

## Chapter 27. Ethics, Code of

### § 27-1. Definitions; word usage.

- A. As used in this chapter, the following terms shall have the following meanings:

**CONFIDENTIAL**

Personnel matters and financial matters which, if disclosed, would be of detrimental interest to the Village and a violation of the trust placed in that person.

**EMPLOYEES**

Includes all employees of the Village and of all governmental bodies created under the provisions of the Village Law.

**INTEREST**

Includes private financial benefit and interest, other than financial, arising from blood or marriage relationships or close business or political association.

**OFFICIALS**

Includes elected and appointed officials and officers, whether paid or unpaid, and members of all governmental bodies created under the provisions of the Village Law and all other Village ordinances and applicable statutes.

**PARTICIPATING**

Includes the rendering of advice or recommendation, investigation, approval, disapproval or otherwise influencing a decision or action.

- B. Words of the masculine gender shall include the feminine.

### § 27-2. Establishment; purpose; cause for suspension or removal.

There is hereby established a Code of Ethics for all Village officers, employees and officials, whether elected or appointed, paid or unpaid. The purpose of this code is to establish suitable ethical standards for all such officers, employees and officials by prohibiting acts or actions incompatible with the discharge of their public duties and the best interests of the Village of Ballston Spa and by directing disclosure of private financial interest or personal interest in matters affecting the Village by such officers, employees and officials. Any violations of this Code of Ethics may constitute a cause for suspension, removal from office or employment or other disciplinary action as more particularly set forth in § 27-7.

### § 27-3. Conflict of interest prohibited.

- A. No officer, employee or official shall engage in or participate in any business or transaction or shall have an interest, direct or indirect, which is incompatible with the proper discharge of his/her

in the performance of his/her official duties.

- B. No former officer, employee or official shall appear at any time before any Village board or agency in which he/she was formerly employed, acting or participating on behalf of the Village in connection with any matter or case with which he/she was associated while an officer, employee or official at any time within a period of one year after termination of his/her service with the Village. Any such former officer, employee or official may, upon written application to the Board of Ethics filed with the Village Clerk, be released from this obligation after review of said written application and relevant facts of his/her case by the Board of Ethics. Any application received must be acted upon within 30 days by the Board of Ethics. Failure of the Board of Ethics to act within a thirty-day period shall constitute approval.
- C. No officer, employee or official shall accept or solicit any gift, whether in the form of a service, loan, thing or promise, from any person, firm or corporation which to his/her knowledge is interested in any manner in business dealings with the Village if the acceptance or solicitation of said gift may tend to influence him/her in the discharge of his/her public duties.
- D. Any officer, employee or official who has a substantial or controlling financial or personal interest in any transaction or contract with the Village or in the sale of real estate, material, supplies or services to the Village, on which he/she may be called to act upon in his/her official capacity, shall refrain from voting upon or otherwise participating in the transaction or the making of such contract. Any such officer, employee or official shall also be required to disclose said interest to the Village Clerk and Board of Ethics in the manner, time and form set forth in § 27-6 of this chapter.
- E. No officer, employee, official or member of his/her firm shall appear on behalf of private interest before any board, commission, agency or committee of the Village with which he/she is affiliated.
- F. No officer, employee or official shall, without proper authorization, disclose confidential information concerning Village affairs nor shall he/she use such information to advance the financial interests or private interests of himself/herself or others.

#### § 27-4. Discrimination prohibited.

No officer, employee or official shall discriminate or favor any individual or cause based solely upon race, color, creed, sex or his/her affiliation with any religious, social or political organization.

#### § 27-5. Misuse of Village property.

- A. No officer, employee or official shall request or permit the use of Village-owned vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such officer, employee or official in the interest of the Village.
- B. No officer, employee or official shall grant any special consideration, treatment, favor or advantage to any person beyond that which is generally available to residents and/or taxpayers of the Village.

#### § 27-6. Written disclosure of interest.

Any officer, employee or official having any financial or private interest as designated in § 27-3D shall file written disclosures of said interest with the Village Clerk and the Board of Ethics as soon as he/she becomes aware of such interest. Said written disclosure shall set forth in detail the nature and extent of such interest.

## § 27-7. Board of Ethics.

- A. There is hereby created a Board of Ethics which shall be charged with the administration of this chapter.
- B. The Board of Ethics shall be composed of five resident electors. The Board of Trustees shall appoint all members to the Board of Ethics. Of the five members initially appointed, one shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year. Thereafter, upon the expiration of the initial term of any member of the Board or in the event that a vacancy exists on said Board, the Board of Trustees shall appoint a new member to fill the vacancy. All subsequent appointments to the Board shall be for terms of two years. Each member shall serve until his/her successor has been appointed.
- C. The Board shall adopt and promulgate reasonable rules and regulations for the administration of its proceedings. The rules and regulations so promulgated and all amendments thereto shall be made available at the office of the Village Clerk to the public.
- D. The Board shall receive complaints of any violations of the Code of Ethics and shall, upon such complaint, investigate the same and may hold private hearings thereon if, in the opinion of the majority of the Board, said complaint warrants a hearing. Any complaint received by the Board must be in writing and signed by the individual making said complaint. Upon receiving any complaint, the Board shall privately notify, in writing, by registered mail, return receipt requested, the person against whom said complaint has been filed, advising the concerned party of his/her right to demand a full hearing by the Board and the specific nature of the complaint made and being investigated by the Board. Upon receipt of said notice from the Board, the party so notified that a complaint has been filed against him/her shall, within 30 days thereafter, have the right to demand, by registered mail, a full hearing by the Board. In the event that the Board decides that a hearing is required or the person whose conduct is being called into question demands a hearing, said hearing shall afford the person whose conduct is called into question the right to cross-examine anyone testifying against him/her, to meet and answer any complaint made of his/her conduct and to present evidence in his/her own behalf; provided, however, that no hearing may be conducted with less than four members of the Board in attendance.
- E. The Board shall report to the Board of Trustees its findings as to whether or not a violation of the Code of Ethics has occurred, together with recommendations as to the disposition to be made. The Board of Trustees shall thereupon take such action as it may deem appropriate. In addition, the Board may make public its findings and opinions with such deletions as may be justified, necessary or desirable.
- F. The Board of Ethics may, upon the written request of any officer, employee, official or resident of the Village or upon its own initiative, render written advisory opinions concerning any matters relating to the Code of Ethics.
- G. All opinions, findings and recommendations of the Board of Ethics, whether advisory or at the request of a complainant, shall be kept on file in the office of the Village Clerk.

## **RULES OF PROCEDURE – VILLAGE OF BALLSTON SPA**

Regular meetings are held the second and fourth Monday of the month at 7:00 PM in the Ballston Spa Library, 21 Milton Avenue. The schedule of meetings with any exceptions noted is approved annually at the Organizational meeting at the Library the first Monday in April each year at 7:00 PM unless the Village changes its official year, at which point the Organizational meeting shall be held the first Monday in January. The official newspaper is notified of the schedule of meetings. The Clerk contacts Trustees and Department Heads if a meeting has to be cancelled due to lack of a quorum. The official newspaper is notified and said cancellation is posted in the Village Hall and on the Village website and social media pages.

The Mayor shall preside at meetings and in his/her absence the Deputy Mayor shall preside.

A quorum shall be required to conduct business. A quorum of the five (5) member Board of Trustees shall be three (3). Pursuant to Village Law each member of the Board shall have one vote. The Mayor may vote on any matter but must vote in case of a tie. An abstention or silence shall be considered a negative vote for the purpose of determining the final vote on a matter. Ayes or nays shall take a vote upon any question, and the names of the members present and their votes shall be entered in the minutes.

The presiding officer may debate, move and take other action that may be taken by other members of the Board.

The presiding officer must recognize board members before making motions and speaking. A member, once recognized shall not be interrupted when speaking unless it is to call him/her to order. If a member, while speaking, were called to order, he/she should cease speaking until the question of order is determined, and, if in order, he/she shall be permitted to proceed.

There is no limit to the number of times a member may speak on a matter.

Motions and resolutions require a majority vote to be approved.

Special meetings are called by the Mayor or by any two (2) Board members. The Clerk contacts the members and if a quorum is available, notifies the official newspaper at least 24 hours in advance of the special meeting.

Emergency meetings are called by the Mayor or by any two (2) Board members. The Clerk contacts the members and if a quorum is available, notifies the official newspaper and posts a notice in the Village Hall.

Executive sessions shall be held in accordance with the NYS Public Officers Law 105. All executive sessions shall be commenced in a public meeting.

The agenda for Village Board meetings shall be set by noon on the Friday before the Monday meeting.

All members of the Board have the right to place items on the agenda provided same is presented to all board members by noon on the Thursday before the Friday meeting.

The Clerk or his/her designee transcribes minutes of regular, special, emergency and executive meetings from audiotapes. They shall consist of: name of the Board, date, place and time of meeting, notation of presence or absence of Board members and time of arrival or departure if different from time of call to order or adjournment, name and title of other Village officials and employees present, brief summary of

public comments, questions & concerns, record or summary of all motions, proposals, resolutions and other matters formally voted upon and the vote thereon, record of communications presented to the Board, record of reports made by Board or other village personnel, time of adjournment, and signature of Clerk or designee. Minutes are placed in Board member mail slots within ten business days with the exception of executive minutes, which are available within five days. The minutes with any amendments are approved at the next Board meeting.

The Public shall be allowed to speak during the public comment period of the meeting or at such other time as recognized to do so by the presiding officer. Speakers may be limited to a specific period of time at the direction of the presiding officer. Speakers must give their name, address and organization, if any. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Board members may interrupt a speaker during their comments, but only for the purpose of clarification or information. Interested parties or their representatives may address the Board by written communications.

For the 2022-2023 year pursuant to the legislation S.50001/A.40001, meetings of the Board of Trustees may be held via video conference and such meetings shall be seen to meet the requirements of the New York State Open Meetings Law. The Mayor and all Board Members shall be on camera during the videoconference unless there are extenuating circumstances. In accordance with the law, the public will be provided with the ability to view the meeting and a transcript will be provided at a later date. This procedure shall be effective until such time as the state of emergency is ended and the law repealed.

The agenda is the order of business for Village Board meeting and shall include:

- 1) Call to Order
  - 2) Pledge to the Flag (Led by a Rotation of Board Members and/or Community Members)
  - 3) Approval of Prior Meeting Minutes
  - 4) Mayor Announcements
  - 5) Liaison Reports
  - 6) Treasurer's Report
  - 7) Presentations
  - 8) Old Business
  - 9) New Business
  - 10) Public Comment Related Only to Agenda Items (3 Minutes per Speaker, Can Be Extended Through Board Interaction/Discussion with Speaker, Not To Exceed 7 Minutes in Total per Speaker)\*
  - 11) Agenda Items for Consideration/Vote
  - 12) Other Business
  - 13) Public Comment on All Village Business (3 Minutes per Speaker, Can Be Extended Through Board Interaction/Discussion with Speaker, Not To Exceed 7 Minutes in Total per Speaker)\*
- \* - If a motion is made prior to the first Public Comment session or a motion not on the Agenda is made subsequent to that session, Public Comment pertaining only to that motion will be offered during the discussion of that new motion for a period of 90 seconds per speaker, which can be extended through Board interaction/discussion with speaker, not to exceed 5 minutes in total per speaker
- 14) Executive Session, if necessary
  - 15) Adjournment/Voucher Audit

Where there is a public hearing, speakers are limited to five (5) minutes, and the minutes cannot be ceded to another speaker.

All members of the public and all public officials are allowed to record public meetings with the exception of executive sessions. The recording shall be done in a manner which does not interfere with the meeting. The presiding officer may make a determination that the recording is being done in an

intrusive matter and request an accommodation to avoid the interference and if not complied with the individual will be asked to leave the meeting room.

The above Rules of Procedures shall be the rules for the Village Board and all other Village Bodies.

The foregoing procedures may be amended from time to time by a majority vote of the Village Board.

**Adopted:**

