

Village of Mamaroneck Ethics Board
Advisory Opinion of the Ethics Board

Advisory Opinion 2023-2

Request for Advisory Opinion

On November 21, 2023, Village of Mamaroneck Mayor-elect Sharon Torres sent an email to the Ethics Board, asking the following questions:

1. Can a spouse of a sitting/active trustee be appointed to a board or commission?
2. Would that trustee be allowed to vote or would they be expected/required to recuse?

Opinion of the Ethics Board

Question 1:

The Code of Ethics does not prohibit the appointment to a board or commission, or to one of the bodies listed in the “Definitions” Section 21-3 of the code (“Officer, Board Member or Employee”) of the spouse of a sitting Village Trustee, except as provided under Section 21-4(1)(e) “Nepotism”, relating to full-time employees.

The Ethics Board cautions, however, that the concurrent service of spouses on the Board of Trustees and a body listed in the Definitions Section could engender questions or concerns relating to the requirements for recusal under Code of Ethics Section 21-4 C, in a situation where, for example, either or both spouses vote or advocate on matters before their respective bodies.

Question 2:

The Ethics Board finds that if a sitting trustee voted on the appointment of the trustee’s spouse to a body listed in the Definitions Section 21-3 of the Code of Ethics, it would constitute a violation of Code of Ethics Section 21-4 C (1). Such a vote would “...give the reasonable appearance of a conflict of interest or impropriety.”

December 1, 2023