

A meeting of the Village Board of the Village of Tuxedo Park was convened on January 18, 2017 at 7:00 p.m.

The following resolution was duly offered and seconded to wit:

**RESOLUTION AFFIRMING VILLAGE BOARD'S POSITION  
CONCERNING ACTIONS OF INDIVIDUAL VILLAGE BOARD MEMBERS**

**WHEREAS**, the Village of Tuxedo Park Board of Trustees desires to make clear that in order to act pursuant to law, the Village Board must act by majority vote with respect to acting on behalf of the Village; and

**WHEREAS**, individual Village Board Members, as such, do not have separate powers under state law to act in a manner that binds or otherwise commits the Village, absent specific direction of a majority of the Village Board; and

**WHEREAS**, it has long been the law in New York State that individual Village Board Members have no power to act for and on behalf of the Village and can act only when gathered as a duly constituted Board; and

**WHEREAS**, the disclosure of confidential information acquired during an Executive Session of the Village Board of Trustees constitutes a violation of New York State General Municipal Law § 805-a and may warrant removal from office where such disclosure was intentional and knowingly made; and

**WHEREAS**, statements published to others by individual Village Board Members do not constitute statements made by the Village or the Village Board, absent express authorization, by Resolution of the Village Board; and

**WHEREAS**, the Village Board desires to publicly denounce and affirm its opposition to any statements made by any Member of the Village Board that is defamatory, libelous or slanderous toward any person and to express its opposition to the disclosure of confidential information acquired by any public official during an Executive Session.

**THEREFORE BE IT, RESOLVED** that:

Section 1. The above "WHEREAS" clauses are incorporated herein by reference.

Section 2. The Village Board hereby affirms and states that when a Village Board Member is determined, by the Village Board, to have published defamatory, libelous or slanderous statements or to have disclosed any confidential information acquired during an executive session of a public body, such Village Board Member's act or omission shall be deemed to be outside the scope of the public duties of such Village Board Member for the purposes of Chapter 15 of the Village Code (Defense and Indemnification).

Section 3. Any such Village Board Member in receipt of any notice of claim, summons, complaint, process, notice, demand or pleading shall not be precluded from submitting such notice of claim, summons, complaint, process, notice, demand or pleading pursuant to Chapter 15 of the Village Code for determination by the Village Board of Trustees.

Section 4. Nothing herein shall preclude Members of the Village Board from engaging in the day-to-day business of Village government, including communications and other interactions with residents and representatives and/or officials from other agencies, companies, governments and other entities relating to Village business.

Section 5. This Resolution is not intended to replace, supersede or otherwise alter existing statutory requirements imposed on Village Board Members.

Section 6. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Ayes</u>	<u>Noes</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Mary Jo Guinchard	[ ]	[ ]	[ ]	[ ]
Deputy Mayor Claudio Guazzoni	[ ]	[ ]	[ ]	[ ]
Trustee Alan McHugh	[ ]	[ ]	[ ]	[ ]
Trustee John Moon	[ ]	[ ]	[ ]	[ ]
Trustee David McFadden	[ ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.