
- Detailed answer provided below:

Item Assigned	Assigned or Transferred to	Category of Value

(16) List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in excess of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity, exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit, in which event such securities shall be listed unless they are not ascertainable by the reporting individual. Securities in which the reporting individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership if the reporting person or the reporting person's spouse holds more than 1% of the stock of a corporation in which the stock is publicly traded or more than 5% of the stock of a corporation in which the stock is not publicly traded. Also list securities owned by a corporation more than 50% of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item, the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interest and such other evidences of indebtedness and certificates of interest as are usually referred to as "securities." The market value for such securities shall be reported only if reasonably ascertainable.

- None; or
- Detailed answer provided below:

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Self/Spouse	Issuing Entity	Type of Security	Category of Market Value (as of the close of the taxable year last occurring prior to the filing of this statement)	Percentage of Corporate Stock Owned or Controlled
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(17) List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in excess of \$1,000 is held by the reporting individual or the reporting individual's spouse, together with the names of all individuals or entities who share a direct or indirect interest therein if known to the reporting individual. Also list real property owned for investment purposes by a corporation, more than 50% of the stock of which is owned or controlled by the reporting individual or such individual's spouse.

- None; or
- Detailed answer provided below:

Self/Spouse/ Other Party with Interest	Location	Size	General Nature	Category of Acquisition Date	Percentage Market Value of Ownership
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

(22) List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing in excess of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in Item 16 hereinabove. If any obligation to the reporting person is guaranteed by a third person, list the obligation and the name of such person. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

- None; or
- Detailed answer provided below:

