ATTACHMENT #4

# VILLAGE OF MASTIC BEACH
# CODE OF ETHICS
# NOVEMBER 2015

Chapter 40. Ethics Code of

**Article I:** Standards.

§ 40-1. Title.

This chapter shall be known and may be cited as the "Code of Ethics" of the Village of Mastic Beach Village Code.

§ 40-2. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of Mastic Beach 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 the Code of Ethics to promulgate these rules of ethical conduct for the officers and employees of the Village of Mastic Beach. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Mastic Beach. The rules of ethical conduct of this code 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.

§ 40-3. Definitions.

As used in this Code of Ethics, the following terms shall have the meanings indicated:

**INTEREST**

A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an "interest" in the contract of:

A. His spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.

B. A firm, partnership or association of which such officer or employee is a member 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**

A. Any officer, official or employee of the Village of Mastic Beach, whether paid or unpaid, as defined in Article 18 of the General Municipal Law.

B. "Municipal Officer or Employee" shall not include:

(1) Auxiliary police, civil defense volunteer or volunteer firefighter, except for the Chief and Assistant Chief(s) of the fire department.

(2) A member of any advisory board, committee or commission, but only if the advisory board, committee or commission has no authority to implement its recommendation or act on behalf of the Village or to restrict the authority of the Village to act. The following (without limitation by reason of specification) are not considered to be an advisory board, committee or commission: the Board of Trustees, the Zoning Board of Appeals, or the Planning Board.

§ 40-4. Standards of conduct.

Every officer or employee of the Village of Mastic Beach shall be subject to and abide by the following standards of conduct:

A. Gifts. S/he shall not, directly or indirectly, solicit any gift having a value of $75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of her/his official duties or was intended as a reward for any official action on her/his part.

B. Confidential information. S/he shall not disclose confidential information acquired by him/her in the course of her/his official duties or use such information to further her/his personal interest.

C. Representation before one's own agency. S/he shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which s/he is an officer, member or employee or of any municipal agency over which s/he has jurisdiction or to which s/he has the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. S/he shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of her/his municipality whereby her/his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection 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 s/he knows thereof, a member of the Board of Trustees, Zoning Board of Appeals, Planning Board and any officer or employee of the Village of Mastic Beach, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees, Zoning Board of Appeals or Planning Board on any legislation or matter before any of said boards shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest s/he has in such legislation or matter.

F. Investments in conflict with official duties. S/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 her/his official duties.

G. Private employment. S/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 her/his official duties.

H. Future employment. S/he shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Mastic Beach in relation to any case, proceeding or application in which s/he personally participated during the period of her/his service or employment or which was under her/his active consideration.

§ 40-5. Certain actions permitted.

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 Mastic Beach or any agency thereof on behalf of himself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 40-6. Distribution. The Mayor of the Village of Mastic Beach shall cause a copy of this Code of Ethics to be distributed to every officer and employee of said Village within 30 days after the effective date of this article. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of her/his office or employment; provided, however, that the failure of any officer or employee to receive such copy shall in no way affect his responsibility to comply therewith.

§ 40-7. Penalties for offenses. 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 chapter 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.

§ 40-8. Board established.

There is hereby established a Board of Ethics, consisting of five members, with each Trustee and the Mayor selecting one member of the Committee of his or her own choosing, to be appointed by the Board of Trustees who shall serve without compensation and at the pleasure of said Board of Trustees. Members of the Board of Ethics must include at least one, but no more than two, officers or employees of the Village of Mastic Beach. The majority of the Board of Ethics shall not be officers or employees of the Village.

§ 40-9. 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 Mastic Beach 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.