

RULES AND REGULATIONS OF THE BOARD OF ETHICS OF THE CITY OF MOUNT VERNON, N.Y. (including all revisions up to April 19, 2023)

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ARTICLE I – NAME

§1. Name of the Board. The name of the Board shall be the Board of Ethics of the City of Mount Vernon.

ARTICLE II – OFFICERS AND MEMBERS

§1. Members of the Board. The Board of Ethics shall consist of seven residents of the City of Mount Vernon appointed by the City Council of the City of Mount Vernon, New York.

§2. Officers. The members of the Board shall elect a Chair, a Vice-Chair and a Secretary and any other officers which are agreed upon by a majority of the members present. Elections require a majority vote of the members present. If an officer other than the Chair is removed or is unable or unwilling to serve, the Board will elect another member to fill the office. Term of office commences on August 1 and is for one year or for the balance of an unfinished term. No officer shall serve in the same position for more than three consecutive terms.

§3. Removal from Office. An officer can be removed from office by a vote of a majority of the members present.

§4. Chair's powers and duties. The chair shall:

- a. Be the presiding officer at all regular and emergency meetings of the Board and shall be authorized to call emergency meetings.
- b. Establish such ad hoc committees of the Board. Such committees must be approved by a majority of the Board.
- c. Serve as an ex-officio member of all committees.
- d. Perform all duties incident to such office and such duties as may be delegated to the Chair by members of the Board.

- e. Decide all points of order during the meetings. The Chair's decision is final unless overruled by a majority vote of the members present.
- f. Be the principal spokesperson on behalf of the Board and may designate another member of the Board to assist the Chair with respect to any matter, including media relations.

§5. Vice- Chair's powers and duties. The Vice-Chair shall:

- a. Preside at regular and emergency meetings of the Board when the Chair is not present or is unable to preside.
- b. Becomes Chair if the Chair is removed or is unable or is unwilling to serve.

§6. Secretary's power and duties. The Secretary shall:

- a. Record the minutes of all Board meetings including the minutes of all Executive Sessions of the Board.
- b. Distribute the proposed minutes of all Board meetings to members. Upon approval of the proposed minutes by a majority of the members present at a subsequent meeting of the Board, it is authorized that the Secretary's notes that were taken at such previous Board meeting, as an aid in the preparation of the minutes, can be promptly destroyed.
- c. Keep the minutes of Board meetings in a secure locked cabinet at City Hall, and make them available to the public upon a request to the Board. The key(s) to the cabinet will be kept only by the Board.
- d. Maintain the minutes of Board meetings for availability at Board meetings.
- e. Securely maintain the minutes of Executive Sessions of Board meetings.
- f. Communicate on behalf of the Board, subject to having prior approval by either the Chair or the Board.
- g. Manage the documents which are contained in the Board's secure locked filing cabinet at City Hall. This management power includes the authority to sign, on behalf of the Board, the Records Destruction Authorization form for documents in that cabinet that are eligible to be disposed of in accordance with the city's policy, as found in the Retention and Disposition Schedule for N. Y. Local Government Records.

§7. Recommendation for removal from the Board of Ethics:

A recommendation for the removal of a member from the Board of Ethics can be sent to the City Council based on reasons related to violations of the City Code, the City Charter, statute, and/or the Rules and Regulations of the Board of Ethics, or for missing excessive meetings. The recommendation for removal of a member requires a vote of a majority of the

members present. The subject of the recommendation for removal effort must be recused from the vote. In the event that the requisite votes are recorded, the recommendation for removal will be promptly sent to the City Council for their consideration and decision. The member may not participate in the business of the Board of Ethics pending a decision and action by the City Council. In addition to the member and the City Council being notified, the City Clerk will also be notified of the recommendation for removal.

§8. Political Activity by Board Members. In order to avoid impropriety and the appearance of impropriety, members of the Board of Ethics shall limit their political activity as follows:

- a. If a Board member actively campaigns for a candidate for City office or contributes over \$250 to a candidate for City office, that member should recuse themselves from any issue that comes before the Board involving that candidate or the candidate's opponent.
- b. Board members and their spouses should not host fundraisers for any candidate for City office.
- c. Board members should not contribute over \$1000 to any candidate for City office.

ARTICLE III – OFFICIAL STATEMENTS OF THE BOARD

§1. It is the intention of the Board to promote transparency and to inform the public of its work. Only the Chair, or the designated member, may make official statements for the Board. Members shall refrain from speaking for the Board and shall make diligent efforts to avoid the appearance of doing so.

§2. Investigations by the Board of Ethics are confidential. Members may not comment on ongoing investigations, nor may they acknowledge the existence of a pending investigation.

ARTICLE IV – MEETINGS

§1. Regular Meetings and Voting. The Board shall meet no less than once every three months and more as necessary. A Board meeting cannot take place unless a quorum is achieved. A quorum is defined by the New York General Construction Law §41 as a majority of the total number of members which are authorized for the Board.

§2. Call of Emergency Meetings. The Chair or any three members, may call an Emergency meeting for reasons warranting the convening thereof. A notice to all members stating take place, time, date and purpose of the meeting shall be sent by email to members at least 48 hours beforehand.

§3. Public Notice of Board Meeting. Public Notice of a regular meeting shall be given to the City Clerk and media at least one week before said meeting by the Secretary.

§4. Agenda for Regular Meetings shall be as follows:

- a. Call to order

- b. Roll call
- c. Acceptance of minutes of last meeting.
- d. Communications to the Board.
- e. Report from the Chair
- f. Old business
- g. New business
- h. Complaints and investigations- Executive Session
- i. Adjournment

(such order may be varied at the discretion of the chair)

§5. Agenda for Emergency Meetings shall be as follows:

- a. Call to order
- b. Roll call
- c. Transaction of business
- d. Executive Session if necessary
- e. Adjournment

(such order may be varied at the discretion of the chair)

§6. Voting on motions. When a motion is made and seconded, the motion can be approved by a vote of a majority of the members present. Voting by proxy is prohibited.

§7. Members who are unable to physically attend a meeting of the Board due to extraordinary circumstances, may participate via electronic means, such as Zoom, for example, upon approval of the Chair, as long as the following conditions are met: the Board member has to be able to be seen, heard and identified (with the first and last names of the Board member placed in front of the member so that the names appear on the videoconferencing screen).

§8. Confidentiality. Members of the Board shall maintain the confidentiality of all confidential or privileged information received in the course of their service. Except as authorized by the Board, members shall not take part in any discussions with persons interested in any matter. A member who has such unauthorized discussions shall promptly notify the Board and provide such information as the Board requests.

§9. Conflicts of Interest. Members who have a conflict of interest on a matter before the Board shall state the reason for the conflicts, which shall be recorded in the minutes, and upon a determination of a conflict of interest by a majority vote of the members present, shall leave the meeting before any discussion of the matter is held or vote is taken.

ARTICLE V – INVESTIGATIONS

§1. Each reference, complaint or investigation upon the Boards' own initiative, will be referred to as an "Investigation" and will be numbered consecutively by month and year (i.e., 1-10/2017, 2-11/2017).

§2. First Step. A majority of the Board members present at a Board meeting could vote in favor of conducting a "Full Investigation" {see §3 and §4 below) of a complaint by concluding that there is "good cause" to believe that the complaint is meritorious. As an alternative to initially conducting a "Full Investigation", a majority of the members present at a Board meeting could vote to conduct a "Preliminary Review", which would be conducted by two members, who would be appointed by the Chair. The goal of the two-member subcommittee would be to determine whether there is "good cause" to believe that the complaint is meritorious, and the subcommittee would report its determination to the Board within 21 days, if possible. At the next Board meeting after the "Preliminary Review" is completed, the Board would take a vote as to whether it would conduct a "Full Investigation".

§3. Full Investigation. The Chair will determine how the Full Investigation will be conducted: either by the Full Board or by a committee appointed by the Chair. If by committee, the Chair will appoint a committee chair.

§4. The purpose of the Full Investigation is to fully investigate allegations of unethical practices in violation of the Code of Ethics, any statute, rule or regulation relating to conflicts of interest, ethical conduct, and interests of municipal officers and employees in contracts.

§5. Procedure:

- a. A person against whom an ethical violation is proposed shall be provided with written notice thereof and shall be provided with a copy of the charges preferred against him by first class mail, or by personal delivery, or by an email message.
- b. That person shall have ten (10) days for answering the charges in writing.
- c. The Board of Ethics will then conduct a hearing on the charges and the person will be given an opportunity to present evidence and to dispute the charges.

§6. Hearing. Following a hearing, should a majority of the members present find that the person has violated the prohibited activities itemized in the City Code, Section 24-3(A), (D) or (F), or has violated the Standards of Conduct itemized in Section 24-5(A), (B), (C), (D), (E), or (F), the Board shall assess a civil penalty in an amount not to exceed \$10,000.

§7. Upon completion of the Full Investigation, and upon majority vote of the members present, the Board shall issue a Recommendation to the City Council. Dissents to the Recommendation may also be submitted to the City Council.

§8. All hearing and discussions under Article V are confidential and shall be conducted in Executive Session.

ARTICLE VI – FINANCIAL DISCLOSURE STATEMENTS

§1. It is the policy of the Mount Vernon Board of Ethics that in the exercise of their functions and responsibilities, elected officials, appointed administrators and public servants must avoid even the appearance of impropriety. All such individuals have an obligation to avoid or mitigate situations in which their personal interests might conflict, or appear to conflict, with the interests of the citizens and taxpayers of the City of Mount Vernon.

§2. Conflicts of interest may arise in many types of situations, such as when financial or other outside interests produce conflicting loyalties, interfere with job performance, or are adverse to the interests of the citizens and taxpayers of the City of Mount Vernon.

§3. The Financial Disclosure statements are intended to identify such potential and actual conflicts of interest so that they may be vetted – and mitigating actions taken to limit or eliminate associated risks.

§4. In accordance with the Code of Ethics, adopted by the Council of the City of Mount Vernon as indicated in article histories, the Board of Ethics has the power and authority to review completed financial disclosure statements.

§5. In addition, the Board of Ethics has the power and authority to permit any person required to file a financial disclosure statement to request the Board to delete from the copy made available for public inspection, one or more items of information which may be deleted by the Board upon a finding that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the Board, in its notification of denial, shall inform the person of his or her right to appeal the Board's determination pursuant to the rules governing appeals in the General Municipal Law.

§6. All individuals who meet the criteria for filing a Financial Disclosure or Declaration of Interest statement have an obligation to submit the statement as part of their official functions, upon hire and annually thereafter. Compliance with this Policy and the filing requirement does not excuse public officials from taking a pro-active role in recognizing potential or actual conflicts of interest arising in individual instances.

§7. Filing the Forms

Financial Disclosure forms are available from the office of the City Clerk.

Staff Members who are required to file a Financial Disclosure statement shall do so in hard copy, paper forms within the deadline stipulated to the office of the City Clerk. The

Financial Disclosure filing exercise will generally take place annually between 1 January and 30 April, in any given year, to report on matters and holdings for the period from 1 January to 31 December of the previous calendar year. New hire disclosures must be completed within 30 days following the Staff Member's entry on duty, promotion or commencement of the new assignment.

§8. The Financial Disclosure Statements must be signed and notarized prior to submission to the Board of Ethics.

§9. The Validation and Verification Process

In order to validate the information disclosed and ensure its accuracy and completeness, a verification process will be conducted among a representative sampling of all individuals of all grades and offices who have filed a Financial Disclosure statement under this process.

Individuals who have been selected to provide verification must, within the time specified by the Board of Ethics or its designee, provide a copy of supporting documentation including but not limited to statements from third-parties such as banks and brokerages, as well as mortgage statements, articles of incorporation, certificates of title, loan agreements, tax returns, credit card statements and so on.

Individuals who are unable to comply with a filing deadline, or the time specified for providing additional requested information, must submit a formal request for an extension of time, providing a detailed justification to the Board of Ethics. The Board of Ethics will, based upon the particular circumstances in each case, determine whether an extension of time is warranted and notify the individual accordingly.

Failure to comply with these, including the obligation to submit a Financial Disclosure statement, or to cooperate in the verification exercise, or to provide the requested supporting information, or to implement remedial measures for managing identified conflicts of interest, may amount to misconduct and will be recommended to the City Council and/or the appropriate prosecutor.