

VILLAGE OF WARWICK
LOCAL LAW NO. 4 OF THE YEAR 2024

A local law amending the Village Code of the Village of Warwick by repealing Chapter 9 “Ethics, Code of”, and re-enacting the same with revised provisions.

SECTION 1. PURPOSE

The purpose of this Local Law is to promote the public health, safety and welfare by amending the Village Code to revise the provisions to the Village Code of Ethics.

SECTION 2. MUNICIPAL HOME RULE LAW:

This law is adopted pursuant to the provisions of the Municipal Home Rule Law § 10(1)(ii)(a)(1) which grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with State law, the Village Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule.

SECTION 3. AMENDMENT OF VILLAGE CODE:

The Village Code of the Village of Warwick is hereby amended to repeal Chapter 9, “Ethics, Code of”, and to re-enact in its place a new Chapter 9 entitled “Ethics, Code of” which shall read as follows:

"Ethics, Code of

Article I

General Provisions

§ 9-1 Purpose

Standards and rules of ethical conduct for public officers and employees should be clearly set forth to guide public officers and employees in performance of their duties and must be observed if public confidence is to be maintained in local government. It is the purpose of this chapter to promulgate standards and rules of ethical conduct for the officers and employees of the Village of Warwick.

§ 9-2 Applicability

This Code of Ethics applies to the elected officials, candidates for elected Village position, officers and employees of the Village of Warwick and shall supersede any prior municipal Code of Ethics. The provisions of the Code of Ethics shall apply in addition to all applicable state and local laws

relating to conflicts of interest and ethics, including, but not limited to, Article 18 of the General Municipal Law, and all rules, regulations, policies and procedures of the Village of Warwick.

§ 9-3 Definitions.

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

VILLAGE

The Village of Warwick as a municipal corporation.

VILLAGE EMPLOYEE

Any Village of Warwick officer, employee, or elected official, and members of the Village Planning Board and Zoning Board of Appeals, whether paid or unpaid, and whether serving in a full-time or a part-time capacity.

CANDIDATE FOR ELECTED VILLAGE POSITION

Any person upon filing the Certificate of Acceptance by Candidate for an elected Village position.

CHILDREN

As used in this chapter the term Children shall include all biological offspring, adopted persons, and step-children of oneself and one's spouse or partner.

CONTRACTS

All contracts, written or oral, including any claim, account or demand against or agreement with the Village, express or implied.

CONFIDENTIAL INFORMATION

Any information that is not subject to disclosure under the Freedom of Information Law including, without limitation, any discussions held in executive or closed sessions.

PERSONAL INTEREST

For the purpose of this chapter, an officer, elected official, or employee of the Village whether paid or unpaid shall be deemed to have a direct interest in the affairs of:

- a. His or her spouse, children and dependents; or
- b. A corporation, business, or association in which the officer, elected official, or employee has an ownership interest of five percent (5%) or more;
- c. A partnership in which the officer, elected official, or employee is a partner;
or
- d. A limited liability entity (such as an LLC) in which the officer, elected official, or employee is a member; of
- e. Any business entity, whether for profit or non-profit, of which the officer, elected official, or employee is a board member, officer or director.

FAMILY RELATIONSHIP

As used in this chapter the term Family Relationship means a spouse, parent, step-parent, sibling, step sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a Village employee, and individuals having any of these relationships to the spouse of a Village employee.

Article II Code of Ethics

§ 9-4 Standards of conduct.

Every Village employee of the Village of Warwick shall be subject to and abide by the following standards of conduct:

- A. All elected officials of the Village of Warwick, are required to annually file a disclosure statement, in writing, with the Village Clerk, disclosing their business positions, investments, real estate holdings and interests in contracts potentially involving the Village. Such disclosure shall be limited to interests which could present potential conflicts of interests in execution of the elected official's duties, as provided upon the standard disclosure form approved by the Village Board. Candidates for Elected Village Positions are required to file the standard disclosure form with the Village Clerk as noted above on the same day they file their Certificate of Acceptance by Candidate with the Village Clerk.
- B. Employment. No Village employee shall accept other employment which will impair his/her independence of judgement in the exercise of his official duties.
- C. Conflict of interest. No Village employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other

personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would impair his/her independence of judgment or action in the performance of official duties. Personal, as distinguished from financial, interest includes an interest arising from family relationships or close business or political association. No Village employee shall 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

D. Representing private interests before Village agencies or courts. Except for self-representation, no Village employee whose salary is paid in whole or in part by the Village shall appear before any agency of the Village. He/she shall not represent private interests in any action or proceeding against the Village in any litigation to which the Village is a party, nor shall he receive any compensation or retainer that may be contingent upon a specific action by a Village agency.

E. Contracts with Village. Except as permitted under New York State General Municipal Law § 801 and 802, Village employees may not enter into contracts with the Village or have an interest in any business entity contracting with the Village.

F. Gifts. No Village officer or employee shall directly or indirectly, solicit any gift, or accept or receive any gift having an aggregate value of seventy-five dollars or more in any twelve month consecutive period from the same individual or entity nor shall he/she accept or solicit any gift or financial benefit under circumstances in which it could reasonably be inferred that the gift was intended to influence such Village officer or employee in the performance of his/her official duties or was intended to be a reward for any official action on his/her part. Provided, however, that this section shall not apply to legally obtained campaign contributions or in-kind services.

G. Confidential information. No Village employee shall disclose confidential information acquired by him/her in the course of his official duties or use such information to further his personal interest. He/she shall not disclose, without proper authorization from the Village Board, any confidential information concerning the affairs of the Village of Warwick. Any inquiring person shall be directed to the public records of the Village. Records of all Village departments not stated to be public records shall be considered confidential.

H. Use of municipal position for personal or private gain. No municipal officer or employee shall use his or her municipal position or official powers and to secure a financial or material benefit for himself or herself, a relative or any private organization in which he or she is deemed to have an interest. No Village employee shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself or others.

I. Improper influence. A Village employee shall not by his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties or that he/she is affected by the kinship, rank, position or influence of any party or person.

J. Future employment. A Village employee shall not, after termination of service or employment with the municipality, appear before any board, commission, or agency of the Village in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment, or which was under his/her active consideration in perpetuity.

K. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Village Board and any Village employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the Village Board on any legislation before the Village Board, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.

L. Private employment. No Village employee shall 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. The following regulations concern the office or department stated:

(1.) Office of Building Inspector. The Building Inspector Board shall not engage within the Village in the real estate, insurance, building contracting or building material business during their employment. This shall not prevent the Building Inspector who has a real estate license or an insurance license in effect at the time he/she acquired his position from continuing such license in effect.

(2.) Office of Assessor. The Assessor, or any employee thereof shall not use the records and information of his/her department for any private use whatever.

M. Seeking appointments. No person shall, either directly or indirectly, pay, render, or give any money, service or other valuable thing to any person for or on account of or in connection with any test, appointment, promotion, reduction or removal in which he is concerned. Seeking an appointment in such a way shall disqualify the individual engaging in such activity from appointment to the position at issue for the current or upcoming term thereof as applicable to the violation.

N. Equal Treatment of the public. An officer, elected official, or employee of the Village of Warwick shall treat all members of the public, whether a person, corporation or other organization, with equal consideration and without special advantage in carrying out his or her official duties.

§ 9-5 Penalties for offenses.

In addition to any penalty contained in any other provision of law, any such Village employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended, or removed from office or employment in the manner provided by law.

Article III **Board of Ethics**

§ 9-6 Establishment.

A. There is hereby established a Board of Ethics consisting of five members to be appointed by the mayor and approved by the Village Board of Trustees, including designation of the Chairman.

B. Members of the Board of Ethics must reside in the Village of Warwick and shall serve without compensation and at the pleasure of the Village Board.

C. Terms of Office.

(1.) Commencing upon the effective date of this Chapter as re-enacted in 2024, the initial appointment of members to the Board of Ethics shall be as follows:

- (a.) One Board of Ethics member will serve a one-year term commencing on the date of the Village Board's 2024 reorganization meeting and terminating on the day before the Village Board's 2025 reorganization meeting;
 - (b.) One Board of Ethics member will serve a two-year term commencing on the date of the Village Board's 2024 reorganization meeting and terminating on the day before the Village Board's 2026 reorganization meeting;
 - (c.) One Board of Ethics member will serve a three-year term commencing on the date of the Village Board's 2024 reorganization meeting and terminating on the day before the Village Board's 2027 reorganization meeting;
 - (d.) One Board of Ethics member will serve a four-year term commencing on the date of the Village Board's 2024 reorganization meeting and terminating on the day before the Village Board's 2028 reorganization meeting; and
 - (e.) One Board of Ethics member will serve a five-year term commencing on the date of the Village Board's 2024 reorganization meeting and terminating on the day before the Village Board's 2029 reorganization meeting.
- (2.) At the expiration of the assigned initial term of each Board of Ethics member so appointed, the successor or re-appointed member shall be appointed for a term of five (5) years, and all subsequent terms of members appointed after the initial term of their office have expired shall be for five (5) years.
- D. Vacancies shall be filled by appointment by the Mayor and approval by the Village Board of Trustees.
- E. The Board of Ethics shall have the following duties:
- (1.) To render advisory opinions to the Mayor, the Village Trustees, and Village Department Heads on written request of the same. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the Village employees be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of the Village Attorney.

(2.) Upon written request of the Village Board, to conduct investigations and recommend appropriate sanctions for alleged violations of this Chapter.

(3.) Upon request of the Village Board, to make recommendations to such Village Board as to any amendments of this chapter; and

(4.) To review the annual disclosure statements required by this Chapter and report to the Village Board regarding the submission of such statements.

§ 9-7 Rules and regulations; records of proceedings.

Such Board of Ethics shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

Article IV **Administration**

§ 9-8 Distribution of copies.

Upon the adoption of this chapter, the Village Mayor shall cause a copy thereof to be distributed to every Village employee. Failure to distribute any such copy or failure of any Village employee to receive such copy shall have no effect on the duty of compliance with this code nor the enforcement of provisions hereof. The Village Mayor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the Village. Failure to so post this chapter shall have no effect on the duty of compliance herewith nor the enforcement of provisions hereof.

§ 9-9 Appropriations.

The Village Board may appropriate moneys from the general Village funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Village moneys except within the appropriations provided herein.

9-10. Cooperation with Board of Ethics.

All employees of the Village of Warwick shall furnish to the Board of Ethics such data, information and statements as may in the opinion of the Board be necessary for the proper exercise of its function, powers and duties as set for in the General Municipal Law or in this chapter."

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.