

## VILLAGE OF PATCHOGUE COMMUNITY DEVELOPMENT AGENCY

### CODE OF ETHICS

The Village of Patchogue Community Development Agency ("CDA" or "the Agency"), in compliance with the Public Authorities Act of 2005, has adopted the following Code of Ethics applicable to each Agency Board Member and employee.

#### I. State Law Restrictions Concerning Board Member Appointments:

Section 2825 of the Public Authorities Law (2005) provides that officials having the authority to appoint members to the Agency Board shall take such actions as may be necessary to ensure that no Board Member is appointed or remains on the Agency Board who:

- A. Is, or, in the last two years, has been employed by the Agency in an executive capacity (Executive Director, General Counsel or Assistant Director)
- B. Is, or, in the last two years, has been employed by a non-governmental entity that received more than \$1,000.00 from the Agency as a result of contracts for goods and/or services provided to the Agency.
- C. Is, or, in the last two years, has been employed by a non-governmental entity that received more than \$1,000.00 of any other form of financial assistance from the Agency.
- D. Is a relative of an executive officer of an employee in an executive position of the Agency,
- E. Is, or, in the last two years, has been a lobbyist registered under a state or local law and paid by a client to influence any management decisions, contract awards, or any other similar actions of the Agency.

#### II. Annual Financial Disclosure Statements:

- A. Board Members and executive employees of the Agency shall file Annual Financial Disclosure Statements with the Patchogue Village Board of Ethics pursuant to Section 812 Subdivision 3 (a) and (b) of the General Municipal Law. Such filing shall be submitted on the attached form by May 15<sup>th</sup> of the next succeeding year following that for which the Annual Financial Disclosure Statement applies.

#### III. General Agency Ethics Guidelines:

- A. No Board Member or employee of the Agency shall:
  1. Accept other employment which will impair his/her independence of judgment in the exercise of his/her official duties as an Agency Board Member or employee including, but not limited to, employment with a contractor and/or not-for-profit organization under contract with the Agency, or vendor doing business, or who could likely do business with the Agency.
  2. Accept employment or engage in any business or professional activity or outside organization that would require him/her to disclose confidential information which he/she has gained by reason of his/her official position or authority with the Agency.
  3. Disclose confidential information acquired by him/her in the course of his/her official duties nor use such information to further his/her personal interests.

4. Use of attempt to use his/her official position with the CDA to secure unwarranted privileges for himself/herself, member of their family or others, including employment with the Agency, or with an entity that does business with the Agency or contracts for materials or services with the Agency.
5. Engage in any transaction as a representative or agent of the CDA with any business entity in which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties as an Agency Board Member or employee.
6. 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 as an Agency Board Member or employee or that he/she is affected by the kinship, rank, position or influence of any party or person.
7. Make personal investments in enterprises which he/she has reason to believe may be directly involved in decisions to be made by him/her as and Agency Board Member or employee or which will otherwise create substantial conflict between his/her duty in the public interest as an Agency Board Member or employee and his/her private interest.
8. Pursue a course of conduct which will raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust as an Agency Board Member or employee such as being a named party to a lawsuit against the Agency, either individually or as a controlling member of an outside organization.
9. Sell goods or services to any firm, person, corporation or association who has business dealings with or is under contract with the Agency, if the Board Member or employee is a member of that firm, corporation or association, owns a substantial ownership interest of stock therein (i.e., 5% or more), or is employed full or part-time therewith.
10. Without the knowledge of an officer of the Board directly or indirectly solicit or accept any gift during any one calendar month period having a value of twenty-five dollars or more, whether in the form of meals, drinks, money, service, loan, travel, tickets, entertainment, hospitality, things or promises, or gifts in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her in the performance of his/her official duties as and Agency Board Member or employee or was intended as a reward for any official action.
11. Enter into any agreement, express or implied, for any compensation for service to be rendered to any matter before the Agency, whereby the Board Member or Agency employees' compensation is to be dependent or contingent upon any action by the agency with respect to such matter.
12. Engage in any business transaction directly, or indirectly which might tend to affect his/her judgment in any official act or create a conflict with his/her official duties as an Agency Board Member or employee.
13. During employment with the agency or Board membership, knowingly enter into an investment of interest, legal or beneficial, directly or indirectly, in any property, real or personal in conflict with his/her official duties.
14. Accept the extension of credit or renewal of credit, directly or indirectly, or any personal loan from the Agency.

15. For a two (2) year period after the termination of service or employment, appear before this Agency or render services on behalf of any person, firm, corporation or association other than the Agency itself. In relation to any matter with respect to which such Board Member or employee was directly concerned or in which he/she personally participated during the period of his/her service or employment of which was under his/her active consideration, until such matter has been finally disposed of, nor shall said Board Member or employee receive or agree to receive any compensation with respect to such matter. Nothing herein contained shall prevent or bar an employee or Board Member, after the termination of service or employment, from rendering contractual services to the Agency and being compensated therefore, to the extent the then current Board deems it to be in the interest of the Agency to retain said former Board Member or employee.

- B. All non-governmental persons, firms or corporations rendering services to the Agency as contractors, consultants, or in any other professional capacity, whether paid or unpaid, shall first file with the Agency a written affidavit which states that the *party agrees that it has no interest and will not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of the services to rendered to the Agency and that the party further agrees that, in the rendering of services to the agency, no person having any such interest shall knowingly be employed by it.*
- C. No Board Member, including the Board Chair, shall serve as the Agency's Executive Director, or any other Director while serving as a Member of the Board.
- D. To the extent that he/she knows thereof, a Board Member, or employee of the Agency who participates in the discussion of any matter, or gives an official opinion to the Board of a matter, shall disclose the nature and extent of any outside financial or other private interest he/she has in any such matter.
- E. If a Board Member or any employee receives a gift or gratuity of any kind from a principal, employee or agent of a firm or business over which the Agency has regulatory authority, if any, or which does or has done business with the Agency, having a value in excess of twenty-five dollars (\$25.00), the Board Member or employee must advise the Agency's Ethics Officer within 48 hours of the specifics of the gift or gratuity. Agency employees that perform direct services for the public, and/or any businesses shall not accept tips or gratuities for their customer service, including assistance provided as part of their job responsibilities. The Agency's Ethics Officer shall keep a record of all such reported matters. Failure to report any such gift or gratuity by an Agency employee shall be a basis for disciplinary action including, where appropriate, discharge.

IV. Public Authorities Law Prohibition Against Interest in Contracts:

New York Public Authorities Law Section 2045-q provides as follows:

*It shall be a misdemeanor for any member of the governing body or any officer, agent, servant or employee of the Agency to be in any way or manner interested, directly or indirectly, in the furnishing of work, materials, supplies or labor in any contract therefore which the Agency is empowered by this title to make.*

V. Implementation of the Code of Ethics:

- A. A copy of this Agency Code of Ethics will be distributed by the Agency's Executive Director to all employees on commencement of employment, to Board Members when they are appointed to the Board and distributed annually thereafter by the Agency's Ethics Officer to all Board Members and employees. It will also be posted in prominent places in all Agency offices and facilities as well as on the Agency's Internet Web Site.

- B. The Agency's Chairperson shall serve as the Agency's Ethics Officer. The functions of the Ethics Officer shall be:
1. To consult, in confidence, employees and Board Members who seek advice in advance about potential ethics issues. The advice of the Agency's Ethics Officer is given to assist Board Members and employees in their decision on a course of action under this Code of Ethics. It is the responsibility of Board Members and employees to independently familiarize themselves with this Agency's Code of Ethics.
  2. To receive and investigate information received about possible ethics violations in the Agency. The Ethics Officer should forward the information received with an investigative report to the Executive Director and the Agency's General Counsel. If the Executive Director after consulting with the General Counsel determines that a probable Code of Ethics violation has occurred involving a Board Member or former Board Member, he/she shall advise an officer of the Board for possible Board action. The Executive Director after consultation with the General Counsel shall have responsibility to deal with probable Ethics violations involving Agency employees.
  3. To advise the Executive Director of any situation where an employee has reported and unusual or unacceptable number of gifts or gratuities received (i.e. more than five per year), whether from one or several sources.
  4. The Agency Ethics Officer will consult with the Agency's Administration and Governance Committee about any personal ethics issue he/she may have.
- C. As to the alleged Ethics Code violations involving Agency employees or former employees, the Executive Director after consulting with the Agency's General Counsel shall then either:
1. Dismiss the complaint, or
  2. Refer the matter to the Village Board of Ethics for opinion and/or advisement; or
  3. Take appropriate disciplinary action under the Agency Work Rules and/or
  4. Forward the complaint to the appropriate authorities for possible criminal review and/or action, or
  5. Where applicable, recommend to the Board that legal action be taken to enjoin the violation or to seek money damages on behalf of the Agency.
- D. As to alleged Ethics Code violations involving Board Members, the Agency's Executive Director or Agency General Counsel, the Board shall:
1. Dismiss the complaint, or
  2. Refer the matter to the Village Board of Ethics for opinion and/or advisement, or
  3. Forward the complaint to the appropriate authorities for possible criminal review/action, or
  4. Seek guidance from the NYS Attorney General or Comptroller as to an appropriate course of action, or
  5. Where applicable, refer the matter to the Board Members' appointing authority for any action that entity may deem appropriate, or

6. Where applicable, recommend to the Board that legal action be taken to enjoin the violation or to seek monetary damages on behalf of the Agency.
7. Commence an action for removal of that Board Member in accordance with the Public Authorities Law Section 2045-c (1) for the same reasons, and in the same manner, as may be provided by law for removal of officers of the Village of Patchogue Community Development Agency.
8. Where appropriate, take disciplinary action against the Agency's Executive Director and/or Agency's General Counsel.

Adopted by resolution on            2009