

Code of Ethics of the Yorktown Heights Fire District

Section 1. Purpose.

The Fire Commissioners, officers and employees of the YHFD, and the volunteer members of the Yorktown Heights Engine Company No. 1 (“YHEC”), hold their respective positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Board of Fire Commissioners recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Section 2. Definitions.

- a) “Contract” means any agreement, express or implied, with YHFD or any claim, regardless of amount, against YHFD and shall include the designation of a depository of public funds and the designation of a newspaper where publication is required or authorized by law.
- b) “Employee” means a paid employee or a volunteer of the YHFD including, but not limited to, the volunteer firefighter members of the YHEC.
- c) “Family member” means a parent, spouse, child, uncle, aunt, first cousin or household member and dependents.
- d) “Fire district” means the Yorktown Heights Fire District and, where referenced in GML §806, “fire district fire department” or “fire department” means the Yorktown Heights Engine Company No 1.
- e) “Interest” means a direct or indirect monetary, financial or other material benefit, but does not include any benefit arising from the provision or receipt of fire protection or other emergency services generally available to the residents of the fire district. A person is deemed to have an interest in the contracts of any firm, partnership or corporation of which he or she is an owner, partner director, officer, employee or stockholder.
- f) “Member of the fire district fire department” or “fire department member” means a volunteer member of the YHEC. The official powers and duties of a member of the YHEC refers to the individual’s powers and duties under law, under the resolutions or regulations adopted by the YHFD Board Fire Commissioners, or under the statutory authority of the Chief of the YHEC.
- g) “Officer” means a person serving as a paid or volunteer officer of YHFD including, but not limited to, the members of the Board of Fire Commissioners, Treasurer, Deputy Treasurer, Secretary, Purchasing Committee, and the Chief and Assistant Chiefs of the YHEC.

Section 3. Applicability.

This code of ethics applies to the Commissioners, officers and employees of the YHFD and to the members of the YHEC. The provisions of this code of ethics shall apply in addition to all laws, including Article 18 of the General Municipal Law, all resolutions, regulations and all policies and procedures of the Board of Fire Commissioners and of

the Chief of the YHEC.

Section 4. Appearance of impropriety.

No Commissioner, officer or employee of YHFD and no member of the YHEC shall create an appearance of impropriety, by giving the impression that he or she will exercise or perform his or her official duties on the basis of family or private business or any consideration other than the welfare of the YHFD.

Section 5. Use of position for personal or private gain.

a) No officer or employee of YHFD, and no member of the YHEC, may use his or her position to secure unwarranted personal or private gain for himself or herself, or for any other person or any organization. Unwarranted personal or private gain does not include any payment, benefit or opportunity that is available to any of the following groups of people:

- (1) All of the officers, employees or members of the YHEC;
- (2) All of the eligible residents of the fire district; or
- (3) The general public.

b) No officer or employee of YHFD, and no member of the YHEC, may use or permit the use of fire district resources for personal or private purposes.

c) No officer or employee of YHFD, and no member of the YHEC, shall cause the fire district to spend more than is necessary for transportation, meals or lodging in connection with official travel.

d) This section does not prohibit a YHEC officer or member from:

- (1) Responding to a fire or other emergency;
- (2) Voting to approve the fire district's annual budget;
- (3) Authorizing or receiving lawful compensation for services as an officer or employee of the fire district;
- (4) Authorizing or receiving lawful payment or reimbursement for actual and necessary expenses incurred by an officer, employee or fire department member in the performance of his or her official duty;
- (5) Authorizing or receiving lawful benefits as a member of YHEC including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law;
- (6) Authorizing or receiving payments under a lawful fire district contract;
- (7) Using fire district personnel, vehicles, equipment, materials, supplies or property for any purpose pursuant to law; or

(8) Performing a mandatory function that does not require the exercise of discretion.

Section 6. Conflicts of Interest

- a) No Commissioner, officer or employee of YHFD shall have any interest in any contract with the YHFD when such an officer or employee, individually or as a member of the Board of Fire Commissioners, has the power or duty to negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder.
- b) No Commissioner, officer or employee of the YHFD shall audit bills or claims under a contract in which he or she has an interest.
- c) No Commissioner, officer or employee of the YHFD who has an interest in a contract shall appoint an officer or employee who shall have the power to negotiate, prepare, authorize or approve payment thereunder or audit bills or claims under such contract.
- d) Neither the YHFD Treasurer nor Deputy Treasurer shall have an interest in a bank or trust company designated as a depository, paying agent, registered agent or for investment of funds of the YHFD of which he or she is Treasurer or Deputy Treasurer.
- e) All YHFD Commissioners, officers, employees and the volunteer firefighters of the YHEC shall comply with the requirements of Article 18 of the General Municipal Law relative to conflicts of interests for local government personnel to the extent that they apply to fire district operations. To the extent that Article 18 of the General Municipal Law provides exceptions for certain types of conflicts of interest, those exceptions shall apply to this code. A copy of Article 18 of the General Municipal Law and this Code of Ethics shall be posted at the Fire District office, at all buildings owned and operated by the Fire District and shall be made available for review by all personnel.
- f) The provisions of General Municipal Law §801 shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any YHFD Commissioner, officer or employee or member of the YHEC in one or more positions of public employment, the holding of which is not prohibited by law.

Section 7. Disclosure of interest in Fire District Issues.

- a) The nature of any known interest the following people have, or reasonably in the future might have, in a matter coming before the Board of Fire Commissioners must be disclosed by Commissioners, officers and employees of YHFD and members of the YHEC:
 - (1) a Commissioner, officer, employee of the YHFD or a member of the YHEC;
 - (2) a family member of a Commissioner, officer or employee of the YHFD or a member

of the YHEC.

- b) For purposes of this section, a “matter coming before the Board of Fire Commissioners for action” means a motion, resolution or any other issue or question requiring a vote of the Board.
- c) The disclosure require by this section must be in writing and must be made publicly to the Board of Fire Commissioners and the Board must cause the disclosure to be included in the minutes of the meeting at which the disclosure is made. Once disclosure has been made with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need to be made with respect to additional contracts with the same party during the remainder of the year.
- d) Disclosure is not required with respect to interests in the following actions by the Board of Fire Commissioners:
 - (1) adoption of the YHFD annual budget;
 - (2) authorization of lawful compensation for services as an officer or employee of the YHFD;
 - (3) authorization of lawful payment or reimbursement for actual and necessary expenses incurred by an officer, member or employee of the YHEC in the performance of his or her official duty; or
 - (4) authorization of lawful benefits to the members of the YHEC including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law.

Section 8. Recusal and abstention.

- a) Except as otherwise required by law, no officer or employee of YHFD, and no member of the YHEC, may vote on any matter, or exercise or perform any other official powers or duties in connection with, any matter, when any of the following people have an interest in the matter:
 - (1) a YHFD Commissioner, officer or employee or a YHEC member;
 - (2) a spouse or child of a YHFD Commissioner, officer, employee or a YHEC member.
- b) In the event that subdivision (a) of this section prohibits a YHFD Commissioner, officer, employee or a YHEC member from exercising or performing his or her official powers or duties:
 - (1) If the officer has a deputy who is not prohibited by subdivisions (a) from exercising or performing the power or duty, the deputy shall exercise or perform the power or duty; or
 - (2) In all other cases, the YHFD Commissioner, officer, employee or the YHEC member must refer the matter to his or her immediate supervisor or, if the person

does not have an immediate supervisor, the YHFD Commissioner, officer, and employee or the YHEC member must refer the matter to the YHFD Board of Fire Commissioners.

- c) When a matter is referred to a person's immediate supervisor or to the Board of Fire Commissioners pursuant to subdivision (b) of this section, the power or duty shall be exercised or performed by the immediate supervisor or the Board of Fire Commissioners, or the immediate supervisor or Board of Fire Commissioners may delegate the power or duty to one or more persons who are authorized to perform the function and not prohibited from doing so by subdivision (a) of this section.
- d) This section does not prohibit a YHFD Commissioner, officer, employee or a YHEC member from performing a mandatory function that does not require the exercise of discretion.
- e) With regard to disciplinary matters that are not monetary in nature or to which the definition of interest herein would not apply and involve a reasonably foreseeable conflict of interest for the YHFD Commissioner, officer, employee or the YHEC member authorized to perform duties within the disciplinary process, the decision on whether or not to recuse oneself from participating in such process shall be a personal determination to be made by the YHFD Commissioner, officer, employee or the YHEC member. In such case the YHFD Commissioner, officer, employee or the YHEC member may seek counsel and advice of district counsel.

Section 9. Holding of investments in conflict with official duties.

- a) No Commissioner, officer or employee of YHFD, and no member of the YHEC, may hold the following investments:
 - (1) Personal investments that will be directly affected by the exercise or performance of the person's official powers and duties; or
 - (2) Personal investments that would otherwise impair the person's independence of judgment in the exercise of performance of his or her official powers and duties.
- b) This section does not prohibit a YHFD Commissioner, officer, employee or a YHEC member from owning any of the following assets:
 - (1) Real property located within the fire district or any other area served by the fire district fire department and used as his or her personal residence;
 - (2) Less than five percent of the stock of a publicly traded corporation; or
 - (3) Bonds or notes issues by the fire district and acquired more than more year after the date on which the bonds or notes were originally issued.

Section 10. Future employment.

- a) No Commissioner, officer or employee of YHFD, and no member of the YHEC,

during the six months' period after serving as such Commissioner, officer, employee or YHEC member, may:

(1) Represent another person or organization before the Board of Fire Commissioners or any other body or officer of the fire district;

(2) Render services to another person or organization in connection with any matter which must come before the Board of Fire Commissioners or any other body or officer of the fire district; or

(3) Render services to another person or organization in connection with any matter which is pending before the Board of Fire Commissioners or any other body or officer of the fire district.

b) This section does not prohibit a former YHFD Commissioner, officer, employee or former YHEC member from:

(1) Representing him or herself, or his or her spouse or minor children before the Board of Fire Commissioners or any other body or officer of the fire district;

(2) Asserting a claim against the fire district on his or her own behalf, or on behalf of his or her spouse or minor children; or

(3) Performing services pursuant to a lawful and duly authorized contract with the fire district, provided, that if the consideration payable under the contract exceeds \$1,000, the contract was awarded through competitive bidding or some other competitive process.

Section 11. Confidential Information.

No Commissioner, officer or employee of the YHFD, and no member of the YHEC, who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose such information unless the disclosure is required in the course of exercising or performing his or her official powers and duties.

Section 12. Gifts.

a) No Commissioner, officer or employee of the YHFD, and no member of the YHEC, may directly or indirectly solicit any gift that was intended as a reward for any official action on his or her part.

b) No Commissioner, officer or employee of the YHFD, and no member of the YHEC, may accept or receive any gift, or multiple gifts from the same donor, having an aggregate value of seventy-five dollars or more when:

(1) the gift is intended to influence the recipient in the exercise or performance of his or her official powers or duties; or

(2) it appears that the gift could reasonably be expected to influence the intended recipient in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the intended recipient.

c) This section does not prohibit:

(1) Gifts made to the YHFD;

(2) Fund raising activities authorized by and pursuant to section 204-a of the General Municipal Law;

(3) Gifts from a person with a familial or personal relationship with a YHFD Commissioner, officer, employee or YHEC members when the circumstances make it clear that it is that personal relationship, rather than the recipient's status as an officer, employee or fire department member, that is the primary motivating factor for the gift;

(4) Gifts which are modest, reasonable and customary, given on special occasions, such as marriage, illness, or retirement;

(5) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(6) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a YHFD Commissioner, officer, employee or YHEC member, or other service to the community; or

(7) Payments of rewards authorized by law.

Section 13. Posting and distributing.

a) The Board of Fire Commissioners must promptly cause a copy of this code of ethics, and a copy of any amendment to this code of ethics, to be posted publicly and conspicuously in each building under the fire district's control, as well as on the District website. The code of ethics must be posted within ten days following the date on which the code takes effect. An amendment to the code of ethics must be posted within ten days following the date on which the amendment takes effect.

b) The Chair of the Board of Fire Commissioners must promptly cause a copy of this code of ethics, including any amendments to the code, to be distributed to every person who is or becomes a Commissioner, officer and employee of the YHFD, or a member of the YHEC.

c) Every YHFD Commissioner, officer employee and YHEC member who receives a copy of this code of ethics or an amendment to the code must acknowledge such receipt in writing. Such receipts must be filed with the Secretary of the fire district who must maintain such receipts as a public record.

d) The failure to post this code of ethics or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment.

Section 14. Enforcement.

Any employee of the YHFD or member of the YHEC who violates this code of ethics may be suspended or removed from employment or membership in the manner provided by law. A violation of this code is deemed “misconduct” within the meaning of section 209-1 of the General Municipal Law.

Section 15. Effective date.

This code of ethics takes effect on June 12, 2007.
Amended January 7, 2011.