

**CODE OF ETHICS**  
**OF THE GREENLAWN WATER DISTRICT**

*Effective June 18, 2008*

**Section 1. Purpose.**

Officers and Employees of the Greenlawn Water District hold their 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 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) "Board of Commissioners" means the Board of Water Commissioners of the Greenlawn Water District.

(b) "District" means the Greenlawn Water District.

(c) "Employee" means a paid Employee of the District including, but not limited to, the Superintendent.

(d) "Family member" means a parent, sibling, spouse, child, uncle, aunt, first cousin, or household member.

(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 services generally available to consumers and residents of the 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 shareholder.

(f) "Officers" means all members of the Board of Commissioners.

**Section 3. Applicability.**

This Code of Ethics applies to the Officers and Employees of the District. The provisions of this Code of Ethics shall apply in addition to all laws, including Article 18 of the General Municipal Law, all rules or regulations of the Board of Commissioners, and all policies and procedures of the Board of Commissioners.

**Section 4. Appearance of impropriety.**

(a) No Officer or Employee 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, private business or social relationships, or any consideration other than the welfare of the District.

(b) The employment by the District of any individual who is a family member of an existing Officer or Employee of the District is prohibited. Any applicant for employment shall acknowledge that he or she is not a family member of any existing Officer or Employee of the District.

(c) For purposes of this Section 4, the term "family member" includes a father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law of an existing Officer or Employee of the District.

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

(a) No Officer or Employee 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 or Employees of the District;
- (2) all of the consumers and residents of the District; or
- (3) the general public.

(b) No Officer or Employee may use or permit the use of District resources for personal or private purposes. District resources include, but are not limited to, use of District personnel, or use of the District's money, vehicles, equipment, materials, supplies or other property.

(c) No Officer or Employee shall cause the District to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

(d) This section does not prohibit an Officer or Employee from:

- (1) providing services relating to the distribution of water that are generally available to all consumers and residents of the District;
- (2) voting to approve the District's annual budget;
- (3) authorizing or receiving lawful compensation for services as an Officer or Employee of the District;
- (4) authorizing or receiving lawful payment or reimbursement for actual and reasonably necessary expenses incurred by an Officer or Employee in the performance of his or her official duty;
- (5) authorizing or receiving lawful benefits as an Officer or Employee;
- (6) authorizing or receiving payments under a lawful District contract;
- (7) using 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. Disclosure of interest.**

(a) Every Officer and Employee must disclose the nature of any interest, in any matter coming before the Board of Commissioners for action, which any of the following people have:

- (1) the Officer or Employee;
- (2) a family member of the Officer or Employee; or
- (3) a family member of the spouse of the Officer or Employee.

(b) For purposes of this section, a “matter coming before the Board of Commissioners for action” means a motion, resolution or any other issue or question requiring a vote of the Board of Commissioners.

(c) The disclosure required by this section must be in writing and must be made publicly to the Board of Commissioners. The Board of Commissioners must cause the disclosure to be included in the minutes of the meeting at which the disclosure is made.

(d) Disclosure is not required with respect to interests in the following actions by the Board of Commissioners:

- (1) adoption of the District’s annual budget;
- (2) authorization of lawful compensation for services as an Officer or Employee of the District;
- (3) authorization of lawful payment or reimbursement for actual and necessary expenses incurred by an Officer or Employee in the performance of his or her official duty; or
- (4) authorization of lawful benefits to the Board of Commissioners or Employees.

**Section 7. Recusal and abstention.**

(a) Except as otherwise required by law, no Officer or Employee of the District may participate in the discussion or 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) the Officer or Employee;
- (2) a family member of the Officer or Employee; or
- (3) a family member of the spouse of the Officer or Employee.

(b) In the event that subdivision (a) of this section prohibits an Officer or Employee from exercising or performing his or her official powers or duties:

(1) if the Officer has a deputy who is not prohibited by subdivision (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 Officer or Employee must refer the matter to his or her immediate supervisor or, if the person does not have an immediate supervisor, the Officer or Employee must refer the matter to the Board Commissioners.

(c) When a matter is referred to a person's immediate supervisor or to the Board of 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 Commissioners, or the immediate supervisor or Board of 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 an Officer or Employee from performing a mandatory function that does not require the exercise of discretion.

(e) This section does not prohibit the Officers constituting the Board of Commissioners from participating in the following actions:

(1) adoption of the District's annual budget;

(2) authorization of lawful compensation for services as an Officer or Employee of the District;

(3) authorization of lawful payment or reimbursement for actual and necessary expenses incurred by an Officer or Employee in the performance of his or her official duty; or

(4) authorization of lawful benefits to the Board of Commissioners or Employees.

#### **Section 8. Holding of investments in conflict with official duties.**

(a) No Officer or Employee 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 or performance of his or her official powers and duties.

(b) This section does not prohibit an Officer or Employee from owning any of the following assets:

(1) real property located within the District or any other area served by the District;

(2) less than five percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the District and acquired more than one year after the date on which the bonds or notes were originally issued.

**Section 9. Private employment in conflict with official duties.**

(a) No Officer or Employee may accept employment or engage in any business or professional activity which:

(1) impairs the person's independence of judgment in the exercise or performance of his or her official powers and duties;

(2) is likely to require disclosure of confidential information gained by reason of serving as an Officer or Employee; or

(3) requires representation of a person or organization other than the District in connection with litigation, negotiations or any other matter to which the District is a party.

(b) No Officer or Employee may:

(1) represent another person or organization before the Board Commissioners;

(2) render services to another person or organization in relation to any matter which must come before the Board of Commissioners; or

(3) render services to another person or organization in relation to any matter which is pending before the Board of Commissioners.

(c) This section does not prohibit an Officer or Employee from:

(1) representing him or herself, or his or her spouse or minor children before the Board of Commissioners;

(2) asserting a claim against the 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 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 10. Future employment.**

(a) No Officer or Employee for the two-year period after serving as such Officer or Employee, may:

(1) represent another person or organization before the Board of Commissioners;

(2) render services to another person or organization in connection with any matter which must come before the Board of Commissioners; or

(3) render services to another person or organization in connection with any matter which is pending before the Board of Commissioners.

(b) No Officer or Employee, at any time after serving as such Officer or Employee, may appear, practice or render services to another person or organization in connection with any particular matter in which he or she personally participated while serving as an Officer or Employee.

(c) This section does not prohibit an Officer or Employee from:

(1) representing him or herself, or his or her spouse or minor children before the Board of Commissioners or any other body of the District;

(2) asserting a claim against the 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 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 Officer or Employee 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 or is compelled by court order of a court of competent jurisdiction.

#### **Section 12. Gifts.**

(a) No Officer or Employee may directly or indirectly solicit any gift.

(b) No Officer or Employee 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) it appears that the gift is intended to influence the Officer or Employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the Officer or Employee 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 Officer or Employee.

(c) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be

made by adding together the value of all gifts received from the donor by an Officer or Employee during the twelve-month period preceding the receipt of the most recent gift.

(d) A gift from a person or organization:

(1) that seeks to contract with the District is presumed to be a gift that is intended to influence an Officer or Employee in the exercise or performance of his or her official powers or duties.

(2) that has a contract with the District, or has had a contract with the District during the preceding twelve months, is presumed to be a gift intended as a reward for official action.

(e) This section does not prohibit:

(1) gifts made to the District;

(2) gifts from a person with a family or personal relationship with the Officer or Employee when the circumstances make it clear that it is that personal relationship, rather than the recipient's status as an Officer or Employee that is the primary motivating factor for the gift;

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

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

(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a Officer or Employee or other service to the community; or

(6) payments of rewards authorized by law.

### **Section 13. Posting and distribution.**

(a) The Board of 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 District's control. 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 chairman of the Board of 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 an Officer or Employee of the District.

(c) Every Officer and Employee 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 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. The failure of an Officer or Employee to receive a copy of this Code of Ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

**Section 14. Enforcement.**

Any Officer or Employee who violates this Code of Ethics may be fined, suspended or removed from office or employment in the manner provided by law.

**Section 15. Effective date.**

This Code of Ethics takes effect on the 18th day of June 2008.